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## RESEARCH BRIEF ON

# THE EVOLUTION AND IMPACTS OF TERM LIMITS IN NEVADA

State and local elected officials play an important role in our democracy and it is critical that citizens and policy makers understand the effects of term limits. How the Nevada State Legislature retains its capacity for policy making and maintains its relationships among the branches of government may change as a result of term limits.

### EVOLUTION OF TERM LIMITS IN NEVADA

#### *1994 General Election*

In 1994, two statewide initiative petitions that proposed term limits were successfully circulated throughout Nevada. One petition proposed to amend the *Constitution of the State of Nevada* to establish term limits of 6 years or three terms for United States Representatives from Nevada and 12 years or two terms for U.S. Senators from Nevada. The second initiative petition set forth in the *Nevada Constitution* an array of term limits for Nevada's state and local elected officers. Specifically, the second proposal limited members of the Nevada State Assembly to 12 years or six terms in office; members of the Nevada State Senate to 12 years or three terms in office; and justices of Nevada's Supreme Court, justices of the peace, and all other judges, to two terms in office. Furthermore, the petition called for a term limit of 8 years or two terms for Nevada's constitutional officers and a total

of 12 years in office for other state officials and members of local governing bodies.

Both initiatives were placed on the 1994 General Election Ballot as [Question No. 8](#) and [Question No. 9](#) respectively and passed by the voters. Ballot Question No. 8 received 257,362 “Yes” votes and 110,430 “No” votes, while Ballot Question No. 9 received 259,211 “Yes” votes and 108,780 “No” votes. Pursuant to Article 19, Section 2 of the *Constitution of the State of Nevada*, all initiative petitions to amend the *Nevada Constitution* must be voted upon twice in identical form by Nevada’s voters before becoming law.

### ***Legal Challenges and Opinions Regarding the 1994 Term Limit Ballot Questions***

Two separate court rulings—one from the U.S. Supreme Court and one issued by Nevada’s Supreme Court—prevented the questions from appearing again on the 1996 General Election Ballot in identical fashion. Specifically, the U.S. Supreme Court decision rendered in [U.S. Term Limits, Inc. v. Thornton](#), 514 U.S. 779, 115 S. Ct. 1842 (1995) specified that states did not have the authority to limit the terms of elected federal officers. Consequently, Nevada [Attorney General Opinion \(AGO\) 95-17](#) advised that Question No. 8 be removed from the 1996 General Election Ballot.

Meanwhile, during the period between the 1994 and 1996 General Elections, a group known as Nevadans Against Judicial Term Limits mobilized against the imposition of term limits on judges as proposed in Ballot Question No. 9, arguing that the quality of the judicial branch of government stems from, in part, experienced and knowledgeable judges. An affiliated group, the Nevada Judges Association, was unsuccessful in its arguments before

Nevada’s Supreme Court to remove the portion of the ballot question pertaining to justices of the Supreme Court, district judges, and justices of the peace. However, the court did “split out” judges from the original Ballot Question No. 9 and specified that either part of the question needed to be approved by the voters at the 1996 General Election to satisfy the constitutional requirement that initiative questions be voted upon at two successive elections. As a result, Nevada’s Supreme Court ordered the question to appear as “9(a)” for the establishment of term limits for state and local public officers and “9(b)” for justices and judges. Please refer to [Nevada Judges Association v. Lau](#), 112 Nev. 51, 910 P.2d (1996) for additional information.

### ***1996 General Election***

In November 1996, Nevada’s voters approved [Ballot Question No. 9\(a\)](#) with 233,177 “Yes” votes and 196,343 “No” votes. [Ballot Question No. 9\(b\)](#), which asked, “Shall the *Nevada Constitution* be amended to establish term limits for Nevada justices and judges?” was not approved and received 161,775 “Yes” votes and 232,771 “No” votes.

## **APPLICABILITY AND IMPACTS OF TERM LIMITS ON NEVADA’S ELECTED OFFICIALS**

### ***Local Government Officials***

Following the 1996 General Election, many questions regarding the applicability of the new term limit provisions were raised, especially among elected local government officials. Nevada [AGO 96-23](#) specifically addresses these matters by stipulating that the term limits set forth in the initiative apply to county commissioners, city council members, town board members, and most mayors because such elected officers are typically part of a “local governing body.”

The opinion concludes that the proposal does “not limit terms of service of the county clerk, recorder, sheriff, treasurer, assessor, district attorney, and public administrator because they do not perform legislative functions as part of a ‘local governing body.’”

### ***Members of the Nevada State Legislature***

The applicability of term limits for Nevada’s legislators is clarified in an informal [legal opinion](#) from Brenda J. Erdoes, Legislative Counsel, Legal Division, Legislative Counsel Bureau, dated August 6, 1996. A primary concern identified after the 1996 General Election was when the “clock starts” for legislators who were already serving in the legislature when Nevada’s term limits were approved.

Ms. Erdoes’ opinion concludes that legislator term limits in Nevada apply to those Senators and members of the Assembly (incumbent or not) who file or run for office during or after the 1998 election cycle. Recent litigation on this issue has also supported Ms. Erdoes’ conclusions.

Therefore, 2008 would be the last eligible election year for a member of the Assembly who was elected in 1998 and thereafter runs the course of his or her complete term. Those Senators who were elected in 1998 may run for office in two additional elections—2002 and 2006—for a total of three terms or 12 years in office. Finally, Senators elected in 2000 may run for reelection in 2004 and 2008, with the final term of office expiring on November 7, 2012.

### **EFFECT OF TERM LIMITS ON NEVADA’S CURRENT STATE SENATORS**

<b>Name</b>	<b>Year First Elected to Senate</b>	<b>Last Eligible Election<sup>1</sup></b>	<b>Final Regular Legislative Session</b>	<b>Date Term Expires</b>
Mark E. Amodei	1998	2006	2009	November 3, 2010
Bob Beers	2004	2012	2015	November 9, 2016
Terry Care	1998	2006	2009	November 3, 2010
Maggie Carlton	1998	2006	2009	November 3, 2010
Barbara K. Cegavske	2002	2010	2013	November 5, 2014
Bob Coffin	1986	2006	2009	November 3, 2010
Warren B. Hardy II	2002	2010	2013	November 5, 2014
Joseph J. Heck	2004	2012	2015	November 9, 2016
Steven A. Horsford	2004	2012	2015	November 9, 2016
John J. Lee	2004	2012	2015	November 9, 2016
Bernice Mathews	1994	2006	2009	November 3, 2010
Mike McGinness	1992	2008	2011	November 7, 2012
Dennis Nolan	2002	2010	2013	November 5, 2014
William J. Raggio	1972	2008	2011	November 7, 2012
Dean A. Rhoads	1984	2008	2011	November 7, 2012
Michael A. Schneider	1996	2008	2011	November 7, 2012
Dina Titus	1988	2008	2011	November 7, 2012
Randolph J. Townsend	1982	2006	2009	November 3, 2010
Maurice E. Washington	1994	2006	2009	November 3, 2010
Valerie Wiener	1996	2008	2011	November 7, 2012
Joyce Woodhouse	2006	2014	2017	November 7, 2018

<sup>1</sup> Assumes Senator will also run in previous election.

# EFFECT OF TERM LIMITS ON NEVADA'S CURRENT MEMBERS OF THE STATE ASSEMBLY

Name	Year First Elected to Assembly	Last Eligible Election <sup>1</sup>	Final Regular Legislative Session	Date Term Expires
Francis O. Allen	2004	2014	2015	November 9, 2016
Bernie Anderson	1990	2008	2009	November 3, 2010
Morse Arberry, Jr.	1984	2008	2009	November 3, 2010
Kelvin D. Atkinson	2002	2012	2013	November 5, 2014
Bob L. Beers	2006	2016	2017	November 7, 2018
David Bobzien	2006	2016	2017	November 7, 2018
Barbara E. Buckley	1994	2008	2009	November 3, 2010
John C. Carpenter	1986	2008	2009	November 3, 2010
Chad Christensen	2002	2012	2013	November 5, 2014
Jerry D. Claborn	1998	2008	2009	November 3, 2010
Ty Cobb	2006	2016	2017	November 7, 2018
Marcus L. Conklin	2002	2012	2013	November 5, 2014
Moises Denis	2004	2014	2015	November 9, 2016
Heidi S. Gansert	2004	2014	2015	November 9, 2016
Susan I. Gerhardt	2004	2014	2015	November 9, 2016
Ed Goedhart	2006	2016	2017	November 7, 2018
Pete Goicoechea	2002	2012	2013	November 5, 2014
Tom Grady	2002	2012	2013	November 5, 2014
Joe Paul Hardy, M.D.	2002	2012	2013	November 5, 2014
Joseph M. Hogan	2004	2014	2015	November 9, 2016
William C. Horne	2002	2012	2013	November 5, 2014
Ruben Kihuen	2006	2016	2017	November 7, 2018
Marilyn Kirkpatrick	2004	2014	2015	November 9, 2016
Ellen Marie Koivisto	1996	2008	2009	November 3, 2010
Sheila Leslie	1998	2008	2009	November 3, 2010
R. Garn Mabey, Jr., M.D.	2002	2012	2013	November 5, 2014
Mark A. Manendo	1994	2008	2009	November 3, 2010
John W. Marvel	1978	2008	2009	November 3, 2010
Kathy McClain	1998	2008	2009	November 3, 2010
Harry Mortenson	1996	2008	2009	November 3, 2010
Harvey J. Munford	2004	2014	2015	November 9, 2016
John Ocegüera	2000	2010	2011	November 7, 2012
James Ohrenschall	2006	2016	2017	November 7, 2018
David R. Parks	1996	2008	2009	November 3, 2010
Bonnie Parnell <sup>2</sup>	1998	2010	2011	November 7, 2012
Peggy Pierce	2002	2012	2013	November 5, 2014
Tick Segerblom	2006	2016	2017	November 7, 2018
James Arnold Settelmeyer	2006	2016	2017	November 7, 2018
Debbie Smith <sup>3</sup>	2000	2012	2013	November 5, 2014
Lynn D. Stewart	2006	2016	2017	November 7, 2018
Valerie E. Weber	2002	2012	2013	November 5, 2014
RoseMary Womack	2006	2016	2017	November 7, 2018

<sup>1</sup> Assumes that Assemblyman will also run in previous elections.

<sup>2</sup> Assemblywoman Bonnie Parnell was first elected to the Assembly in 1998 and served two terms (1999 and 2001 Legislative Sessions). Assemblywoman Parnell was elected to the Assembly again in 2004. Therefore, she is eligible to run for reelection three additional times-in 2006, 2008, and 2010. If successful in these reelection bids, her final regular legislative session will be in 2011.

<sup>3</sup> Assemblywoman Debbie Smith was first elected to the Assembly in 2000 and served one term (2001 Legislative Session). Assemblywoman Smith was elected to the Assembly again in 2004. Therefore, she is eligible to run for reelection four additional times-in 2006, 2008, 2010, and 2012. If successful in these reelection bids, her final regular legislative session will be in 2013.