

QUESTION NO. 3

Amendment to the Nevada Constitution

Assembly Joint Resolution No. 6 of the 67th Session

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to revise the method of determining the number of signatures required on a petition for the recall of a public officer and to provide additional time to hold a special election on a recall petition?

Yes

No

EXPLANATION

The Nevada Constitution requires a petition for the recall of a public officer to be signed by at least 25 percent of the number of registered voters who voted at the preceding general election in the district from which the public officer was elected. The proposed amendment would instead base the number of signatures required on such a petition on the number of voters who voted at the actual election in which the public officer was elected, which may have been an election conducted before the preceding general election.

The proposal would also extend, from 20 to 30 days, the period within which a special election for consideration of the proposed recall must be held after it is ordered.

ARGUMENTS FOR PASSAGE

Nevada is the fastest growing state in this country. This population growth can cause an extraordinary increase in the number of people who vote. That increase in voters unfairly causes an increase in the number of signatures required on a petition to recall a public officer. The proposed amendment would ensure that the number of required signatures is based on the number of persons who voted in the election in which the public officer was actually elected, not on the increased number of voters who voted at a later election.

Once the recall petition is submitted and a special recall election is ordered, a realistic amount of time is needed to:

1. Schedule the date of the special election;
2. Allow the proper preparation of the special ballots; and
3. Advise the voters of the relevant issues and information.

The current time of 20 days is not sufficient. Voters wishing to exercise their constitutional right to recall a public officer should not be hampered by an unrealistic deadline.



ARGUMENTS AGAINST PASSAGE

The number of signatures required for a petition for the recall of a public officer should be based on the population of the district represented by the public officer at the time of the recall. The current procedure requiring the use of the number of voters who voted in the preceding general election is a more accurate indication of that population. Under certain circumstances, the proposed amendment would increase the number of signatures required. The current constitutional provisions for calling and conducting a recall election are adequate.

FISCAL NOTE

Financial Impact - No. The proposal to amend the Nevada Constitution revises the requirements for recalling a public officer. The revisions can be accomplished with no adverse fiscal effect.

FULL TEXT OF THE MEASURE

ASSEMBLY JOINT RESOLUTION—Proposing to amend the constitution of the State of Nevada to revise the standard for determining the number of signatures of voters required for a petition seeking to recall a public officer and to increase the number of days within which a special election upon such a petition must be held after the issuance of a call.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 9 of article 2 of the constitution of the State of Nevada be amended to read as follows:

Sec. 9. Every public officer in the State of Nevada is subject, as herein provided, to recall from office by the registered voters of the state, or of the county, district, or municipality [, from which he was elected.] *which he represents*. For this purpose, [a number of registered voters] not less than twenty-five per cent (25%) of the number who actually voted in the state or in the county, district, or municipality [electing said officer, at the preceding general election,] *which he represents, at the election in which he was elected*, shall file their petition, in the manner herein provided, demanding his recall by the people. [; they] *They* shall set forth in said petition, in not exceeding two hundred (200) words, the reasons why said recall is demanded. If he shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy thereby caused shall be filled in the manner provided by law. If he shall not resign within five (5) days after the petition is filed, a special election shall be ordered to be held within [twenty days (20)] *thirty days (30)* after the issuance of the call therefor, in the state, or county, district, or municipality electing said officer, to determine whether the people will recall said officer. On the ballot at said election shall be printed verbatim as set forth in the recall petition, the reasons for demanding the recall of said officer, and in not more than two hundred (200) words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall be finally declared. Other candidates for the office may be nominated to be voted for at said special election. The candidate who shall receive highest number of votes at said special election shall be deemed elected for the remainder of the term, whether it be the person against whom the recall petition was filed, or another. The recall petition shall be filed with the officer with whom the petition for nomination to such office shall be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated or filed against any officer until he has actually held his office six (6) months, save and except that it may be filed against a senator or assemblyman in the legislature at any time after ten (10) days from the beginning of the first session after his election. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected, unless such further petitioners shall pay into the public treasury from which the expenses of said special election

have been paid, the whole amount paid out of said public treasury as expenses for the preceding special election. Such additional legislation as may aid the operation of this section shall be provided by law.

