
ASSEMBLY JOINT RESOLUTION NO. 2—ASSEMBLYMEN GOEDHART;
CHRISTENSEN, COBB, GOICOECHEA, GRADY, GUSTAVSON,
HAMBRICK, SETTELMAYER AND STEWART

FEBRUARY 20, 2009

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Revises provisions governing the approval of certain
initiative petitions. (BDR C-883)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the
Nevada Constitution to require that an initiative petition
which would create, generate or increase any public
revenue in any form receive not less than a certain
percentage of affirmative votes for approval at an
election.

Legislative Counsel’s Digest:

1 The Nevada Constitution currently provides that an initiative petition which
2 proposes a statute or an amendment to a statute must, after verification by the
3 Secretary of State of the number of signatures affixed to the petition, be transmitted
4 to the Legislature, which may enact or reject the statute or amendment or take no
5 action thereon. If the statute or amendment is rejected by the Legislature or if no
6 action is taken thereon within 40 days, the Secretary of State is required to submit
7 the question of approval or disapproval of the statute or amendment to a vote of the
8 voters at the next succeeding general election. If a majority of the voters voting on
9 the question at the election votes to approve the statute or amendment, it becomes
10 law and takes effect upon completion of the canvass of votes by the Supreme Court.
11 (Nev. Const. Art. 19, § 2)

12 This resolution proposes an amendment to the Nevada Constitution to provide
13 that if an initiative petition proposes a statute, an amendment to a statute, the repeal
14 of a statute or an amendment to the Nevada Constitution which would create,
15 generate or increase any public revenue in any form, including, but not limited to,
16 taxes, fees, assessments and rates, or increases in the computation bases for taxes,
17 fees, assessments and rates, the approval of the petition requires the affirmative
18 vote of not fewer than two-thirds of the voters voting on the question at each
19 election required for the petition. If greater than one-third of the voters voting on



20 the question at any such election vote to disapprove the petition, no further action
21 may be taken on the petition.

1 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
2 NEVADA, JOINTLY, That a new section, designated Section 7, be
3 added to Article 19 of the Nevada Constitution to read as follows:

4 *Sec. 7. If an initiative petition proposes a statute, an*
5 *amendment to a statute, the repeal of a statute or an*
6 *amendment to this Constitution which would create,*
7 *generate or increase any public revenue in any form,*
8 *including, but not limited to, taxes, fees, assessments and*
9 *rates, or increases in the computation bases for taxes, fees,*
10 *assessments and rates, the petition requires an affirmative*
11 *vote of not fewer than two-thirds of the voters voting on the*
12 *question to approve the petition at each election required for*
13 *the petition. If greater than one-third of the voters voting on*
14 *the question at any such election vote disapproval of the*
15 *petition, no further action shall be taken on the petition.*

16 And be it further

17 RESOLVED, That Section 2 of Article 19 of the Nevada
18 Constitution be amended to read as follows:

19 Sec. 2. 1. Notwithstanding the provisions of Section 1
20 of Article 4 of this Constitution, but subject to the limitations
21 of ~~Section 6~~ Sections 6 and 7 of this Article, the people
22 reserve to themselves the power to propose, by initiative
23 petition, statutes and amendments to statutes and amendments
24 to this Constitution, and to enact or reject them at the polls.

25 2. An initiative petition shall be in the form required by
26 Section 3 of this Article and shall be proposed by a number of
27 registered voters equal to 10 percent or more of the number of
28 voters who voted at the last preceding general election in not
29 less than 75 percent of the counties in the State, but the total
30 number of registered voters signing the initiative petition
31 shall be equal to 10 percent or more of the voters who voted
32 in the entire State at the last preceding general election.

33 3. If the initiative petition proposes a statute or an
34 amendment to a statute, the person who intends to circulate it
35 shall file a copy with the Secretary of State before beginning
36 circulation and not earlier than January 1 of the year
37 preceding the year in which a regular session of the
38 Legislature is held. After its circulation, it shall be filed with
39 the Secretary of State not less than 30 days prior to any
40 regular session of the Legislature. The circulation of the
41 petition shall cease on the day the petition is filed with the



1 Secretary of State or such other date as may be prescribed for
2 the verification of the number of signatures affixed to the
3 petition, whichever is earliest. The Secretary of State shall
4 transmit such petition to the Legislature as soon as the
5 Legislature convenes and organizes. The petition shall take
6 precedence over all other measures except appropriation bills,
7 and the statute or amendment to a statute proposed thereby
8 shall be enacted or rejected by the Legislature without change
9 or amendment within 40 days. If the proposed statute or
10 amendment to a statute is enacted by the Legislature and
11 approved by the Governor in the same manner as other
12 statutes are enacted, such statute or amendment to a statute
13 shall become law, but shall be subject to referendum petition
14 as provided in Section 1 of this Article. If the statute or
15 amendment to a statute is rejected by the Legislature, or if no
16 action is taken thereon within 40 days, the Secretary of State
17 shall submit the question of approval or disapproval of such
18 statute or amendment to a statute to a vote of the voters at the
19 next succeeding general election. ~~[[~~ *Except as otherwise*
20 *provided in Section 7 of this Article, if* a majority of the
21 voters voting on such question at such election votes approval
22 of such statute or amendment to a statute, it shall become law
23 and take effect upon completion of the canvass of votes by
24 the Supreme Court. An initiative measure so approved by the
25 voters shall not be amended, annulled, repealed, set aside or
26 suspended by the Legislature within 3 years from the date it
27 takes effect. ~~[[~~ *Except as otherwise provided in Section 7 of*
28 *this Article, if* a majority of such voters votes disapproval of
29 such statute or amendment to a statute, no further action shall
30 be taken on such petition. If the Legislature rejects such
31 proposed statute or amendment, the Governor may
32 recommend to the Legislature and the Legislature may
33 propose a different measure on the same subject, in which
34 event, after such different measure has been approved by the
35 Governor, the question of approval or disapproval of each
36 measure shall be submitted by the Secretary of State to a vote
37 of the voters at the next succeeding general election. If *each*
38 *of* the conflicting provisions submitted to the voters ~~[are both]~~
39 *is* approved by ~~[a majority of]~~ *the number of* voters voting on
40 ~~[such measures,]~~ *the measure as required by this*
41 *Constitution,* the measure which receives the largest number
42 of affirmative votes shall thereupon become law. If at the
43 session of the Legislature to which an initiative petition
44 proposing an amendment to a statute is presented which the
45 Legislature rejects or upon which it takes no action, the



1 Legislature amends the statute which the petition proposes to
2 amend in a respect which does not conflict in substance with
3 the proposed amendment, the Secretary of State in submitting
4 the statute to the voters for approval or disapproval of the
5 proposed amendment shall include the amendment made by
6 the Legislature.

7 4. If the initiative petition proposes an amendment to the
8 Constitution, the person who intends to circulate it shall file a
9 copy with the Secretary of State before beginning circulation
10 and not earlier than September 1 of the year before the year in
11 which the election is to be held. After its circulation it shall
12 be filed with the Secretary of State not less than 90 days
13 before any regular general election at which the question of
14 approval or disapproval of such amendment may be voted
15 upon by the voters of the entire State. The circulation of the
16 petition shall cease on the day the petition is filed with the
17 Secretary of State or such other date as may be prescribed for
18 the verification of the number of signatures affixed to the
19 petition, whichever is earliest. The Secretary of State shall
20 cause to be published in a newspaper of general circulation,
21 on three separate occasions, in each county in the State,
22 together with any explanatory matter which shall be placed
23 upon the ballot, the entire text of the proposed amendment.

24 ~~¶¶~~ *Except as otherwise provided in Section 7 of this Article,*
25 *if a majority of the voters voting on such question at such*
26 *election votes disapproval of such amendment, no further*
27 *action shall be taken on the petition. ¶¶* *Except as otherwise*
28 *provided in Section 7 of this Article, if a majority of such*
29 *voters votes approval of such amendment, the Secretary of*
30 *State shall publish and resubmit the question of approval or*
31 *disapproval to a vote of the voters at the next succeeding*
32 *general election in the same manner as such question was*
33 *originally submitted. ¶¶* *Except as otherwise provided in*
34 *Section 7 of this Article, if a majority of such voters votes*
35 *disapproval of such amendment, no further action shall be*
36 *taken on such petition. ¶¶* *Except as otherwise provided in*
37 *Section 7 of this Article, if a majority of such voters votes*
38 *approval of such amendment, it shall, unless precluded by*
39 *subsection 5 or 6, become a part of this Constitution upon*
40 *completion of the canvass of votes by the Supreme Court.*

41 5. If two or more measures which affect the same
42 section of a statute or of the Constitution are finally approved
43 pursuant to this Section ~~¶~~ *and Section 7 of this Article,* or an
44 amendment to the Constitution is finally so approved and an



1 amendment proposed by the Legislature is ratified which
2 affect the same section, by the voters at the same election:

3 (a) If all can be given effect without contradiction in
4 substance, each shall be given effect.

5 (b) If one or more contradict in substance the other or
6 others, the measure which received the largest favorable vote,
7 and any other approved measure compatible with it, shall be
8 given effect. If the one or more measures that contradict in
9 substance the other or others receive the same number of
10 favorable votes, none of the measures that contradict another
11 shall be given effect.

12 6. If, at the same election as the first approval of a
13 constitutional amendment pursuant to this Section **§ and**
14 **Section 7 of this Article**, another amendment is finally
15 approved pursuant to this Section **§ and Section 7 of this**
16 **Article**, or an amendment proposed by the Legislature is
17 ratified, which affects the same section of the Constitution but
18 is compatible with the amendment given first approval, the
19 Secretary of State shall publish and resubmit at the next
20 general election the amendment given first approval as a
21 further amendment to the section as amended by the
22 amendment given final approval or ratified. If the amendment
23 finally approved or ratified contradicts in substance the
24 amendment given first approval, the Secretary of State shall
25 not submit the amendment given first approval to the voters
26 again.

