

QUESTION NO. ____

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?

Yes ☐ No ☐

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

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