

ASSEMBLY JOINT RESOLUTION NO. 13—ASSEMBLYMEN WHEELER,  
DICKMAN, ELLISON; MATTHEWS AND O’NEILL

MARCH 19, 2021

Referred to Committee on Legislative Operations and Elections

SUMMARY—Proposes to amend the Nevada Constitution to require the Legislature to canvass the vote for certain elections and certify the results of such elections. (BDR C-652)

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

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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 the Legislature to canvass the vote for certain elections and certify results of such elections.

**Legislative Counsel’s Digest:**

1 The Nevada Constitution requires the Nevada Supreme Court after a general  
2 election to canvass the vote and certify the results of elections for United States  
3 senators and members of Congress, district and state officers and for ballot  
4 questions. (Nev. Const. Art. 5, § 4) This resolution proposes to require the  
5 Legislature, instead of the Nevada Supreme Court, to canvass the vote and certify  
6 the results of such elections.

7 The Nevada Constitution requires the Legislature to convene biennially for a  
8 regular session, which commences on the first Monday in February following the  
9 election of members of the Assembly. (Nev. Const. Art. 4, § 2) The Nevada  
10 Constitution also provides that the Legislature may convene for a special session at  
11 such other times as declared by: (1) two-thirds of each House of the Legislature; or  
12 (2) the Governor. (Nev. Const. Art. 4, § 2A, Art. 5, § 9) This resolution proposes to  
13 require the Legislature to convene for a special session at a time fixed by law in  
14 order to allow the Legislature to canvass the vote and certify the results of the  
15 elections for which the Legislature canvasses the vote.

16 The Nevada Constitution also provides that if the Legislature does not  
17 appropriate funds during a regular session for the support and maintenance of  
18 universities and schools then the Legislature must do so upon the commencement  
19 of a special session. (Nev. Const. Art. 11, § 6) This resolution proposes to exempt  
20 from such requirements for educational appropriations the special sessions  
21 convened to canvass the vote and certify the results of elections for which the  
22 Legislature canvasses the vote.



23 If this resolution is passed by the 2021 Legislature, it must also be passed by  
24 the next Legislature and then approved and ratified by the voters in an election  
25 before the proposed amendments to the Nevada Constitution become effective.

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

4 Sec. 2. 1. The sessions of the Legislature shall be  
5 biennial, and shall commence on the 1st Monday of February  
6 following the election of members of the Assembly, unless  
7 ~~the~~

8 (a) *The* Governor of the State or the members of the  
9 Legislature shall, in the interim, convene the Legislature by  
10 proclamation or petition ~~to~~;

11 (b) *The Legislature convenes in a special session*  
12 *pursuant to Section 4 of Article 5 of this Constitution.*

13 2. The Legislature shall adjourn sine die each regular  
14 session not later than midnight Pacific time at the end of the  
15 120th consecutive calendar day of that session, inclusive of  
16 the day on which that session commences. Any legislative  
17 action taken after midnight Pacific time at the end of the  
18 120th consecutive calendar day of that session is void, unless  
19 the legislative action is conducted during a special session.

20 3. The Governor shall submit the proposed executive  
21 budget to the Legislature not later than 14 calendar days  
22 before the commencement of each regular session.

23 4. For the purposes of this section, "midnight Pacific  
24 time" must be determined based on the actual measure of  
25 time that, on the final calendar day of the session, is being  
26 used and observed by the general population as the uniform  
27 time for the portion of Nevada which lies within the Pacific  
28 time zone, or any legal successor to the Pacific time zone, and  
29 which includes the seat of government of this State as  
30 designated by Section 1 of Article 15 of this Constitution.  
31 The Legislature and its members, officers and employees  
32 shall not employ any device, pretense or fiction that adjusts,  
33 evades or ignores this measure of time for the purpose of  
34 extending the duration of the session.

35 And be it further

36 RESOLVED, That Section 2A of Article 4 of the Nevada  
37 Constitution be amended to read as follows:

38 Sec. 2A. 1. ~~The~~ *Except as otherwise provided in*  
39 *Section 4 of Article 5 of this Constitution, the* Legislature  
40 may be convened, on extraordinary occasions, upon a petition  
41 signed by two-thirds of the members elected to each House of



1 the Legislature. A petition must specify the business to be  
2 transacted during the special session, indicate a date on or  
3 before which the Legislature is to convene and be transmitted  
4 to the Secretary of State. Upon receipt of one or more  
5 substantially similar petitions signed, in the aggregate, by the  
6 required number of members, calling for a special session, the  
7 Secretary of State shall notify all members of the Legislature  
8 and the Governor that a special session will be convened  
9 pursuant to this section.

10 2. At a special session convened pursuant to this section,  
11 the Legislature shall not introduce, consider or pass any bills  
12 except those related to the business specified in the petition  
13 and those necessary to provide for the expenses of the  
14 session.

15 3. A special session convened pursuant to this section  
16 takes precedence over a special session convened by the  
17 Governor pursuant to Section 9 of Article 5 of this  
18 Constitution, unless otherwise provided in the petition  
19 convening the special session pursuant to this section.

20 4. The Legislature may provide by law for the procedure  
21 for convening a special session pursuant to this section.

22 5. Except as otherwise provided in this subsection, the  
23 Legislature shall adjourn sine die a special session convened  
24 pursuant to this section not later than midnight Pacific time at  
25 the end of the 20th consecutive calendar day of that session,  
26 inclusive of the day on which that session commences. Any  
27 legislative action taken after midnight Pacific time at the end  
28 of the 20th consecutive calendar day of that session is void.  
29 This subsection does not apply to a special session that is  
30 convened to conduct proceedings for:

31 (a) Impeachment or removal from office of the Governor  
32 and other state and judicial officers pursuant to Article 7 of  
33 this Constitution; or

34 (b) Expulsion from office of a member of the Legislature  
35 pursuant to Section 6 of Article 4 of this Constitution.

36 6. For the purposes of this section, "midnight Pacific  
37 time" must be determined based on the actual measure of  
38 time that, on the final calendar day of the session, is being  
39 used and observed by the general population as the uniform  
40 time for the portion of Nevada which lies within the Pacific  
41 time zone, or any legal successor to the Pacific time zone, and  
42 which includes the seat of government of this State as  
43 designated by Section 1 of Article 15 of this Constitution.  
44 The Legislature and its members, officers and employees  
45 shall not employ any device, pretense or fiction that adjusts,



1 evades or ignores this measure of time for the purpose of  
2 extending the duration of the session.

3 And be it further

4 RESOLVED, That Section 4 of Article 5 of the Nevada  
5 Constitution be amended to read as follows:

6 ~~[Section]~~ **Sec. 4. 1.** The returns of every election for  
7 United States senator and member of Congress, district and  
8 state officers, and for and against any questions submitted to  
9 the electors of the State of Nevada, voted for at the general  
10 election, shall be sealed up and transmitted to the seat of  
11 government, directed to the secretary of state . ~~[, and the chief  
12 justice of the supreme court, and the associate justices, or a  
13 majority thereof, shall meet at the office of the secretary of  
14 state.]~~ **The Secretary of State shall transmit such returns to  
15 the Legislature as soon as the Legislature convenes and  
16 organizes a special session pursuant to this section.**

17 **2. The Legislature shall convene for a special session**  
18 on a day to be fixed by law, and open and canvass the  
19 election returns for United States senator and member of  
20 Congress, district and state officers, and for and against any  
21 questions submitted to the electors of the State of Nevada,  
22 and forthwith declare the result and publish the names of the  
23 persons elected and the results of the vote cast upon any  
24 question submitted to the electors of the State of Nevada. The  
25 persons having the highest number of votes for the respective  
26 offices shall be declared elected, but in case any two or more  
27 have an equal and the highest number of votes for the same  
28 office, the legislature shall, by joint vote of both houses, elect  
29 one of said persons to fill said office.

30 **3. At a special session convened pursuant to this  
31 section, the Legislature shall not introduce, consider or pass  
32 any bill or resolution except those related to the business for  
33 which the Legislature has been specially convened and  
34 those necessary for the expenses of the session.**

35 And be it further

36 RESOLVED, That Section 9 of Article 5 of the Nevada  
37 Constitution be amended to read as follows:

38 Sec. 9. 1. Except as otherwise provided in Section 2A  
39 of Article 4 **and Section 4 of Article 5** of this Constitution,  
40 the Governor may, on extraordinary occasions, convene the  
41 Legislature by Proclamation and shall state to both houses,  
42 when organized, the business for which they have been  
43 specially convened.

44 2. At a special session convened pursuant to this section,  
45 the Legislature shall not introduce, consider or pass any bills



1 except those related to the business for which the Legislature  
2 has been specially convened and those necessary to provide  
3 for the expenses of the session.

4 3. Except as otherwise provided in this subsection, the  
5 Legislature shall adjourn sine die a special session convened  
6 pursuant to this section not later than midnight Pacific time at  
7 the end of the 20th consecutive calendar day of that session,  
8 inclusive of the day on which that session commences. Any  
9 legislative action taken after midnight Pacific time at the end  
10 of the 20th consecutive calendar day of that session is void.  
11 This subsection does not apply to a special session that is  
12 convened to conduct proceedings for:

13 (a) Impeachment or removal from office of the Governor  
14 and other state and judicial officers pursuant to Article 7 of  
15 this Constitution; or

16 (b) Expulsion from office of a member of the Legislature  
17 pursuant to Section 6 of Article 4 of this Constitution.

18 4. For the purposes of this section, "midnight Pacific  
19 time" must be determined based on the actual measure of  
20 time that, on the final calendar day of the session, is being  
21 used and observed by the general population as the uniform  
22 time for the portion of Nevada which lies within the Pacific  
23 time zone, or any legal successor to the Pacific time zone, and  
24 which includes the seat of government of this State as  
25 designated by Section 1 of Article 15 of this Constitution.  
26 The Legislature and its members, officers and employees  
27 shall not employ any device, pretense or fiction that adjusts,  
28 evades or ignores this measure of time for the purpose of  
29 extending the duration of the session.

30 And be it further

31 RESOLVED, That Section 6 of Article 11 of the Nevada  
32 Constitution be amended to read as follows:

33 ~~[Section]~~ **Sec.** 6. 1. In addition to other means  
34 provided for the support and maintenance of said university  
35 and common schools, the legislature shall provide for their  
36 support and maintenance by direct legislative appropriation  
37 from the general fund, upon the presentation of budgets in the  
38 manner required by law.

39 2. During a regular session of the Legislature, before any  
40 other appropriation is enacted to fund a portion of the state  
41 budget for the next ensuing biennium, the Legislature shall  
42 enact one or more appropriations to provide the money the  
43 Legislature deems to be sufficient, when combined with the  
44 local money reasonably available for this purpose, to fund  
45 the operation of the public schools in the State for



1 kindergarten through grade 12 for the next ensuing biennium  
2 for the population reasonably estimated for that biennium.

3 3. During a special session of the Legislature that is held  
4 between the end of a regular session in which the Legislature  
5 has not enacted the appropriation or appropriations required  
6 by subsection 2 to fund education for the next ensuing  
7 biennium and the first day of that next ensuing biennium,  
8 before any other appropriation is enacted other than  
9 appropriations required to pay the cost of that special session,  
10 the Legislature shall enact one or more appropriations to  
11 provide the money the Legislature deems to be sufficient,  
12 when combined with the local money reasonably available for  
13 this purpose, to fund the operation of the public schools in the  
14 State for kindergarten through grade 12 for the next ensuing  
15 biennium for the population reasonably estimated for that  
16 biennium.

17 4. During a special session of the Legislature that is held  
18 in a biennium for which the Legislature has not enacted the  
19 appropriation or appropriations required by subsection 2 to  
20 fund education for the biennium in which the special session  
21 is being held, before any other appropriation is enacted other  
22 than appropriations required to pay the cost of that special  
23 session, the Legislature shall enact one or more  
24 appropriations to provide the money the Legislature deems to  
25 be sufficient, when combined with the local money  
26 reasonably available for this purpose, to fund the operation of  
27 the public schools in the State for kindergarten through grade  
28 12 for the population reasonably estimated for the biennium  
29 in which the special session is held.

30 5. Any appropriation of money enacted in violation of  
31 subsection 2, 3 or 4 is void.

32 6. *This section does not apply to a special session*  
33 *convened pursuant to Section 4 of Article 5 of this*  
34 *Constitution.*

35 7. As used in this section, "biennium" means a period of  
36 two fiscal years beginning on July 1 of an odd-numbered year  
37 and ending on June 30 of the next ensuing odd-numbered  
38 year.

39 And, be it further

40 RESOLVED, That this resolution becomes effective upon  
41 passage.

