

STATE OF NEVADA
DEPARTMENT OF STATE

**Constitutional Amendments To Be Voted
Upon in State of Nevada at General
Election, November 7, 1978**



Compiled by

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SECRETARY OF STATE

LEGISLATIVE COUNSEL BUREAU
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**Constitutional Amendments To Be Voted Upon in
State of Nevada at the General Election,
November 7, 1978**

I, Wm. D. Swackhamer, 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 1978 General Election Ballot:

QUESTION NO. 1

Amendment to the Constitution

Senate Joint Resolution No. 14 of the 58th Session—File No. 72
File Number 50—59th Session

Shall—Senate Joint Resolution—Proposing to amend section 3 of article 15 of the Constitution of the State of Nevada relating to eligibility for public office by deleting restrictions relating to dueling and restrictions concerning female electors.

Resolved by the Senate and the Assembly of the State of Nevada, jointly, That section 3 of article 15 of the constitution of the State of Nevada be amended to read as follows:

Section 3. No person shall be eligible to any office who is not a qualified elector under this constitution. [No person who, while a citizen of this state, has, since the adoption of this constitution, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this state, or who has acted as second, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to hold any office of honor, profit or trust; or enjoy the right of suffrage under this constitution. The legislature shall provide by law for giving force and effect to the foregoing provisions of this section; provided, that females over the age of twenty-one years, who have resided in this state one year, and in the county or district six months next preceding any election to fill either of said offices, or the making of such appointment, shall be eligible to the office of superintendent of public instruction, deputy superintendent of public instruction, school trustee and notary public.]—be approved?

Yes 117630
No 33735

Statements for the Paper Ballots and Voting Devices

The following language should appear on the paper ballots and voting devices:

Question No. 1.

Amendment to the Constitution.

Shall—Senate Joint Resolution 14 to amend the State Constitution relating to eligibility for public office by removing restrictions relating to dueling and restrictions concerning female electors, be approved?

Yes 117630
No 55135

(Explanation to Question No. 1)

The Constitution currently prohibits persons who have fought or aided in a duel from holding public office. It also specifies that only those women who are at least 21 years old and who have resided in the State for at least one year and in the county six months can be notaries public and superintendents of public instruction. A “yes” vote would remove these two provisions. A “no” vote would retain them.

ARGUMENT FOR PASSAGE

This proposed amendment, if passed, would remove two archaic provisions from the State Constitution relating to a person’s eligibility for public office. A person who has fought or aided in a duel is currently prohibited from holding public office or voting. The second provision states that the Legislature shall provide by law that females shall be eligible to specific public offices of superintendent of public instruction, deputy superintendent of public instruction, school trustee and notary public. Currently, females, if otherwise qualified, are eligible to all of Nevada’s public offices. A yes vote would remove these two provisions.

ARGUMENT AGAINST PASSAGE

Dueling is a serious and punishable offense. Those participating in a duel should not be eligible for public office. Also, females currently serve in many and varied public offices throughout Nevada without reference to this specific provision of the Constitution and a change is unnecessary.

QUESTION NO. 2

Amendment to the Constitution

Assembly Joint Resolution No. 36 of the 58th Session—File No. 133
File Number 54—59th Session

Shall—Assembly Joint Resolution—Proposing to amend the Constitution of the State of Nevada by empowering the Legislature to fix the limit of original jurisdiction of the justices’ courts and the related appellate jurisdiction of the district courts and supreme court.

Resolved by the Assembly and Senate of the State of Nevada, jointly, That sections 4, 6 and 8 of article 6 of the constitution of the State of Nevada be amended to read respectively as follows:

Sec. 4. The supreme court shall have appellate jurisdiction in all [cases in equity; also in all cases at law in which is involved the title, or the right of possession to, or the possession of, real estate or mining claims, or the legality of any tax, impost, assessment, toll or

municipal fine, or in which the demand (exclusive of interest) or the value of the property in controversy, exceeds three hundred dollars; also in all other civil cases not included in the general subdivisions of law and equity,] *civil cases arising in district courts*, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. The court shall also have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the state, upon petition by, or on behalf of, any person held in actual custody, and may make such writs returnable, before himself or the supreme court, or before any district court in the state or before any judge of said courts.

In case of the disability or disqualification, for any cause, of the chief justice or one of the associate justices of the supreme court, or any two of them, the governor is authorized and empowered to designate any district judge or judges to sit in the place or places of such disqualified or disabled justice or justices, and said judge or judges so designated shall receive their actual expense of travel and otherwise while sitting in [said] *the* supreme court.

[Sec:] Sec. 6. The District Courts in the several Judicial Districts of this State shall have original jurisdiction in all [cases in equity; also in all cases at law which involve the title or the right of possession to, or the possession of real property, or Mining claims, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand (exclusive of interest) or the value of the property in controversy, exceeds Three Hundred Dollars, also in all cases relating to the estates of deceased persons, and the persons and estates of Minors and insane persons, and of the action of forcible entry and unlawful detainer; and also in all criminal cases not otherwise provided for by law;] *cases excluded by law from the original jurisdiction of justices' courts*. They shall also have final appellate jurisdiction in cases arising in Justices Courts, and such other inferior tribunals as may be established by law. The District Courts, and the Judges thereof shall have power to issue writs of Mandamus, Injunction, Quo-Warranto, Certiorari, and all other writs proper and necessary to the complete exercise of their jurisdiction; and also shall have power to issue writs of Habeas Corpus on petition by, or on behalf of any person held in actual custody in their respective districts.

[Sec:] Sec. 8. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and shall fix by law [their powers, duties and responsibilities, Provided, that such Justices Courts shall not have jurisdiction of the following cases, Viz: First, of cases in which the matter in dispute is a money demand, or personal property, and the amount of the demand (exclusive of interest) or the value of the property exceeds Three Hundred Dollars; Second, of cases wherein the title to real estate, or mining claims, or questions of boundaries to land, is or may be involved; or of cases that in any manner shall conflict with the jurisdiction of the several courts of Record in this State; And

Provided further, that Justices Courts shall have such criminal jurisdiction as may be prescribed by law; and the Legislature may confer upon said courts jurisdiction concurrent with the District Courts, of actions to enforce Mechanics liens, wherein the amount (exclusive of interest) does not exceed Three hundred dollars; and also of Actions for the possession of lands and tenements where the relation of Land lord and Tenant exists, or when such possession has been unlawfully or fraudulently obtained or with-held.] *their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided, or any combination of these.*

The provisions of this section affecting the number, qualifications, terms of office and jurisdiction of Justices of the Peace become effective on the first Monday of January, 1979.

The Legislature shall also prescribe by law the manner, and determine the cases in which appeals may be taken from Justices and other courts. The Supreme Court, the District Courts, and such other Courts, as the Legislature shall designate, shall be Courts of Record. —be approved?

Yes.....
No.....

Statements for the Paper Ballots and Voting Devices

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

Question No. 2.

Amendment to the Constitution.

Shall—Assembly Joint Resolution 36 to amend the State Constitution to empower the Legislature to fix the limit of original jurisdiction of the justice courts and the related appeal jurisdiction of the district courts and supreme court be approved?

Yes *106 255*.....
No *64 305*.....

(Explanation to Question No. 2)

A “yes” vote would remove the \$300 maximum limit of jurisdiction for Nevada’s justice courts from the Constitution and permit the Legislature to fix the jurisdiction of such courts by law. Also, it would specifically provide in the Constitution that the Legislature shall fix by law the qualifications and terms of office of justices of the peace. A “no” vote would defeat the proposed amendment.

ARGUMENT FOR PASSAGE

Passage of this proposed constitutional amendment would remove the \$300 maximum limit of jurisdiction for Nevada’s justice courts and permit the legislature to adjust the limits as changing times may require. On the assumption that the legislature would raise this limit, established in 1864, to a realistic and modern figure, more matters could be heard at the less formal and less expensive level of the peoples’ court.

ARGUMENT AGAINST PASSAGE

The legislature should not be entrusted with greater powers over the jurisdiction of justice courts than the Constitution presently provides: lest that power be abused.

QUESTION NO. 3

Amendment to the Constitution

Senate Joint Resolution No. 16 of the 58th Session—File No. 92
File Number 71—59th Session

Shall—Senate Joint Resolution—Proposing to amend section 31 of article 4 of the Constitution of the State of Nevada, relating to the property rights of married persons, by more clearly delineating the property rights of such persons and by deleting the constitutional requirement that the legislature adopt laws providing for the registration of the separate property of married women.

Resolved by the Senate and Assembly of the State of Nevada, jointly, That section 31 of article 4 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec. 31. All property, both real and personal, of [the wife] a married person owned or claimed by [her] such person before marriage, and that acquired afterward by gift, devise or descent, shall be [her separate property; and laws shall be passed, more clearly defining the rights of the wife in relation as well to her separate property, as to that held in common with her husband. Laws shall also be passed providing for the registration of the wives [wife's] separate property.] the separate property of such person. The legislature shall more clearly define the rights of married persons in relation to their separate property and other property.—be approved?*

Yes.....
No.....

Statements for the Paper Ballots and Voting Devices

The following language should appear on the paper ballots and voting devices:

Question No. 3.

Amendment to the Constitution.

Shall—Senate Joint Resolution 16 to amend the State Constitution relating to the property rights of married persons be approved?

Yes 132 949.....
No 40 528.....

(Explanation to Question No. 3)

The Constitution currently specifies that wives may hold separate property acquired before marriage or acquired afterward by gift or inheritance and for this purpose must register such separate property. A “yes” vote would amend the Constitution to specify that both husbands and wives

may hold such separate property and that the legislature may pass laws to clearly define the rights of married persons in relation to such property. A “no” vote would defeat the amendment.

ARGUMENT FOR PASSAGE

This constitutional amendment if passed would put both husband and wife on an equal footing regarding separate property and other property. Also, the legislature would be directed to define the rights of married persons in relation to their separate property and other property.

ARGUMENT AGAINST PASSAGE

Passage would remove the duty of the legislature to provide for the registration of separate property. Married women could thus be deprived of their present right to register their separate property if the legislature should repeal the existing statute.

QUESTION NO. 4

Amendment to the Constitution

Assembly Joint Resolution No. 21 of the 58th Session—File No. 103
File Number 96—59th Session

Shall—Assembly Joint Resolution—Proposing an amendment to section 1 of article 10 of the constitution of the State of Nevada, relating to taxation, by requiring the legislature to provide for a progressive exemption of business inventories from property taxation and permitting the legislature to exempt any other personal property from such taxation.

Resolved by the Assembly and Senate of the State of Nevada, jointly, That section 1 of article 10 of the constitution of the State of Nevada be amended 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. Notwithstanding the provisions of this section, the legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use

conforming to the use for which other nearby property is used. 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. *The legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The legislature may exempt any other personal property, including livestock.* 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.—be approved?

Yes.....
 No.....

Statements for the Paper Ballots and Voting Devices

The following language should appear on the paper ballots and voting devices:

Question No. 4.

Amendment to the Constitution.

Shall—Assembly Joint Resolution No. 21 proposing to amend the State Constitution to exempt business inventories and other personal property from property taxation be approved?

Yes 128 901.....
 No 51 890.....

(Explanation to Question No. 4)

A “yes” vote would permit a progressive reduction in the tax on business inventories by 20 percent each year until entirely exempt from taxation. It would also permit the legislature to exempt any other personal property from taxation, including livestock. A “no” vote would defeat the amendment.

ARGUMENT FOR PASSAGE

The states which adjoin Nevada impose no tax on business inventories or tax them at a greatly reduced rate. Removal of this tax in Nevada

would encourage local merchants to carry larger inventories, thus affording a wider range of choice to customers. The existing tax on household furniture, clothing and similar personal property is difficult to enforce fairly and produces little revenue.

ARGUMENT AGAINST PASSAGE

The required reduction of the tax on business inventories would reduce the tax base of local governments. Unless offset by greater sales tax revenue from local purchases, to raise the same tax revenue would then require a higher rate of tax on other property or the imposition or increase of another form of tax.

(End of Form of Ballot Label)

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:

293.253 Publication of constitutional amendments, statewide measures; Duties of secretary of state, county clerk; costs.

1. The secretary of state shall provide each county clerk with copies of any proposed constitution, constitutional amendment or statewide measure which will appear on the general election ballot together with the explanation prepared pursuant to NRS 293.250.

2. Whenever feasible, he shall provide such copies on or before the 1st Monday in August of the year in which such proposals will appear on the ballot. Copies of any additional proposals shall be provided as soon after their filing as feasible.

3. Each county clerk shall cause a copy of any such constitution, amendment or measure and its explanation to be published, in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the county three times at intervals of not less than 7 days, the first publication to be on or before the 1st Monday in October. If no such newspaper is published in the county, then the publication may be made in a newspaper of general circulation published in the nearest Nevada county.

4. When a copy is furnished by the secretary of state too late to be published at 7-day intervals, it shall be published three times at the longest intervals feasible in each county.

5. The portion of the cost of publication which is attributable to publishing the questions and explanations of proposed constitutions, constitutional amendments or statewide measures is a charge against the state and shall be paid from the reserve for statutory contingency fund upon recommendation by the secretary of state and approval by the state board of examiners.

(Added to NRS by 1960, 250; A 1967, 846; 1975, 938; 1977, 1010)

Pursuant to NRS 293.247, the Secretary of State has promulgated rules and regulations for the conduct of elections. Rules A-9, A-10 and A-11 read as follows:

A-9. *Ballot questions to be numbered.* 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.

A-10. *Ballot questions to be answerable by "Yes" or "No."* Whenever any question is to be submitted to the vote of the people, it shall be printed upon the ballot or ballot page assembly in such manner as to enable the electors to vote "Yes" or "No" upon the question submitted in the manner provided by law.

A-11. *Ballot questions to be explained.* A brief statement of the purport of the question, in plain language readily understandable by the ordinary lay person, shall be enclosed with each mailed copy of the sample ballot and posted at convenient locations in each polling place.

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 1st day of March, 1978.


Secretary of State

(SEAL)

I, Wm. D. Swackhamer, the duly elected, qualified and acting Secretary of State of the State of Nevada, do hereby certify that the following advisory question is to appear on the 1978 General Election Ballot:

QUESTION NO. 5

Do you recommend that the Nevada Legislature ratify the following proposed amendment to the United States Constitution, commonly known as the equal rights amendment?

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Sec. 3. This amendment shall take effect two years after the date of ratification.

Yes... 61,768
No... 123,952

EXPLANATION OF ADVISORY QUESTION NO. 5

Nevada has not yet ratified the "Equal Rights Amendment" to the United States Constitution. A "yes" vote on this advisory question would recommend that the Nevada Legislature take action to ratify that amendment. A "no" vote on this advisory question would recommend that the Nevada Legislature refrain from taking action to ratify that amendment.

The result of the voting on this question does not place any legal requirement on the legislature or any of its members.

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 3rd day of April 1978.



Secretary of State

TO BE VOTED ON AT THE GENERAL ELECTION
November 7, 1978

I, Wm. D. Swackhamer, the duly elected, qualified and acting Secretary of State of the State of Nevada, do hereby certify that the following question is to appear on the 1978 General Election Ballot:

QUESTION NO. 6

INITIATIVE TO LIMIT THE GENERAL TAX ON REAL PROPERTY

Shall an amendment to Article 10 of the Nevada Constitution limiting the general tax on real property to 1% of full cash value; imposing a 2% per year limit on the inflation of market value; requiring a two-thirds majority vote of the legislature to increase revenues and authorizing the legislature to provide political subdivisions with the means to impose new taxes if approved by two-thirds of those voters voting be approved?

YES 140509

NO 40154

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EXPLANATION TO QUESTION NO. 6

This is an initiative measure proposed by the people to amend the Constitution. It would limit property taxes to no more than 1% of the full cash value of real property. Full cash value would mean the appraised valuation of real property commencing July 1, 1975 or as appraised after purchase, construction or certain other changes in ownership occurring after July 1, 1975. The method of determining full cash value may be established by legislation, except that if market value is made a factor, the market value base may reflect from year to year an inflationary rate not to exceed 2% for any given year, or a reduction as shown in the consumer price index or other comparable data for the area where the realty is located. Laws increasing revenues may not be passed except by a two-thirds vote of the legislature and local governments may be authorized by the legislature to impose new taxes only if approved by two-thirds of the voters in the local government area, but in neither case may new property taxes be imposed. A "yes" vote would require this measure to be placed on the 1980 general election ballot for further approval by the voters. A "no" vote would defeat this measure immediately.

SPECIAL NOTE OF EXPLANATION

An initiative measure to amend the Constitution of the State of Nevada must, by law, be approved by a majority of voters at two consecutive general elections. This measure may be defeated at this 1978 general election but cannot be approved and put into effect until the general election of 1980 upon the second majority vote of the people.

QUESTION NO. 6

ARGUMENTS FOR PASSAGE

Passage in 1978 is necessary to permit final action in 1980 should the 1979 legislature fail to provide a better substitute.

Residential real property taxes are a burden on every homeowner in the state. Rents or mortgage impound payments may possibly be reduced. Increases in rents or taxes bear hardest on those whose incomes are fixed.

Commercial real property taxes are inevitably passed on to the purchaser of goods or services.

ARGUMENTS AGAINST PASSAGE

Total taxes cannot be reduced or limited without reducing total spending or services of the state or local governments. This measure would not limit spending.

A landlord might not pass on a reduction of property taxes to his tenants. This measure does not require these benefits to be passed on.

The proposed limitation on taxes applied to property whose owners have not changed is unfair to the buyer compelled to purchase property after this measure becomes law and may be unconstitutional.

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 31 st day of August 1978.

Wm. D. Swackhamer
Secretary of State