
ASSEMBLY JOINT RESOLUTION NO. 8—ASSEMBLYMEN DICKMAN,
WHEELER, ARMSTRONG, JONES, FIORE; PAUL ANDERSON,
EDWARDS, ELLISON, GARDNER, O'NEILL, OSCARSON,
SEAMAN, SHELTON, SILBERKRAUS, TITUS AND TROWBRIDGE

MARCH 16, 2015

JOINT SPONSORS: SENATORS GUSTAVSON; AND GOICOECHEA

Referred to Committee on Legislative Operations and Elections

SUMMARY—Proposes to amend the Nevada Constitution to
require approval of certain initiative measures by a
two-thirds vote. (BDR C-916)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the
Nevada Constitution to require that an initiative petition
which creates, generates or increases any public revenue
be approved by the affirmative vote of not less than two-
thirds of the voters voting on the question.

Legislative Counsel's Digest:

1 The Nevada Constitution reserves to the people the power to propose statutory
2 or constitutional amendments by initiative petition. In the case of a statutory
3 initiative petition that has qualified for the ballot, the Constitution provides that
4 such a petition must initially be transmitted by the Secretary of State to the
5 Legislature, which may enact the measure, reject it or take no action on it. If the
6 measure is enacted by the Legislature and approved by the Governor in the same
7 manner as other statutes are enacted, it becomes law. (Nev. Const. Art. 19, § 2)
8 This resolution proposes, initially, to amend the Constitution to provide that
9 legislative enactment of a statutory initiative measure which creates, generates or
10 increases any public revenue in any form requires the affirmative vote of not less
11 than two-thirds of the members elected to each House of the Legislature, in the
12 same manner as a bill or joint resolution originating in the Legislature and creating,
13 generating or increasing any public revenue. (Nev. Const. Art. 4, § 18)

14 The Constitution also provides that a majority of all the members elected to
15 each House of the Legislature may refer any measure which creates, generates or
16 increases any public revenue to the voters at the next general election. The measure




17 becomes effective if it is approved by a majority of the votes cast on the measure at
18 the election. (Nev. Const. Art. 4, § 18) This resolution proposes to amend the
19 Constitution to require that a statutory initiative measure which is so referred must
20 be approved by the affirmative vote of not less than two-thirds of the voters voting
21 on the question.

22 If a statutory initiative measure is rejected or if no action is taken on it by the
23 Legislature, the Constitution provides that the measure must be submitted to the
24 voters at the next general election. The measure becomes effective if it is approved
25 by a majority of the votes cast on the measure at the election. An initiative petition
26 that proposes an amendment to the Constitution and has qualified for the ballot is
27 not transmitted to the Legislature, but is placed on the ballot. If a constitutional
28 initiative measure is approved by a majority of the votes cast on the measure at two
29 successive general elections, it likewise becomes effective. (Nev. Const. Art. 19, §
30 2) This resolution proposes to amend the Constitution to provide that a statutory or
31 constitutional initiative measure must be approved by the affirmative vote of not
32 less than two-thirds of the voters voting on the question if the measure creates,
33 generates or increases any public revenue.

1 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF
2 NEVADA, JOINTLY, That Section 18 of Article 4 of the Nevada
3 Constitution be amended to read as follows:

4 Sec. 18. 1. Every bill, except a bill placed on a
5 consent calendar adopted as provided in subsection 4, must be
6 read by sections on three several days, in each House, unless
7 in case of emergency, two thirds of the House where such bill
8 is pending shall deem it expedient to dispense with this rule.
9 The reading of a bill by sections, on its final passage, shall in
10 no case be dispensed with, and the vote on the final passage
11 of every bill or joint resolution shall be taken by yeas and
12 nays to be entered on the journals of each House. Except as
13 otherwise provided in subsection 2, a majority of all the
14 members elected to each House is necessary to pass every bill
15 or joint resolution, and all bills or joint resolutions so passed,
16 shall be signed by the presiding officers of the respective
17 Houses and by the Secretary of the Senate and Clerk of the
18 Assembly.

19 2. Except as otherwise provided in subsection 3, an
20 affirmative vote of not fewer than two-thirds of the members
21 elected to each House is necessary to pass a bill or joint
22 resolution which creates, generates, or increases any public
23 revenue in any form, including but not limited to taxes, fees,
24 assessments and rates, or changes in the computation bases
25 for taxes, fees, assessments and rates.

26 3. A majority of all of the members elected to each
27 House may refer any measure which creates, generates, or
28 increases any revenue in any form to the people of the State at
29 the next general election  and , *except as otherwise*



1 *provided in Section 7 of Article 19, the measure* shall
2 become effective and enforced only if it has been approved
3 by a majority of the votes cast on the measure at such
4 election.

5 4. Each House may provide by rule for the creation of a
6 consent calendar and establish the procedure for the passage
7 of uncontested bills.

8 And be it further

9 RESOLVED, That a new section, designated Section 7, be added
10 to Article 19 of the Nevada Constitution to read as follows:

11 *Sec. 7. Notwithstanding any other provision of this*
12 *Constitution, if an initiative petition proposes a statute, an*
13 *amendment to a statute, the repeal of a statute or an*
14 *amendment to the Constitution and the initiative, if*
15 *approved, would create, generate or increase any public*
16 *revenue in any form, including but not limited to taxes, fees,*
17 *assessments and rates, or changes in the computation bases*
18 *for taxes, fees, assessments and rates, an affirmative vote of*
19 *not less than two-thirds of the voters voting on the question*
20 *is necessary to approve the petition at each election required*
21 *for the petition. If more than one-third of the voters voting*
22 *on the question at any such election votes disapproval of the*
23 *petition, no further action may be taken on the petition.*

24 And be it further

25 RESOLVED, That Section 2 of Article 19 of the Nevada
26 Constitution be amended to read as follows:

27 Sec. 2. 1. Notwithstanding the provisions of Section 1
28 of Article 4 of this Constitution, but subject to the limitations
29 of ~~[Section]~~ *Sections 6 and 7* of this Article, the people
30 reserve to themselves the power to propose, by initiative
31 petition, statutes and amendments to statutes and amendments
32 to this Constitution, and to enact or reject them at the polls.

33 2. An initiative petition shall be in the form required by
34 Section 3 of this Article and shall be proposed by a number of
35 registered voters equal to 10 percent or more of the number of
36 voters who voted at the last preceding general election in not
37 less than 75 percent of the counties in the State, but the total
38 number of registered voters signing the initiative petition
39 shall be equal to 10 percent or more of the voters who voted
40 in the entire State at the last preceding general election.

41 3. If the initiative petition proposes a statute or an
42 amendment to a statute, the person who intends to circulate it
43 shall file a copy with the Secretary of State before beginning
44 circulation and not earlier than January 1 of the year
45 preceding the year in which a regular session of the



1 Legislature is held. After its circulation, it shall be filed with
2 the Secretary of State not less than 30 days prior to any
3 regular session of the Legislature. The circulation of the
4 petition shall cease on the day the petition is filed with the
5 Secretary of State or such other date as may be prescribed for
6 the verification of the number of signatures affixed to the
7 petition, whichever is earliest. The Secretary of State shall
8 transmit such petition to the Legislature as soon as the
9 Legislature convenes and organizes. The petition shall take
10 precedence over all other measures except appropriation bills,
11 and the statute or amendment to a statute proposed thereby
12 shall be enacted or rejected by the Legislature without change
13 or amendment within 40 days. *The petition shall be subject*
14 *to the provisions of Section 18 of Article 4 if the petition*
15 *creates, generates or increases any public revenue in any*
16 *form, including but not limited to taxes, fees, assessments*
17 *and rates, or changes in the computation bases for taxes,*
18 *fees, assessments and rates.* If the proposed statute or
19 amendment to a statute is enacted by the Legislature and
20 approved by the Governor in the same manner as other
21 statutes are enacted, such statute or amendment to a statute
22 shall become law, but shall be subject to referendum petition
23 as provided in Section 1 of this Article. If the statute or
24 amendment to a statute is rejected by the Legislature, or if no
25 action is taken thereon within 40 days, the Secretary of State
26 shall submit the question of approval or disapproval of such
27 statute or amendment to a statute to a vote of the voters at the
28 next succeeding general election. ~~##~~ *Except as otherwise*
29 *provided in Section 7 of this Article, if* a majority of the
30 voters voting on such question at such election votes approval
31 of such statute or amendment to a statute, it shall become law
32 and take effect upon completion of the canvass of votes by
33 the Supreme Court. An initiative measure so approved by the
34 voters shall not be amended, annulled, repealed, set aside or
35 suspended by the Legislature within 3 years from the date it
36 takes effect. If a majority of such voters votes disapproval of
37 such statute or amendment to a statute, no further action shall
38 be taken on such petition. If the Legislature rejects such
39 proposed statute or amendment, the Governor may
40 recommend to the Legislature and the Legislature may
41 propose a different measure on the same subject, in which
42 event, after such different measure has been approved by the
43 Governor, the question of approval or disapproval of each
44 measure shall be submitted by the Secretary of State to a vote
45 of the voters at the next succeeding general election. ~~##~~



1 *Except as otherwise provided in Section 7 of this Article, if*
2 the conflicting provisions submitted to the voters are both
3 approved by a majority of the voters voting on such
4 measures, the measure which receives the largest number of
5 affirmative votes shall thereupon become law. If at the
6 session of the Legislature to which an initiative petition
7 proposing an amendment to a statute is presented which the
8 Legislature rejects or upon which it takes no action, the
9 Legislature amends the statute which the petition proposes to
10 amend in a respect which does not conflict in substance with
11 the proposed amendment, the Secretary of State in submitting
12 the statute to the voters for approval or disapproval of the
13 proposed amendment shall include the amendment made by
14 the Legislature.

15 4. If the initiative petition proposes an amendment to the
16 Constitution, the person who intends to circulate it shall file a
17 copy with the Secretary of State before beginning circulation
18 and not earlier than September 1 of the year before the year in
19 which the election is to be held. After its circulation it shall
20 be filed with the Secretary of State not less than 90 days
21 before any regular general election at which the question of
22 approval or disapproval of such amendment may be voted
23 upon by the voters of the entire State. The circulation of the
24 petition shall cease on the day the petition is filed with the
25 Secretary of State or such other date as may be prescribed for
26 the verification of the number of signatures affixed to the
27 petition, whichever is earliest. The Secretary of State shall
28 cause to be published in a newspaper of general circulation,
29 on three separate occasions, in each county in the State,
30 together with any explanatory matter which shall be placed
31 upon the ballot, the entire text of the proposed amendment. If
32 a majority of the voters voting on such question at such
33 election votes disapproval of such amendment, no further
34 action shall be taken on the petition. ~~¶¶~~ *Except as otherwise*
35 *provided in Section 7 of this Article, if* a majority of such
36 voters votes approval of such amendment, the Secretary of
37 State shall publish and resubmit the question of approval or
38 disapproval to a vote of the voters at the next succeeding
39 general election in the same manner as such question was
40 originally submitted. If a majority of such voters votes
41 disapproval of such amendment, no further action shall be
42 taken on such petition. ~~¶¶~~ *Except as otherwise provided in*
43 *Section 7 of this Article, if* a majority of such voters votes
44 approval of such amendment, it shall, unless precluded by



1 subsection 5 or 6, become a part of this Constitution upon
2 completion of the canvass of votes by the Supreme Court.

3 5. If two or more measures which affect the same
4 section of a statute or of the Constitution are finally approved
5 pursuant to this Section ~~6~~ *and Section 7 of this Article*, or an
6 amendment to the Constitution is finally so approved and an
7 amendment proposed by the Legislature is ratified which
8 affect the same section, by the voters at the same election:

9 (a) If all can be given effect without contradiction in
10 substance, each shall be given effect.

11 (b) If one or more contradict in substance the other or
12 others, the measure which received the largest favorable vote,
13 and any other approved measure compatible with it, shall be
14 given effect. If the one or more measures that contradict in
15 substance the other or others receive the same number of
16 favorable votes, none of the measures that contradict another
17 shall be given effect.

18 6. If, at the same election as the first approval of a
19 constitutional amendment pursuant to this Section, another
20 amendment is finally approved pursuant to this Section, or an
21 amendment proposed by the Legislature is ratified, which
22 affects the same section of the Constitution but is compatible
23 with the amendment given first approval, the Secretary of
24 State shall publish and resubmit at the next general election
25 the amendment given first approval as a further amendment
26 to the section as amended by the amendment given final
27 approval or ratified. If the amendment finally approved or
28 ratified contradicts in substance the amendment given first
29 approval, the Secretary of State shall not submit the
30 amendment given first approval to the voters again.

