

AJR 10 - 2005

Introduced on: Mar 25, 2005

By Elections, Procedures, Ethics, and Constitutional Amendments

Proposes to amend Nevada Constitution to revise residency requirement for purpose of being eligible to vote in elections. (BDR C-1379)

Fiscal Notes

Effect on Local Government: *No.*

Effect on State: *No.*

Most Recent History Action: (See full list below) File No. 76. **Return to 2007 Session.**

Past Hearings

Assembly Elections, Procedures, Ethics, and Constitutional Amendments	Apr-07-2005	Do pass
Senate Legislative Operations and Elections	May-05-2005	No Action
Senate Legislative Operations and Elections	May-10-2005	Do pass

Votes

Assembly Final Passage	Apr-19	Yea 39,	Nay 3,	Excused 0,	Not Voting 0,	Absent 0
Senate Final Passage	May-16	Yea 21,	Nay 0,	Excused 0,	Not Voting 0,	Absent 0

Bill Text (PDF) [As Introduced](#) Statutes of Nevada [File 76](#)
Amendments (PDF)

Bill History

Mar 25, 2005	Read first time. Referred to Committee on Elections, Procedures, Ethics, and Constitutional Amendments. To printer.
Mar 28, 2005	From printer. To committee.
Apr 12, 2005	From committee: Do pass.
Apr 14, 2005	Read second time.
Apr 15, 2005	Taken from General File. Placed on General File for next legislative day.
Apr 18, 2005	Taken from General File. Placed on General File for next legislative day.
Apr 19, 2005	Read third time. Passed. Title approved. (Yeas: 39, Nays: 3.) To Senate.
Apr 20, 2005	In Senate. Read first time. Referred to Committee on Legislative Operations and Elections. To committee.
May 11, 2005	From committee: Do pass.
May 12, 2005	Read second time.
May 13, 2005	Taken from General File. Placed on General File for next legislative day.
May 16, 2005	Read third time. Passed. Title approved. (Yeas: 21, Nays: None.) To Assembly.
May 17, 2005	In Assembly. To enrollment.
May 23, 2005	Enrolled and delivered to Secretary of State. File No. 76.

Return to 2007 Session.



73rd REGULAR SESSION
OF THE NEVADA STATE LEGISLATURE

PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

ASSEMBLY JOINT RESOLUTION NO. 10
(Enrolled)

Topic

Assembly Joint Resolution No. 10 concerns the residency requirements for voting.

Summary

Assembly Joint Resolution No. 10 proposes to amend the *Constitution of the State of Nevada* to provide that a person must be a resident of the State for 30 days before an election to be eligible to vote in that election.

Effective Date

If approved in identical form during the 2007 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

Background Information

Testimony indicated that this change in residency requirement will bring Nevada into compliance with federal law.

LEGISLATIVE HEARINGS

MINUTES AND EXHIBITS

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND
CONSTITUTIONAL AMENDMENTS**

**Seventy-Third Session
April 7, 2005**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order at 3:10 p.m., on Thursday, April 7, 2005. Co-Chairman Harry Mortenson presided in Room 3142 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4406 of the Grant Sawyer State Office Building, Las Vegas, Nevada. Exhibit A is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mrs. Ellen Koivisto, Co-Chairwoman
Mr. Harry Mortenson, Co-Chairman
Mr. Marcus Conklin, Co-Vice Chairman
Mr. Bob McCleary, Co-Vice Chairman
Mrs. Sharron Angle
Mr. Mo Denis
Mrs. Heidi S. Gansert
Ms. Chris Giunchigliani
Ms. Kathy McClain
Mr. Harvey J. Munford
Mr. Bob Seale
Mr. Scott Sibley

COMMITTEE MEMBERS ABSENT:

Mr. Brooks Holcomb (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Richard Perkins, Assembly District No. 23, Clark County

STAFF MEMBERS PRESENT:

Michelle Van Geel, Committee Policy Analyst
Celeste Gunther, Committee Attaché

OTHERS PRESENT:

Allen Lichtenstein, General Counsel, American Civil Liberties Union (ACLU) of Nevada
Tom Collins, Private Citizen, Clark County, Nevada
Jim Hulse, State Chair, Common Cause, Nevada Chapter
Mary Lee, President, League of Women Voters of Nevada
Janine Hansen, President, Nevada Eagle Forum
John O'Connor, Private Citizen, Fallon, Nevada
Marilyn O'Connor, Private Citizen, Reno, Nevada
Stacy Jennings, Executive Director, Nevada Commission on Ethics
Craig Walton, President, Nevada Center for Public Ethics
Renee Parker, Chief Deputy, Office of the Secretary of State, State of Nevada
Lynn Chapman, Vice President, Nevada Eagle Forum

Co-Chairman Mortenson:

[Meeting called to order and roll called.]

Co-Vice Chairman McCleary:

[Acting Chair. Opened the hearing on A.J.R. 10.]

Assembly Joint Resolution 10: Proposes to amend Nevada Constitution to revise residency requirement for purpose of being eligible to vote in elections. (BDR C-1379)

Assemblyman Harry Mortenson, Assembly District No. 42, Clark County:

A.J.R. 10 brings the *Nevada Constitution* in line with the federal law. Our *Constitution* says that a person must reside in the state for 6 months. That is not the case; the U.S. Supreme Court has made the decision that 30 days is the maximum amount of time that a person has to reside in the state before they are eligible to vote. My keen desire to keep the *Constitution* factual, accurate, and follow the 30-day rule, so let's make our *Constitution* accurate.

Assemblyman Seale:

This only applies to voters; this doesn't have anything to do with candidates for office?

Assemblyman Mortenson:

It has nothing to do with candidates for office; it's purely voting.

Co-Vice Chairman McCleary:

When I was doing my bill on qualifications for candidates, I wanted to raise the bar from 30 days to 6 months. Someone at that time suggested putting it into this bill, but I'm not comfortable amending the *Constitution* for that. I think that's something that should remain in statute. Would you agree?

Assemblyman Mortenson:

I would prefer not to comment on that at this time.

Allen Lichtenstein, General Counsel, American Civil Liberties Union (ACLU) of Nevada:

We support this. We believe that the best solution is same-day registration. We don't have that in this state, but clearly 30 days would be reasonable.

Co-Vice Chairman McCleary:

I will close the hearing on A.J.R. 10 and turn the chair back over to Mr. Mortenson.

Co-Chairman Mortenson:

Let's open the hearing on A.J.R. 7.

Assembly Joint Resolution 7: Proposes to amend Nevada Constitution to repeal limitations on terms of elected officers. (BDR C-235)

Tom Collins, Private Citizen, Clark County, Nevada:

As a former legislator I requested this legislation, and fortunately Assemblywoman Giunchigliani picked it up. This bill deals with removing term limits. In 1997, when this became effective, there were only four legislators in the Assembly that it would have affected. In the early 1990s several states as part of the Republican Contract with America, instituted term limits. Many have already removed them; for example, Utah and Idaho. It was interesting, Idaho removed it, the governor vetoed it, and they overrode his veto and removed it.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO DO PASS
ASSEMBLY JOINT RESOLUTION 8.

ASSEMBLYMAN SEALE SECONDED THE MOTION.

Assemblywoman Giunchigliani:

If we choose to do something, they can do a technical conflict amendment, so I feel comfortable moving it with it that language and they'll merge it later.

THE MOTION CARRIED. (Mrs. Gansert and Mr. Holcomb were not present for the vote.)

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CO-CHAIRWOMAN KOIVISTO MOVED TO DO PASS
ASSEMBLY JOINT RESOLUTION 10.

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

THE MOTION CARRIED. (Mrs. Gansert and Mr. Holcomb were not present for the vote.)

Co-Chairman Mortenson:

[Assemblywoman Gansert was not present for the votes, but indicated support for both A.J.R. 8 and A.J.R. 10.] There are questions on the rest of the bills that may need to be addressed, so we are adjourned [at 5:37 p.m.].

RESPECTFULLY SUBMITTED:

Sarah Gibson
Transcribing Attaché

APPROVED BY:

Assemblyman Harry Mortenson, Co-Chairman

DATE: _____

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-third Session
May 5, 2005**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara Cegavske at 2:09 p.m. on Thursday, May 5, 2005, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4406, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Barbara Cegavske, Chair
Senator William J. Raggio, Vice Chair
Senator Warren B. Hardy II
Senator Bob Beers
Senator Dina Titus
Senator Bernice Mathews
Senator Valerie Wiener

GUEST LEGISLATORS PRESENT:

Assemblyman Marcus Conklin, Assembly District No. 37
Assemblyman Bob McCleary, Assembly District No. 11
Assemblyman Harry Mortenson, Assembly District No. 42

STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Legislative Counsel
Michael Stewart, Committee Policy Analyst
Elisabeth Williams, Committee Secretary

OTHERS PRESENT:

Larry Lomax, Registrar of Voters, Elections, Clark County
Alan Glover, Clerk/Recorder, Carson City
Lucille Lusk, Nevada Concerned Citizens
Richard L. Siegel, President, American Civil Liberties Union of Nevada

the newspaper was unconstitutional. She said this would require a constitutional amendment in order to pass the bill. Chair Cegavske asked if the Secretary of State was already posting relevant information concerning statewide measures or constitutional amendments on the Web site. Ms. Erdoes said the text was not present on the Web site, and that was what A.B. 136 addressed. Chair Cegavske asked if the provision to not print the information in the newspaper was the only unconstitutional issue. Ms. Erdoes said that was correct; it only pertained to the initiative portion. Mr. Stewart said A.B. 136 was introduced in the Assembly by the clerks, and the initiative portion was added later.

Chair Cegavske closed the hearing on A.B. 136 and opened the hearing on Assembly Joint Resolution (A.J.R.) 10.

ASSEMBLY JOINT RESOLUTION 10: Proposes to amend Nevada Constitution to revise residency requirement for purpose of being eligible to vote in elections. (BDR C-1379)

Assemblyman Harry Mortenson, Assembly District No. 42, said A.J.R. 10 would align the State with the decision from the U.S. Supreme Court in regard to voting. Ms. Erdoes said she agreed with Mr. Mortenson. Chair Cegavske said if the measure passed in the 2005 and 2007 Legislative Sessions, it would then be put to a general vote for the people of Nevada in 2008. Mr. Mortenson said that was correct. He said the *Constitution of the State of Nevada* was a wonderful document, but an inaccuracy like that addressed in A.J.R. 10 should be removed.

Chair Cegavske closed the hearing on A.J.R. 10.

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-third Session
May 10, 2005**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara Cegavske at 2:05 p.m. on Tuesday, May 10, 2005, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Barbara Cegavske, Chair
Senator William J. Raggio, Vice Chair
Senator Warren B. Hardy II
Senator Bob Beers
Senator Dina Titus
Senator Bernice Mathews
Senator Valerie Wiener

GUEST LEGISLATORS PRESENT:

Assemblywoman Heidi S. Gansert, Assembly District No. 25
Assemblywoman Chris Giunchigiani, Assembly District No. 9

STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Legislative Counsel
Michael Stewart, Committee Policy Analyst
Elisabeth Williams, Committee Secretary

OTHERS PRESENT:

John L. Wagner, Burke Consortium of Carson City
Lucille Lusk, Nevada Concerned Citizens
Renee Parker, Chief Deputy Secretary of State, Office of the Secretary of State
Janine Hansen, Nevada Eagle Forum
Lynn P. Chapman, Nevada Eagle Forum

clerks do their signature verifications, they file the petition with the Secretary of State's Office. At that point, the five-day time frame would start. There would be a specified time when the counties verify petitions with the Secretary of State.

MR. McMULLEN:

Something like that is perfect. It has to mirror the actual process, which A.B. 497 does not. As you said, it is when those signatures have been certified by the county clerks and that information has not been forwarded to the Secretary of State for the sufficient number of counties.

MR. STEWART:

Ms. Parker, is it safe to assume that when the county clerks do the signature verification and submit those petitions to you, it happens all at one time or do they float in at different points?

MS. PARKER:

They do trickle in. There is a deadline and so many days. First, they do a raw count, and the copy of the raw count is transmitted. Then the Secretary of State's Office tells them whether to go forward to qualify them. Then they have so many days to transmit that for verification, and they do it within the time frame, but they trickle in. Last time, certain petitions trickled in beyond that ten-day period. It should say when the Secretary of State receives the final results for qualification, the petition is transmitted from the county clerk. That language would help so you would capture all the counties transmitting the results.

CHAIR CEGAVSKE:

I close the hearing on A.B. 497. We do need to move a couple of bills out of the Committee. Let us look at A.J.R. 10.

ASSEMBLY JOINT RESOLUTION 10: Proposes to amend Nevada Constitution to revise residency requirement for purpose of being eligible to vote in elections. (BDR C-1379)

MR. STEWART:

Assembly Joint Resolution 10 was brought by Assemblyman Harry Mortenson last week. It clarifies Article 2, section 1 of the Nevada Constitution, which sets

Senate Committee on Legislative Operations and Elections
May 10, 2005
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forth the qualifications of an elector to register to vote. He testified that removing the six-month language in that section better fit what is in NRS. There was no testimony in opposition to that bill.

CHAIR CEGAVSKE:

Ms. Erdoes recommended this bill because it cleaned up our Constitution.

SENATOR TITUS MOVED TO DO PASS A.J.R. 10.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR RAGGIO WAS ABSENT FOR THE VOTE.)

* * * * *

MR. STEWART:

Assembly Bill 314 was brought forth by Assemblyman McCleary.

ASSEMBLY BILL 314 (1st Reprint): Makes various changes to provisions governing eligibility for election and appointment to certain public positions and offices. (BDR 24-436)

You recall Senator Schneider's bill, which this Committee processed, was S.B. 125. It set a six-month residency requirement for a candidate. Assembly Bill 314 sets forth a residency requirement period of 3 months; he testified his preference was 6 months. The Committee talked about meshing those bills together at an acceptable six months. Assemblyman McCleary's bill addressed the issue of Governor appointments. Senator Schneider's bill did not address that. The Committee could mirror the two bills with regard to the six-month residency requirement issue and move forward with Mr. McCleary's proposal on the Governor appointments.

CHAIR CEGAVSKE:

We could delete the residency requirement in A.B. 314 that we already sent to the Assembly in S.B. 125; then we could send over the part about the Governor appointments in A.B. 314. The bills would mirror each other and the six-month residency requirement would apply for appointments too. Mr. McCleary thought that would be fine.

FLOOR ACTIONS

AMENDMENTS ON SECOND READING FLOOR VOTES AND STATEMENTS OTHER ACTIONS

NOTE: THESE FLOOR ACTIONS ARE TAKEN FROM THE *DAILY JOURNALS* ([HTTP://WWW.LEG.STATE.NV.US/SESSION/73RD2005/JOURNAL/](http://www.leg.state.nv.us/session/73rd2005/journal/)), WHICH ARE NOT THE OFFICIAL FINALIZED VERSIONS OF THE *JOURNALS*. CONSULT THE PRINT VERSION FOR THE OFFICIAL RECORD.

NEVADA LEGISLATURE

Seventy-Third Session, 2005

ASSEMBLY DAILY JOURNAL

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 19, 2005

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Minister Bruce Henderson.

Lord, we woke up this morning to a blanket of snow. We ask the question Your Psalmist asked nearly twenty times. "How long, O Lord?" How long until we get a real spring? So, I pray today for spring to come inside—inside these walls and inside our hearts. Please give us renewed enthusiasm, compassionate spirits, and glowing smiles. You make life better. May we also. I pray gratefully in Your name.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Buckley moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 363, 427 and 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA BUCKLEY, *Chairman*

Roll call on Assembly Joint Resolution No. 6:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 6 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Joint Resolution No. 9:

YEAS—41.

NAYS—Angle.

Assembly Joint Resolution No. 9 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Joint Resolution No. 10:

YEAS—39.

NAYS—Carpenter, Marvel, Sherer—3.

Assembly Joint Resolution No. 10 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 12.

Resolution read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Joint Resolution No. 12:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 12 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Joint Resolution No. 14:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 14 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 16.

Resolution read third time.

THE NINETY-NINTH DAY

CARSON CITY (Monday), May 16, 2005

Senate called to order at 11:15 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Andy Allen, Senior Member of the Walker River Paiute Tribe.

I will pray in my Paiute language to the Creator to whom we all pray. I send my prayer to Heaven then I say Amen.

In the old days, our people were very spiritual. They prayed before they did any task. If they had to go to war, they prayed and they danced. When they hunted and gathered pine nuts, they prayed and an Elder would do the prayer.

I will pray for a safe return, for all work to be completed in a nice way, for all bills to be presented in the right way. Please stand, and we will thank our Creator. Thank you.

AMEN.

Pledge of allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Finance, to which was rereferred Senate Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were referred Senate Bills Nos. 96, 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which was rereferred Senate Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 13, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 43, 199, 270, 417, 449; Senate Joint Resolution No. 11 of the 72nd Session.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that for this legislative day, the Secretary of the Senate dispense with reading the histories and titles of all bills and resolutions.

Motion carried.

Assembly Bill No. 518.

Bill read third time.

Roll call on Assembly Bill No. 518:

YEAS—21.

NAYS—None.

Assembly Bill No. 518 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 537.

Bill read third time.

Roll call on Assembly Bill No. 537:

YEAS—21.

NAYS—None.

Assembly Bill No. 537 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 547.

Bill read third time.

Roll call on Assembly Bill No. 547:

YEAS—21.

NAYS—None.

Assembly Bill No. 547 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 4.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 4:

YEAS—21.

NAYS—None.

Assembly Joint Resolution No. 4 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Assembly Joint Resolution No. 10.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 10:

YEAS—21.

NAYS—None.

Assembly Joint Resolution No. 10 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

BILLS AND AMENDMENTS

SEE LINKS ON BILL HISTORY PAGE
FOR COMPLETE TEXT

AJR10* of the 73rd Session 2007

Introduced on: Feb 05, 2007

By: Elections, Procedures, Ethics, and Constitutional Amendments

Proposes to amend Nevada Constitution to revise residency requirement for purpose of being eligible to vote in elections. (BDR 1379)

Fiscal Notes

Effect on Local Government: No.

Effect on State: No.

Most Recent History Action: See full list File No. 35.
below)

Past Hearings

Assembly Elections, Procedures, Ethics, and Constitutional Amendments	Feb. 13, 2007	No Action .
Assembly Elections, Procedures, Ethics, and Constitutional Amendments	Mar. 08, 2007	Do pass .
Senate Legislative Operations and Elections	Mar. 20, 2007	Do pass .

Votes

Assembly Final Passage	Mar. 13	Yea 41,	Nay 0,	Excused 1,	Not Voting 0,	Absent 0
Senate Final Passage	Mar. 28	Yea 21,	Nay 0,	Excused 0,	Not Voting 0,	Absent 0

Bill Text [As Introduced](#) Statutes of Nevada [File 35](#)

Bill History

[Feb 05, 2007](#)

- Returned from Secretary of State.
- Read first time. Referred to Committee on Elections, Procedures, Ethics, and Constitutional Amendments. To printer.
- From printer. To committee.

[Mar 09, 2007](#)

- From committee: Do pass.

[Mar 12, 2007](#)

- Read second time.

[Mar 13, 2007](#)

- Read third time. Passed. Title approved. (Yeas: 41, Nays: None, Excused: 1.) To Senate.

[Mar 14, 2007](#)

- In Senate.
- Read first time. Referred to Committee on Legislative Operations and Elections. To committee.

[Mar 21, 2007](#)

- From committee: Do pass.

[Mar 22, 2007](#)

- Read second time.

[Mar 26, 2007](#)

- Taken from General File. Placed on General File for next legislative day.

[Mar 27, 2007](#)

- Taken from General File. Placed on General File for next legislative day.

[Mar 28, 2007](#)

- Read third time. Passed. Title approved. (Yeas: 21, Nays: None.) To Assembly.

[Mar 29, 2007](#)

- In Assembly. To enrollment.

[Apr 02, 2007](#)

- Enrolled and delivered to Secretary of State.
- File No. 35.
- **On 2008 ballot.**



PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

**ASSEMBLY JOINT RESOLUTION NO. 10
OF THE 73rd SESSION
(Enrolled)**

Topic

Assembly Joint Resolution No. 10 concerns the residency requirements for voting.

Summary

Assembly Joint Resolution No. 10 proposes to amend the *Constitution of the State of Nevada* to provide that a person must be a resident of the State for 30 days before an election to be eligible to vote in that election.

Effective Date

This measure was approved in identical form during the 2005 and 2007 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

Background Information

Testimony indicated that this change in residency requirement will bring Nevada into compliance with federal law.

NOTE: After passage of A.J.R. 10 from the 73rd Session, the Legislature passed S.J.R. 3 which among other things, would repeal the provisions of A.J.R. 10. See S.J.R. 3 for additional information.

LEGISLATIVE HEARINGS

MINUTES AND EXHIBITS

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND
CONSTITUTIONAL AMENDMENTS**

**Seventy-Fourth Session
February 13, 2007**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order by Chair Harry Mortenson at 3:48 p.m., on Tuesday, February 13, 2007, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Harry Mortenson, Chair
Assemblywoman Ellen Koivisto, Vice Chair
Assemblyman Chad Christensen
Assemblyman Ty Cobb
Assemblyman Marcus Conklin
Assemblywoman Heidi S. Gansert
Assemblyman Ed Goedhart
Assemblyman Ruben Kihuen
Assemblyman Harvey J. Munford
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom
Assemblyman James Settelmeyer

COMMITTEE MEMBERS ABSENT:

Assemblywoman Marilyn Kirkpatrick (Excused)

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Sheila Sease, Committee Manager

Minutes ID: 222



Terry Horgan, Committee Secretary
Trisha Moore, Committee Assistant

OTHERS PRESENT:

Joseph Turco, Public Advocate, ACLU (American Civil Liberties Union) of Nevada
Carole Vilardo, President, Nevada Taxpayers Association
Michael Alastuey, Member, Committee on Local Government Finance;
Technical Advisor, Legislative Committee for Local Government Taxes and Finance
Dino DiCianno, Executive Director, Nevada Department of Taxation

Chair Mortenson:

[Roll taken] I encourage testimony from lobbyists and concerned persons providing the Legislature with information; however, remember that statements you make to Legislators, whether within the Committee hearing room or outside it, have to be truthful and accurate to the best of your knowledge. If they are untruthful, you may be guilty of a misdemeanor or gross misdemeanor.

If you are planning on testifying in front of the Committee, you should sign in on the attendance roster at the back of the room. If you are not going to speak, it still may be helpful to sign in because we may be able to provide you with information that might interest you. If you have materials to be distributed to the Committee, please try to submit them in electronic form or make certain you bring 17 copies. Any material used by the Committee becomes the property of the Committee.

In this Committee, you do not have to go through the Chair to talk to a member of the Committee. You may talk directly to the Committee members.

We will open the hearing on A.J.R. 10 of the 73rd Session. Patrick, will you give a brief summary?

Assembly Joint Resolution 10 of the 73rd Session: Proposes to amend Nevada Constitution to revise residency requirement for purpose of being eligible to vote in elections. (BDR C-1379)

Patrick Guinan, Committee Policy Analyst:

Assembly Joint Resolution 10 of the 73rd Session proposes to amend the *Constitution of the State of Nevada* to provide that a person must be a resident of the State for 30 days before an election to be eligible to vote in that election.

Assembly Joint Resolution 10 of the 73rd Session is a returning resolution from the 2005 Legislative Session where it passed. If it passes this Legislative Session unchanged in form, it will be presented to the voters at the General Election in 2008; and, if approved in that election, the *Constitution* will be amended.

Chair Mortenson:

Assembly Joint Resolution 10 of the 73rd Session brings the *Constitution* in line with decisions of the Supreme Court. The Supreme Court has decided against our *Constitution*, which says that you must be a resident for six months. The criteria now are 30 days.

Assemblyman Christensen:

Did this not pass the 2005 Session?

Patrick Guinan:

It did pass the 2005 Session without any real obstacles, but because it is a Constitutional Amendment, it must pass two sessions to go to the general election.

Chair Mortenson:

Both resolutions we will hear today are returning resolutions. They both passed with very little opposition, and we presume there is very little opposition today.

Assemblyman Segerblom:

Does it become a Constitutional Amendment if we pass it now, or does it have to be approved by the voters?

Chair Mortenson:

It has to be approved by the voters and then it becomes a Constitutional Amendment.

Assemblyman Segerblom:

Is that in the 2008 General Election?

Chair Mortenson:

That is correct, providing it passes both the Senate and the Assembly.

Joseph Turco, Public Advocate, ACLU (American Civil Liberties Union) of Nevada:

I am sure there is no opposition to the portion of A.J.R. 10 of the 73rd Session that brings the *Nevada Constitution* in line with the *United States Constitution*.

Anything that allows people to vote easier and sooner is always a good thing in a democracy.

The issue in A.J.R. 10 of the 73rd Session that raised red flags is, "no person who has been adjudicated mentally incompetent, unless restored to legal capacity, shall be entitled to the privilege of an elector." Legally, adjudicated as mentally incompetent comes in three areas: People are adjudicated mentally incompetent to stand trial; to make their own medical decisions; or to handle finances. I do not know of proceedings whereby people are rendered mentally incompetent to vote.

I think we can all agree that the right to vote is pretty important in this democracy, so it is not something to be taken lightly. This matter is currently being litigated at the Eighth District Circuit Court. Anything less than a legal finding that holds that a person is mentally incompetent to vote, i.e., failure to understand the process of elections, renders them incompetent to vote. Someone might not be able to make medical decisions, but might very well be able to vote. There are scenarios in which someone who cannot handle their finances does know how to vote, and reasonably understands the system of elections.

The case I refer to in the Eighth District Circuit Court is from Missouri. The position of the ACLU in that case is that the lack of self-care skills does not imply an inability to understand the nature and effect of voting. Missouri, nevertheless, categorically prohibits all individuals under guardianship from voting, without any individualized inquiry into their competence to vote. I do not know if this is opening a Pandora's Box or not.

Chair Mortenson:

You are absolutely right about this. We reviewed this subject in a previous session, and changed the wording in that section in a previous Constitutional Amendment. I think the wording used was "imbecile" or "idiot" or something equally obnoxious. At those hearings, this question arose; however, we could not come to a good conclusion, but we knew we wanted to change the wording. In the future, we have to address what you believe to be a problem, but we do not want to do that on this Resolution, because we would have to start all over again and we are halfway through the process now.

Joseph Turco:

If it passes as is, it will violate the Equal Protection Clause of the Fourteenth Amendment; it will violate the Americans With Disabilities Act; and probably violate the Rehabilitation Act.

Chair Mortenson:

You may be right about that, but I think it will be up to this Committee to decide if they wish to take half a step, instead of delaying that half step for a long time in order to take a full step. If we creep up on the problems, we will solve them a lot better. I understand where you are coming from and I respect what you are saying.

Joseph Turco:

I think I know what you mean by "creeping up on it." On this matter, if anyone needs the assistance of the ACLU, we are at your service.

Assemblywoman Koivisto:

The part you are talking about is already in the *Constitution*. That is not being changed. All that is being changed in A.J.R. 10 of the 73rd Session is changing "6 months" on line 7 to "30 days."

Joseph Turco:

I thought the word "idiot" was replaced with "mentally incompetent," as well. We are delighted with the 30-day aspect of this Resolution. "Idiot" was replaced with "mentally incompetent" because it was considered derogatory. That was laudable.

Assemblyman Conklin:

Mr. Turco, as you are new to this process, perhaps some clarification is in order. For any bill to go before the people as a constitutional amendment, it has to pass both Houses during separate sessions of the Legislature, then it goes to a vote of the people. The bill you are looking at has one change. It deletes the phrase "six months". The rest of the language in the bill is current *Nevada Constitution* language. If we propose an amendment, this bill in its current form dies, and the process starts all over. It must pass both Houses this year, both Houses two years from now, and then go to a vote of the people two years after that; so this change will not take effect, literally, for almost eight years.

Maybe there is another bill this session you could amend. A proposed amendment to A.J.R. 10 of the 73rd Session would literally stop this process and start the clock all over again. If you truly believe going from 6 months to 30 days is a good idea, and I believe you do, then this is a good bill.

Chair Mortenson:

There were ten constitutional changes on the ballot this past November; in their wisdom, eight were rejected by the people. I think the people are pretty wise in most cases. Amending our *Constitution* is very difficult. We need to keep it

simple—one change per bill. It is easier to understand, and you have a better chance of getting it passed.

Assemblyman Ohrenschall:

Has the U.S. Supreme Court ever ruled that someone who is declared mentally incompetent cannot be barred from voting? Is there case law on that issue?

Joseph Turco:

Not to my knowledge. Some of the facts in the case in the Eighth District Circuit Court seem similar to this, so that matter may go to the Supreme Court.

Chair Mortenson:

Any further questions from the Committee or testimony from the audience? [There was no response.] We will close the hearing on A.J.R. 10 of the 73rd Session and open the hearing on A.J.R. 16 of the 73rd Session.

Assembly Joint Resolution 16 of the 73rd Session: Proposes to amend Nevada Constitution to provide requirements for enactment of property and sales tax exemptions. (BDR C-422)

Patrick Guinan, Committee Policy Analyst:

Assembly Joint Resolution 16 of the 73rd Session also passed the 2005 Legislative Session. The Resolution proposes to amend the *Constitution of the State of Nevada* to provide requirements for the enactment of property and sales tax exemptions.

Chair Mortenson:

Again, this is a returning bill. It passed both Houses during the previous session. We would prefer not to make any amendments to this bill because we would have to start over again. This is a good bill; we want to get it passed.

Carole Vilardo, President, Nevada Taxpayers Association:

This bill is the result of the interim Legislative Committee for Local Government Taxes and Finance. On behalf of the Association, we absolutely support the bill. We originally considered a statutory change; however, Legal advised us that the Legislature can change whatever is demanded of it, and that if we wanted something very effective, it would have to be placed in the *Constitution*.

We have a longstanding policy statement that states exemptions may be valuable at times, but at no time should an exemption be forever. Circumstances under which the exemption was granted can change, so there

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND
CONSTITUTIONAL AMENDMENTS**

**Seventy-Fourth Session
March 8, 2007**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order by Chair Harry Mortenson at 3:53 p.m., on Thursday, March 8, 2007, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Harry Mortenson, Chair
Assemblywoman Ellen Koivisto, Chair
Assemblyman Ty Cobb
Assemblyman Marcus Conklin
Assemblywoman Heidi S. Gansert
Assemblyman Ed Goedhart
Assemblyman Ruben Kihuen
Assemblywoman Marilyn Kirkpatrick
Assemblyman Harvey J. Munford
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom
Assemblyman James Settelmeyer

COMMITTEE MEMBERS ABSENT:

Assemblyman Chad Christensen (excused)

Minutes ID: 485



STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Terry Horgan, Committee Secretary
Trisha Moore, Committee Assistant

OTHERS PRESENT:

Carole Vilardo, President, Nevada Taxpayers Association
Dino DiCianno, Executive Director, Department of Taxation, State of Nevada

Chair Mortenson:

[Roll taken. The Chair reminded Committee members and the audience about Committee rules and etiquette.] We are having a work session today and will first consider A.J.R. 10 of the 73rd Session.

Assembly Joint Resolution 10 of the 73rd Session: Proposes to amend Nevada Constitution to revise residency requirement for purpose of being eligible to vote in elections. (BDR C-1379)

Patrick Guinan, Committee Policy Analyst:

This Committee heard A.J.R. 10 of the 73rd Session on February 13, 2007. There is no fiscal impact associated with this measure and there is no effect on the State. Assembly Joint Resolution 10 of the 73rd Session originally passed the Legislature in the 2005 Session. The Resolution proposes to remove language from Section 1, Article 2 of the *Nevada Constitution*, which stipulates that a person who is otherwise eligible to vote must have resided in Nevada for six months immediately prior to an election in order to be eligible to vote in that election. Removal of this language will result in the State maintaining a 30-day residency requirement for voter eligibility, which is consistent with federal law.

At our hearing, there were no amendments proposed to A.J.R. 10 of the 73rd Session. There was no opposition raised to A.J.R. 10 of the 73rd Session and it is important to note that this measure must pass this session in the exact form that it passed the 2005 Session if it is to be put on the ballot for the General Election in 2008.

Chair Mortenson:

Is there any discussion or questions from Committee members? Since these bills have passed once, we do not want to amend them.

Assemblyman Cobb:

What does the phrase "which is consistent with federal law" mean?

Chair Mortenson:

The United States Supreme Court made a decision that our residency requirement of six months was too strict.

Assemblywoman Koivisto:

That is partly correct; however, other parts of our statutes require 30 days for residency. This would bring the *Constitution* and the statutes into conformity.

Assemblyman Cobb:

The Supreme Court said six months was too long?

Patrick Guinan:

The Supreme Court has said, on more than one occasion, that 30 days is an adequate rule and it is a standard most states have adopted. I cannot say with certainty that they specifically said that 6 months was too long, but they have said that longer than 30 days is too long.

Assemblyman Cobb:

They have said that longer than 30 days is constitutionally too long?

Patrick Guinan:

Several decisions we discussed, and that Kim Guinasso [Committee Counsel] referred to in our initial hearing, have said that going longer than 30 days is not appropriate, and creates too much of a burden. I cannot cite the specific cases, but that was the general consensus.

Assemblyman Cobb:

Did they strike down state laws longer than 30 days?

Patrick Guinan:

I believe so, yes.

Assemblywoman Gansert:

Last time, we discussed whether there was a length of time between the 30-day requirement and the 6-month requirement. The State of Nevada has different requirements for different things; for instance, if you are going to school, the residency requirement is six months. It is something different for drivers' licenses and something different for eligibility to vote. I believe there was a court case that said the six-month period was too long. That is why we

were looking to shorten it and there was discussion about what the length of time should be.

Chair Mortenson:

If we want this bill to pass we cannot amend it, and I would not accept a motion to amend it unless it was the will of the Committee.

Assemblywoman Gansert:

I was looking up the history because I know we discussed this at length. I do not have a question, I was just trying to help Mr. Cobb. I had the Research Division look up the residency requirements for a variety of things and the requirements varied. They were all over the board.

Chair Mortenson:

Mr. Guinan will do some research on that and present it to the Committee.

ASSEMBLYMAN SEGERBLOM MOVED TO DO PASS A.J.R. 10 OF THE 73rd SESSION.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Assemblyman Conklin:

Minutes from the work session of April 7, 2005, say the bill,

...brings the *Nevada Constitution* in line with federal law. Our *Constitution* says one must reside in the State for six months. That is not the case. The Supreme Court has made the decision that 30 days is the maximum amount of time that a person has to reside in the State before they are eligible to vote.

Chair Mortenson:

Any further discussion on the motion? [No response]

THE MOTION PASSED. (ASSEMBLYMAN CHRISTENSEN WAS ABSENT FOR THE VOTE.)

We will now open the hearing on A.J.R. 16 of the 73rd Session.

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-fourth Session
March 20, 2007**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Barbara K. Cegavske at 1:36 p.m. on Tuesday, March 20, 2007, in Room 2144 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Barbara K. Cegavske, Chair
Senator William J. Raggio, Vice Chair
Senator Warren B. Hardy II
Senator Bob Beers
Senator Bernice Mathews
Senator Valerie Wiener
Senator Steven A. Horsford

GUEST LEGISLATORS PRESENT:

Harry Mortenson, Assembly District No. 42
Harvey J. Munford, Assembly District No. 6

STAFF MEMBERS PRESENT:

Brenda J. Erdoes, Legislative Counsel
Michelle L. Van Geel, Committee Policy Analyst
Brian Campolieti, Committee Secretary

OTHERS PRESENT:

Tim Rubald, Carson City, Interim Secretary, Commission on Economic Development

CHAIR CEGAVSKE:

I open this meeting with Assembly Joint Resolution (A.J.R.) 10 of the 73rd Session from the Assembly Committee on Elections, Procedures, Ethics, and Constitutional Amendments. Assembly Joint Resolution 10 of the 73rd

Senate Committee on Legislative Operations and Elections
March 20, 2007
Page 2

Session passed last session and will need to pass the 74th Session to go to a vote of the people.

ASSEMBLY JOINT RESOLUTION 10 OF THE 73RD SESSION: Proposes to amend Nevada Constitution to revise residency requirement for purpose of being eligible to vote in elections. (BDR C-1379)

HARRY MORTENSON (Assembly District No. 42):
Assembly Joint Resolution 10 of the 73rd Session is a correction to the *Constitution of the State of Nevada* because the courts have mandated we cannot have six months for the duration of residency before a person could vote. Assembly Joint Resolution 10 of the 73rd Session brings the *Constitution of the State of Nevada* in line with current law. All this bill does is change time for residency from 6 months to 30 days in order to vote.

SENATOR BEERS:
Was A.J.R. 10 of the 73rd Session on the ballot?

MR. MORTENSON:
No, A.J.R. 10 of the 73rd Session is coming through the Legislature a second time and goes on the ballot if it passes the Nevada State Senate.

SENATOR BEERS:
If it passes this second time, it goes on the ballot for the next general election?

MR. MORTENSON:
That is correct.

CHAIR CEGAVSKE:
I close the hearing on A.J.R. 10 of the 73rd Session and open the hearing on Assembly Concurrent Resolution (A.C.R.) 9.

ASSEMBLY CONCURRENT RESOLUTION 9: Urges the Commission on Economic Development to promote economic development and urban renewal and to stimulate employment in certain areas. (BDR R-191)

HARVEY J. MUNFORD (Assembly District No. 6):
The issue dealt with by A.C.R. 9 is a repeat presentation for me. Urban renewal was presented during the 73rd Session, and I keep trying to see if something

Senate Committee on Legislative Operations and Elections
March 20, 2007
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CHAIR CEGAVSKE:

I close the hearing on A.C.R. 9 and will take a motion on A.J.R. 10.

SENATOR RAGGIO MOVED TO DO PASS A.J.R. 10.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR CEGAVSKE:

I will now take a motion on A.C.R. 9.

SENATOR BEERS:

I move to amend A.C.R. 9 to expand the recipient list from the Commission on Economic Development to any other economic development agencies our staff can find including EDAWN, NDA and the Northern Nevada Development Authority.

SENATOR BEERS MOVED TO AMEND AND ADOPT AS AMENDED
A.C.R. 9.

SENATOR WIENER SECONDED THE MOTION.

SENATOR HORSFORD:

If we are expanding the list, I would like to include redevelopment agencies. A grant fund created during the 73rd Session attempted to address urban blight. Few local governments and redevelopment agencies applied for the funding even though the State of Nevada made it available.

SENATOR BEERS:

I am fine with that motion if the secondary is fine with it.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

FLOOR ACTIONS

AMENDMENTS ON SECOND READING FLOOR VOTES AND STATEMENTS OTHER ACTIONS

NOTE: THESE FLOOR ACTIONS ARE TAKEN FROM THE *DAILY JOURNALS* ([HTTP://WWW.LEG.STATE.NV.US/SESSION/74TH2007/JOURNAL/](http://www.leg.state.nv.us/session/74th2007/journal/)), WHICH ARE NOT THE OFFICIAL FINALIZED VERSIONS OF THE *JOURNALS*. CONSULT THE PRINT VERSION FOR THE OFFICIAL RECORD.

NEVADA LEGISLATURE

Seventy-Fourth Session, 2007

ASSEMBLY DAILY JOURNAL

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 13, 2007

Assembly called to order at 11:04 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, Pastor Patrick Propster.

Matthew 7:7-8: "Ask, and it will be given to you; seek and you will find; knock and it will be opened to you. For everyone who asks receives, and he who seeks, finds; and to him who knocks it will be opened." Lord God, Creator of all things, Jesus said to ask, seek, and knock. We do so this day, that You, Lord, would grant us insight and enlightenment. We pray all decisions and directions made in this session would bless this state and glorify Your name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Ocegüera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 157, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 135, 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Senate Bill No. 122.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 162.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 168.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 177.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 196.

Assemblyman Ocegüera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 137.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 10 of the 73rd Session.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Roll call on Assembly Joint Resolution No. 10 of the 72nd Session:

YEAS—41.

NAYS—None.

EXCUSED—Carpenter.

Assembly Joint Resolution No. 10 of the 73rd Session having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 16 of the 73rd Session.

Resolution read third time.

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 28, 2007

Senate called to order at 11:10 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Dr. Marvin Dennis.

Heavenly Father, You have invited us in Your Word that if we lack wisdom to ask of You.

You have invited us to come to You with all of our needs and cares.

I pray that You will provide for every professional and personal need of these who serve this great State.

In Your precious Name, I pray.

AMEN.

Pledge of Allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Government Affairs.

RANDOLPH J. TOWNSEND, *Chair*

Mr. President:

Your Committee on Human Resources and Education, to which were referred Senate Bills Nos. 220, 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAURICE E. WASHINGTON, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

March 27, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 453, 454, 455, 456, 460, 469, 470.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 314, 318, 387, 405.

GARY GHIGGERI

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Townsend moved that Senate Bill No. 500 be rereferred to the Committee on Government Affairs.

Remarks by Senator Townsend.

Motion carried.

Senate Bill No. 384 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 32.

Bill read third time.

Roll call on Assembly Bill No. 32:

YEAS—21.

NAYS—None.

Assembly Bill No. 32 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 48.

Bill read third time.

Roll call on Assembly Bill No. 48:

YEAS—21.

NAYS—None.

Assembly Bill No. 48 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 10 of the 73rd Session.

Resolution read third time.

Roll call on Assembly Joint Resolution No. 10 of the 73rd Session:

YEAS—21.

NAYS—None.

Assembly Joint Resolution No. 10 of the 73rd Session having received a constitutional majority, Mr. President declared it passed.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, March 28, 2007

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 17.

LUCINDA BENJAMIN

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 17— Designating March 28, 2007, as Kick Butts Day in Nevada.

WHEREAS, The youth of Nevada are concerned about their futures and believe substance abuse, including alcohol, tobacco, and prescription and illegal drugs, is one of the most critical problems facing the families and communities in this State; and

WHEREAS, Substance abuse is linked to crime, domestic violence, child abuse and neglect, the breakdown of families, homelessness, decreased performance at school and work, and an increase in health care costs; and

BILLS AND AMENDMENTS

SEE LINKS ON BILL HISTORY PAGE
FOR COMPLETE TEXT

SUPPLEMENTAL MATERIALS

State of Nevada

Statewide

Ballot Questions

2008



**To Appear on the November 4, 2008
General Election Ballot**

**Issued by
Ross Miller
Secretary of State**

QUESTION NO. 1

Amendment to the *Nevada Constitution*

Assembly Joint Resolution No. 10 of the 73rd Session

CONDENSATION (Ballot Question)

Shall the *Nevada Constitution* be amended to eliminate an unconstitutional requirement that a person must reside in Nevada for 6 months prior to an election in order to be eligible to vote in that election?

433,847 Yes ☐ No ☒ 481,260

EXPLANATION

The proposed amendment to the *Nevada Constitution* would remove language requiring that a person who is otherwise eligible to vote must reside in Nevada for 6 months before being entitled to vote.

Currently, language in Article 2, Section 1 of the *Nevada Constitution* provides that a person who is otherwise eligible to vote must reside in Nevada for 6 months, and in a particular district or county for 30 days, in order to be entitled to vote. The United States Supreme Court has ruled that state residency requirements of this length are unconstitutional. The proposed amendment would remove the 6-month requirement, allowing the 30-day requirement to apply to both state and local residency.

A “Yes” vote would change the language in the *Nevada Constitution* to allow a person who has lived both in Nevada and in a particular district or county for 30 days to register to vote in the next upcoming election.

A “No” vote would retain the existing language which provides that a person must live in Nevada for 6 months, and in a given district or county for 30 days, prior to an election in order to be eligible to vote in that election.

ARGUMENTS FOR PASSAGE

In 1972, and again in later years, the U.S. Supreme Court ruled that residency requirements, which exceed the amount of time required to complete election-related administrative procedures, do not further any compelling state interest and violate the Equal Protection Clause of the Fourteenth Amendment of the *United States Constitution*. The U.S. Supreme Court has stated that 30 days is a reasonable time period for residency requirements.

Chapter 293.485 of the *Nevada Revised Statutes* complies with the U.S. Supreme Court's position on residency requirements and sets 30 days as the length of time one must reside in Nevada prior to being eligible to register to vote. However, the *Nevada Constitution* has yet to be corrected. It is time for this unenforceable provision to be removed from the *Nevada Constitution*.

ARGUMENTS AGAINST PASSAGE

In its current form, the *Nevada Constitution* seeks to ensure that those who wish to vote have been in the state long enough to get to know the issues and the candidates upon which they must decide.

The 6-month requirement may not be enforceable today, but it may be enforceable in the future should the U.S. Supreme Court reverse itself and conclude that lengthier residency requirements are acceptable. If the U.S. Supreme Court does not change course, there is still no reason to repeal the 6-month residency requirement because it is not being applied.

Nevada's 6-month residency requirement has existed since the *Nevada Constitution* was ratified in 1864. There is no reason to believe that Nevadans are opposed to the requirement and, therefore, no reason to do away with it.

FISCAL NOTE

Financial Impact - None

AJR 10 -73nd Session

FULL TEXT OF MEASURE

Assembly Joint Resolution No. 10—Committee on Elections, Procedures, Ethics, and Constitutional Amendments

FILE NUMBER.....

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide that a person must be a resident of the State for 30 days before an election to be eligible to vote in that election.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 2 of the Nevada Constitution be amended to read as follows:

Section 1. All citizens of the United States (not laboring under the disabilities named in this Constitution) of the age of eighteen years and upwards, who shall have actually, and not constructively, resided in the State [six months,] and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; *provided*, that no person who has

been or may be convicted of treason or felony in any state or territory of the United States, unless restored to civil rights, and no person who has been adjudicated mentally incompetent, unless restored to legal capacity, shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election on account of sex. The Legislature may provide by law the conditions under which a citizen of the United States who does not have the status of an elector in another state and who does not meet the residence requirements of this section may vote in this State for President and Vice President of the United States.0 ~~~~ 05