
**Constitutional Amendments To Be Voted
Upon in State of Nevada at General
Election, November 6, 1962**

STATE PRINTING OFFICE  CARSON CITY, NEVADA

JACK MCCARTHY, STATE PRINTER

1962

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I, JOHN KOONTZ, the duly elected, qualified and acting Secretary of State of the State of Nevada, do hereby certify that the following Constitutional Amendments are to appear on the 1962 General Election Ballot:

QUESTION NO. 1

Amendment to the Constitution

—A—

Section 1, Article 10, of the Constitution now reads as follows:

SECTION 1. The legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, when not patented, the proceeds alone of which shall be assessed and taxed, and when patented, each patented mine shall be assessed at not less than five hundred dollars (\$500), except when one hundred dollars (\$100) in labor has been actually performed on such patented mine during the year, in addition to the tax upon the net proceeds; shares of stock (except shares of stock in banking corporations), bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged. No inheritance or estate tax shall ever be levied, and there shall also be excepted such property as may be exempted by law for municipal, educational, literary, scientific or other charitable purposes.

If Question No. 1 is approved, Section 1, Article 10, of the Constitution will be amended by adding the language set forth in italics to read as follows:

SECTION 1. The legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, when not patented, the proceeds alone of which shall be assessed and taxed, and when patented, each patented mine shall be assessed at not less than five hundred dollars (\$500), except when one hundred dollars (\$100) in labor has been actually performed on such patented mine during the year, in addition to the tax upon the net proceeds; shares of stock (except shares of stock in banking corporations), bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged. *The legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.* No inheritance or estate tax shall ever be levied, and there shall also be excepted such property as may be exempted by law for municipal, educational, literary, scientific or other charitable purposes.

**Explanation of the Purpose of the Proposed Amendment to
Section 1, Article 10, of the Constitution of Nevada**

The proposed amendment to Section 1 of Article 10 does not change the section except to add the following new language:

The legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

The taxation of real estate and personal property under Article 10 of the Constitution is commonly called ad valorem (according to value) taxation. Section 1 of Article 10 presently requires that all real estate and personal property be uniformly and equally assessed throughout the State. This means that its value must be uniformly

and equally determined by assessing officers in each and every taxing district. Once the property is assessed and its value determined, it is taxed at a rate not to exceed five cents on one dollar of assessed valuation. However, tax rates vary widely among the many taxing districts in Nevada. Real estate and personal property, exclusive of motor vehicles, is taxed at the rate of the taxing district in which it is situated, and motor vehicles are taxed at the rate of the taxing district in which the registered owner resides. Thus, in the case of motor vehicles, the tax rate of identical models and makes varies considerably among the taxing districts.

The proposed amendment to Section 1 of Article 10, if approved, will authorize the Legislature to exempt motor vehicles from the tax rate of the various taxing districts and, in lieu thereof, to substitute a uniform state-wide rate not to exceed the rate of five cents on one dollar assessed valuation.

The 1960 and 1961 Legislatures believed that a uniform state-wide rate of taxation is justified. Unlike most personal property, motor vehicles are mobile and are frequently driven over streets and highways of taxing districts other than the districts in which the motor vehicles are taxed.

The said Legislatures felt that the present variety of tax rates in the many taxing districts of Nevada makes the work of the Department of Motor Vehicles difficult and that if the proposed amendment is approved, the licensing of motor vehicles and the collection of personal property taxes thereon by the Motor Vehicle Department will be simplified. If the proposed amendment is approved, the Legislature will not be empowered to tax motor vehicles at any higher rate than the same may now be taxed.

—B—

Section 5 of Article 9 of the Constitution now reads as follows:

SECTION 5. The proceeds from the imposition of any license or registration fee and other charge with respect to the operation of any motor vehicle upon any public highway in this state and the proceeds from the imposition of any excise tax on gasoline or other motor vehicle fuel shall, except costs of administration, be used exclusively for the construction, maintenance, and repair of the public highways of this state.

If Question No. 1 is approved, Section 5 of Article 9 will be amended by adding the language set forth in italics to read as follows:

SECTION 5. The proceeds from the imposition of any license or registration fee and other charge with respect to the operation of any motor vehicle upon any public highway in this state and the proceeds from the imposition of any excise tax on gasoline or other motor vehicle fuel shall, except costs of administration, be used exclusively for the construction, maintenance, and repair of the public highways of this state. *The provisions of this section do not apply to the proceeds of any tax imposed upon motor vehicles by legislature in lieu of an ad valorem property tax.*

Explanation of the Purpose of the Proposed Amendment to Section 5, Article 9, of the Constitution of Nevada

The proposed amendment to Section 5 of Article 9 does not change the section except to add the following new language:

The provisions of this section do not apply to the proceeds of any tax imposed upon motor vehicles by the legislature in lieu of an ad valorem property tax.

Section 5 of Article 9 of the Constitution as it now reads requires that the proceeds of license and registration fees imposed on motor vehicles, and the excise taxes on gasoline and other motor fuels, be used exclusively for the construction and maintenance of public highways. All real estate taxes and personal property taxes now collected, including those now imposed upon motor vehicles, are not required by the Constitution to be used for the construction and maintenance of public highways.

If the proposed amendment to Section 1 of Article 10 of the Constitution, empowering the Legislature to provide for a state-wide uniform rate of taxation of motor vehicles in lieu of the present variety of tax rates of the many taxing districts in the State, is approved, an amendment to Section 5 of Article 9 is necessary to make it clear that the proceeds of the proposed new state-wide uniform motor vehicles taxes are not required by the Constitution to be used for the construction and maintenance of public highways, and that the new uniform state-wide personal property tax on motor vehicles can be distributed to the State and the various taxing districts in exactly the same manner as the Legislature now distributes all personal property taxes.

Statements for the Printed Ballots and Voting Machines

The following language should appear on the printed ballots and voting machines:

Question No. 1.

Amendment to the Constitution.

Shall—Section 1 of Article 10 of the Constitution be amended to authorize the Legislature to provide for a uniform state-wide tax upon motor vehicles in lieu of the present ad valorem personal property tax of the various taxing districts, and shall Section 5 of Article 9 be amended to provide that the proceeds of such in lieu tax need not be expended for public highways?

Yes	40,177	<input type="checkbox"/>
No	31,166	<input type="checkbox"/>

(Explanation of Question No. 1)

Presently there are many different personal property tax rates that must be applied by the Department of Motor Vehicles. The tax rate of the taxing district in which the registered owner of the motor

vehicle resides must be used. If Question No. 1 is approved, a uniform and equal tax rate for motor vehicles may be established throughout the State. The present motor vehicle personal property tax cannot exceed five cents on one dollar of assessed valuation and is not required to be used for public highways. Similarly, the new uniform tax could not exceed five cents on one dollar of assessed valuation and would not be required to be used for public highways.

QUESTION NO. 2

Amendment to the Constitution

Article 19 of the Constitution of the State of Nevada now reads as follows:

SECTION 1. Whenever ten per centum or more of the voters of this State, as shown by the number of votes cast at the last preceding general election, shall express their wish that any law or resolution made by the Legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted on, shall submit the question of the approval or disapproval of said law or resolution to be voted on at the next ensuing election wherein a State or Congressional officer is to be voted for, or wherein any question may be voted on, by the electors of the entire State.

SEC. 2. When a majority of the electors voting at a State election shall by their votes signify approval of law or resolution such law or resolution shall stand as the law of the State and shall not be overruled, annulled, set aside, suspended, or in any way made inoperative except by the direct vote of the people. When such majority shall so signify disapproval the law or resolution so disapproved shall be void and of no effect.

SEC. 3. The people reserve to themselves the power to propose laws and the power to propose amendments to the constitution and to enact or reject the same at the polls, independent of the legislature, and also reserve the power at their option to approve or reject at the polls, in the manner herein provided, any act, item, section or part of any act or measure passed by the legislature, and section one of article four of the constitution shall hereafter be considered accordingly. The first power reserved by the people is the initiative. The initiative petition shall be proposed by not less than ten per cent (10%) of the qualified electors of each of not less than seventy five per cent (75%) of the counties in the state, provided, however, that the total number of qualified electors proposing the said petition shall be not less than ten per cent (10%) of all of the qualified electors of the State. Every such petition shall include the full text of the measure so proposed. Each signer shall affix thereto his or her signature, place of residence and the county within which he or she is a qualified elector. Each document comprising the initiative petition filed with the Secretary of State shall have

affixed thereto, an affidavit made by one of the signers to each of said documents or to the petition, to the effect that all of the signatures are genuine and that each and every individual who signed his or her name thereto was at the time that he or she signed the petition a bona fide qualified elector of the respective county and the State of Nevada, said affidavit to be executed before a Notary Public or some officer authorized to administer an oath who possesses a seal. Initiative petitions, for all but municipal legislation, shall be filed with the secretary of state not less than thirty (30) days before any regular session of the legislature; the secretary of state shall transmit the same to the legislature as soon as it convenes and organizes. Such initiative measure shall take precedence over all measures of the legislature except appropriation bills, and shall be enacted or rejected by the legislature, without change or amendment, within forty (40) days. If any such initiative measure so proposed by petition as aforesaid, shall be enacted by the legislature and approved by the governor in the same manner as other laws are enacted, same shall become a law, but shall be subject to referendum petition as provided in sections one and two of this article. If said initiative measure be rejected by the legislature, or if no action be taken thereon within said forty (40) days, the secretary of state shall submit the same to the qualified electors for approval or rejection at the next ensuing general election; and if a majority of the qualified electors voting thereon shall approve of such measure it shall become a law and take effect from the date of the official declaration of the vote; an initiative measure so approved by the qualified electors shall not be annulled, set aside or repealed by the legislature within three (3) years from the date said act takes effect. In case the legislature shall reject such initiative measure, said body may, with the approval of the governor, propose a different measure on the same subject, in which event both measures shall be submitted by the secretary of state to the qualified electors for approval or rejection at the next ensuing general election. The enacting clause of all bills proposed by the initiative shall be: "The people of the State of Nevada do enact as follows." The total number of votes cast at the general election last preceding the filing of any initiative petition shall be the basis on which the number of qualified electors required to sign such petition shall be counted. The second power reserved by the people is the referendum, which shall be exercised in the manner provided in sections one and two of this article. The initiative and referendum powers in this article provided for are further reserved to the qualified electors of each county and municipality as to all local, special and municipal legislation of every character in or for said respective counties or municipalities. The legislature may provide by law for the manner of exercising the initiative and referendum powers as to county and municipal legislation, but shall not require a petition of more than 10 per cent (10%) of the qualified electors to order the referendum, nor more than 15 per cent (15%) to propose

any municipal measure by initiative. If the conflicting measures submitted to the people at the next ensuing general election shall both be approved by a majority of the votes severally cast for and against each of said measures, the measure receiving the highest number of affirmative votes shall thereupon become a law as to all conflicting provisions. The provisions of this section shall be self-executing, but legislation may be especially enacted to facilitate its operation.

If Question No. 2 is approved, Article 19 will be amended to read as follows:

SECTION 1. 1. Whenever a number of registered voters of this state equal to 10 percent or more of the number of voters who voted at the last preceding general election shall express their wish by filing a petition in the form provided for in section 3 of this article that any statute or resolution or any part thereof enacted by the legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the question of approval or disapproval of such statute or resolution or any part thereof to a vote of the voters at the next succeeding election at which such question may be voted upon by the registered voters of the entire state.

2. If a majority of the voters voting upon the proposal submitted at such election votes approval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall stand as the law of the state and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall be void and of no effect.

SEC. 2. 1. Notwithstanding the provisions of section 1 of article 4 of this constitution, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by section 3 of this article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the state, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire state at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, it shall be filed with the secretary of state not less than 30 days prior to any regular session of the legislature. The secretary of state shall transmit such petition to the legislature as soon as the legislature convenes and organizes. The petition shall take precedence over all other measures except

appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the legislature and approved by the governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in section 1 of this article. If the statute or amendment to a statute is rejected by the legislature, or if no action is taken thereon within 40 days, the secretary of state shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the supreme court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the legislature reject such proposed statute or amendment, the governor may recommend to the legislature and the legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the governor, the question of approval or disapproval of each measure shall be submitted by the secretary of state to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law.

4. If the initiative petition proposes an amendment to the constitution, it shall be filed with the secretary of state not less than 60 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire state. The secretary of state shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the state, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the secretary of state shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall become a part

of this constitution upon completion of the canvass of votes by the supreme court.

SEC. 3. Each referendum petition and initiative petition shall include the full text of the measure proposed. Each signer shall affix thereto his or her signature, residence address and the name of the county in which he or she is a registered voter. The petition may consist of more than one document, but each document shall have affixed thereto an affidavit made by one of the signers of such document to the effect that all of the signatures are genuine and that each individual who signed such document was at the time of signing a registered voter in the county of his or her residence. The affidavit shall be executed before a person authorized by law to administer oaths in the State of Nevada. The enacting clause of all statutes or amendments proposed by initiative petition shall be: "The People of the State of Nevada do enact as follows:".

SEC. 4. The initiative and referendum powers provided for in this article are further reserved to the registered voters of each county and each municipality as to all local, special and municipal legislation of every kind in or for such county or municipality. In counties and municipalities initiative petitions may be instituted by a number of registered voters equal to 15 percent or more of the voters who voted at the last preceding general county or municipal election. Referendum petitions may be instituted by 10 percent or more of such voters.

SEC. 5. The provisions of this article are self-executing but the legislature may provide by law for procedures to facilitate the operation thereof.

Explanation of the Purpose of the Proposed Amendment to Article 19 of the Constitution of Nevada

Article 19 presently provides the procedure by which the people exercise their power to propose laws and amendments to the Constitution and to have laws and resolutions passed by the Legislature submitted to them for their approval or rejection. This first power is called "initiative"; the second power is referred to as "referendum."

Although entirely rewritten to clarify its provisions, the proposed amendment leaves Article 19 substantially unchanged, except that the method of amending the Constitution by the people is different.

In order to amend the Constitution pursuant to the present Article 19, the initiative petition containing the required number of signatures is presented to the Legislature for approval or rejection. If approved by the Legislature and the Governor, the Constitution is then amended without the people having had an opportunity to express their approval or disapproval of the change in the Constitution. Only when the Legislature does not approve the people's initiative petition to amend the Constitution is the question required to be placed on the ballot at the next general election for the approval or disapproval of the people.

The proposed Article 19 provides that the people's initiative petition proposing a constitutional amendment would not be presented to the Legislature or Governor at all, but would appear on the ballot at the next general election, and, if approved, would again be submitted to the voters at the following general election (two years later). If twice approved by the voters at two successive general elections, the amendment would then become part of the Constitution of Nevada.

It should be noted that there are two methods of amending the Constitution. First, pursuant to Article 16, and second, pursuant to Article 19. When Article 16 is employed, the Constitution is amended when two successively elected Legislatures have approved by resolution an amendment to the Constitution. The then proposed amendment is submitted to a vote of the people for approval or disapproval at the next general election and, if approved, the proposed amendment becomes a part of the Constitution.

It should be noted that when Article 16 is employed, the Legislature, not the people, must first propose a change in the Constitution.

If Question No. 2 is approved, then when Article 19 is employed to amend the Constitution, the proposed change will be initiated by the people and become a part of the Constitution after the voters have approved the proposed change at the next two successive general elections.

Statements for the Printed Ballots and Voting Machines

The following language should appear on the printed ballots and voting machines:

Question No. 2.

Amendment to the Constitution.

Shall—Article 19 of the Constitution be amended so as to clarify its provisions and change the method of amending the Constitution by the people's initiative by eliminating the requirement of presenting the proposed change in the Constitution to the Legislature and Governor, and requiring instead that the question proposing the constitutional amendment be submitted to the voters at two successive general elections?

Yes	38,188	<input type="checkbox"/>
No	29,352	<input type="checkbox"/>

(Explanation of Question No. 2)

Presently an initiative petition proposing amendment to the Constitution under Article 19 is presented to the Legislature and, if approved by the Legislature and Governor, the Constitution stands amended. If Question No. 2 is approved, the people's initiative petition proposing an amendment to the Constitution would not be presented to the Legislature or Governor at all, but would appear on the general election ballot at the next two general elections and if twice approved by the voters, the amendment would become a part of the Constitution.

Section 293.253 of Nevada Revised Statutes places a duty upon the Secretary of State as well as upon the County Clerks. NRS 293.253 provides:

1. *The secretary of state shall provide each county clerk with copies of any proposed constitution, constitutional amendment or question on or before the 1st Monday in August of the year in which such constitution, amendment or question will appear on the general election ballot.*

2. *On or before the 4th Friday in October, each county clerk shall post one such copy at each polling place in the county outside the limits of incorporated cities.*

3. Each county clerk shall cause a copy of any such constitution, amendment or question to be *published in a newspaper of general circulation in the county three times at 10-day intervals, the first publication to be on or before the 1st Monday in October.* If no such newspaper is published in the county, then such publication may be made in a newspaper of general circulation published in the nearest Nevada county.

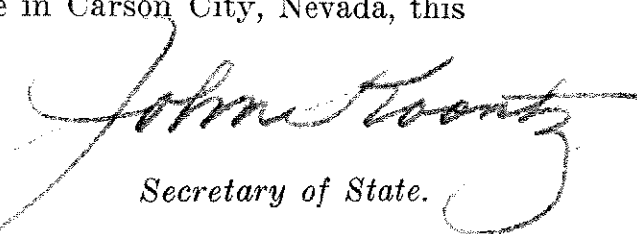
(Italics supplied.)

Pursuant to NRS 293.247, the Secretary of State has promulgated rules and regulations for the conduct of elections. Rule 62a and b read as follows:

62. a. Whenever any question is to be submitted to the vote of the people, it shall be printed upon the ballot in such manner as to enable the electors to vote "Yes" or "No" upon the question submitted in the manner provided by law. The words "Yes" and "No" separated by a lightface rule, with a square after each of the size prescribed by law, shall be printed upon the ballot after each question, with a brief statement of the purport of such question, in plain, ordinary language which may be readily understood by the ordinary lay person.

b. Before every question or constitutional amendment to be voted upon there shall be placed a number, to be designated by the Secretary of State, in boldface type not smaller than 24-point.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at my office in Carson City, Nevada, this first day of June, 1962.


Secretary of State.

(SEAL)