

NEVADA TAXPAYERS PROTECTION ACT

Explanation: Language in ***bold italics*** is new; language between brackets [omitted material] is language to be omitted.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS

Section 1. Article 19 of the Constitution of the State of Nevada is hereby amended by adding thereto a new section to be designated section 7, to read as follows:

Sec. 7. Notwithstanding any other provision of this Constitution, when an initiative petition proposes a statute or an amendment to a statute or the repeal of a statute or an amendment to the Constitution, and the initiative if approved would create, generate, or increase any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or increases in the computation bases for taxes, fees, assessments and rates, such petition shall require an affirmative vote of not fewer than two-thirds of voters voting on such question to approve such petition at each election required for such petition. If greater than one-third of the voters voting on such question at any such election votes disapproval of such petition, no further action shall be taken on the petition. Except as otherwise provided in this Section, all other requirements of this Article shall apply to such petitions.

Sec. 2. Section 2 of Article 19 of the Constitution of the State of Nevada is hereby amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 ***and Section 7*** of this Article, 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, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the Legislature is held. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. 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, ***and shall be subject to the provisions set forth in Article 4, Section 18, subsection 2 if the petition creates, generates, or increases any public revenue in any form, including but not limited to taxes, fees, assessments and rates, or increases in the computation bases for taxes, fees, assessments and rates.*** 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. ***Except as provided in Section 7 of this Article, if [H] 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 rejects 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. Except as provided in Section 7 of this Article, if [H] 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. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the***

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Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 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 circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. 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. ***Except as provided in Section 7 of this Article, if [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. Except as provided in Section 7 of this Article, if [If] a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.***

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

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

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

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

Sec. 3. Severability. If any provision of this initiative measure or its application to any person or circumstance is held to be invalid or ineffective, the invalidity or ineffectiveness shall be given the narrowest possible construction and shall not affect any other provision or application of this measure.

Initiative Petition

DESCRIPTION OF EFFECT

State of Nevada

This initiative amends the Nevada Constitution to require that any initiative petition that proposes a statute, amendment to a statute, repeal of a statute or amendment to the Constitution, and which, if passed, would create, generate or increase any public revenue in any form, including taxes, fees, rates or assessments, the petition must be approved by two-thirds or more of the voters voting on such question, at each election at which the question is placed on the ballot, to become law. Article 19, Section 2, Subsection 3 of the Nevada Constitution currently provides that an initiative petition proposing a statute or an amendment to a statute, that is signed by a sufficient number of voters, must be presented to and may be enacted or rejected by the Legislature. This initiative requires that if any such initiative petition that would create, generate or increase any public revenue in any form, including taxes, fees, rates or assessments, is presented to the Legislature, the Legislature’s consideration of the petition is subject to the provisions of Article 4, Section 18, Subsection 2 of the Nevada Constitution, which requires approval by a two-thirds vote of the members elected to each House.

County of _____

(Only registered voters of this county may sign below)

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office use only

1	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY COUNTY	
2	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
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20	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE DATE / /	CITY	COUNTY

AFFIDAVIT OF CIRCULATOR (To be signed by Circulator)

STATE OF NEVADA)
)
COUNTY OF)

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that I believe them to be genuine signatures; and (6) that each individual who signed was at the time of signing a registered voter in the county of his or her residence.

Signature of Circulator

Subscribed and sworn to or affirmed before me this _____ day of _____, _____, by _____

Notary Public or person authorized to administer oath