

State of Nevada
Ballot Questions
1996



**A compilation of ballot questions which will appear
on the November 5, 1996, General Election Ballot**

Issued by
Dean Heller
Secretary of State

QUESTION NO. 9

An Initiative Relating to Term Limits for State and Local Public Officers

CONDENSATION (ballot question)

9(a) Shall the Nevada Constitution be amended to establish term limits for state and local public officers in the executive and legislative branches of government?

Yes

No

9(b) Shall the Nevada Constitution be amended to establish term limits for Nevada justices and judges?

Yes

No

EXPLANATION

Other than the office of governor, the Nevada Constitution currently places no limits on the number of terms to which state and local officers can be elected. This amendment would limit members of the state Assembly to serving twelve (12) years or six (6) terms in office. Members of the state Senate would be limited to serving twelve (12) years or three (3) terms in office. The Secretary of State, State Treasurer, State Controller, and the Attorney General would be limited to eight (8) years or two (2) terms. Other state officials and local governing body members would be limited to twelve (12) years. Appointment to an office for any amount of time would be equal to one (1) term.

Justices of the supreme court, district court judges, justices of the peace, and all other judges would be limited to two full terms, to one full term and a fraction of a term, or to two fractions of one term. Limits to service by a judge would range from twelve years to less than three years. A limit of three years or less would occur if a judge is appointed to fill a judicial vacancy and then is reelected to the final two years of the term, as is required to keep the position: this would constitute two terms under the language of the amendment.

ARGUMENT FOR PASSAGE

Proponents argue that passage will stop career politicians since no one will be able to hold one office for several terms. Passage may lessen the power of lobbyists and special interest groups since state officials and local governing body members will only be in office for a limited amount of time. State officials and local governing body members would have the opportunity to focus on the issues instead of reelection. A greater number of Nevadans would be allowed to serve as state officials and as members of local governing bodies.

ARGUMENT AGAINST PASSAGE

Opponents argue that it may be difficult to get qualified candidates to run for an office if the term of that office is limited. Experienced state office holders and members of local governing bodies will not be allowed to run for reelection; nor will those who have done a good job and been responsive to the voters. During the state or local officials' final term, the official will not be accountable to the voters during that term, since that official cannot be reelected. This amendment does not consider that Nevada currently has a citizen legislature which meets only once every two years; consequently, the current turnover in the state legislature is quite high.

Most people want a judge with knowledge and experience, yet term limits will give the judge insufficient time to develop either. No sooner will a judge begin to attain these qualities than he or she will be forced to leave office by term limits. Since most judges' terms end at the same time, wholesale replacement of experienced judges will occur. The long term quality of the judiciary will also decline because most qualified lawyers will refuse to give up their practices or careers in exchange for only a limited period of time on the bench.

FISCAL NOTE

Fiscal Impact-No. The proposal to amend the Nevada Constitution would limit the terms of State and Local Officers. The proposal would have no adverse fiscal impact.

FULL TEXT OF THE MEASURE

Initiative to Limit Terms of State and Local Officers

The People of the State of Nevada do enact as follows:

Section 1. Section 3 of article 4 of the constitution of the State of Nevada is hereby amended to read as follows:

[Sec:] *Sec. 3. 1.* The members of the Assembly shall be chosen [biennially] *biennially* by the qualified electors of their respective districts, on the Tuesday next after the first Monday in November and their term of office shall be two years from the day next after their election.

2. No person may be elected or appointed as a member of the Assembly who has served in that office, or at the expiration of his current term if he is so serving will have served, 12 years

or more, from any district of this state.

Sec. 2 Section 4 of article 4 of the constitution of the State of Nevada is hereby amended to read as follows:

[Sec:]Sec. 4. 1. Senators shall be chosen at the same time and places as members of the Assembly by the qualified electors of their respective districts, and their term of Office shall be four Years from the day next after their election.

2. No person may be elected or appointed as a Senator who has served in that office, or at the expiration of his current term if he is so serving will have served, 12 years or more, from any district of this state

Sec. 3. Section 19 of article 5 of the constitution of the State of Nevada is hereby amended to read as follows:

[Section] Sec. 19. 1. A secretary of state, a treasurer, a controller, and an attorney general, shall be elected at the same time and places, and in the same manner as the governor. The term of office of each shall be the same as is prescribed for the governor.

2. Any elector shall be eligible to [either of said] any of these offices[.], but no person may be elected to any of them more than twice, or more than once if he has previously held the office by election or appointment.

Sec. 4 Section 11 of article 6 of the constitution of the State of Nevada is hereby amended to read as follows:

Sec. 11. 1. The justices of the supreme court and the district judges shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected or appointed; and all elections or appointments of any such judges by the people, legislature, or otherwise, during said period, to any office other than judicial, shall be void.

2. No person may be elected a justice of the supreme court, judge of any other court, or justice of the peace more than twice for the same court, or more than once if he has previously served upon that court by election or appointment.

Sec. 5. Section 3 of article 15 of the constitution of the State of Nevada is hereby amended to read as follows:

[Section] Sec. 3. 1. No person shall be eligible to any office who is not a qualified elector under this constitution.

2. No person may be elected to any state office or local governing body who has served in that office, or at the expiration of his current term if he is so serving will have served, 12 years or more, unless the permissible number of terms or duration of service is otherwise specified in this constitution.