

**FILED****THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:**

FEB 25 2008



To be added to Article 2 of the Nevada Constitution

1. No public body, public officer, person in the employ of the state or any of its political subdivisions, or candidate for public office may, directly or indirectly, direct, permit, receive, require, or facilitate the use of tax revenues or any other public resources for political campaigns, lobbying, or partisan purposes, including payment of dues or membership fees of any kind to any person, league, or association which, directly or indirectly, engages in lobbying, campaigns, or partisan activity.
2. The provisions of this Section do not limit public officials in the performance of their constitutional duties, and do not apply to:
- (a) Communications among and between a member and a staff member of a legislative body;
  - (b) Communications between an elected or appointed public officer and a legislator or a legislative staff member;
  - (c) Comments by an elected official or communications from an elected official that are designated for constituents;
  - (d) Appearances by any public officer or employee pursuant to a specific request to appear before a public body to provide information;
  - (e) A public employee acting in an uncompensated personal capacity, undirected in any manner by, and who does not purport to represent the interests of, a public employer;
  - (f) Access to public property for the purpose of engaging in core political speech, such as circulating petitions or pamphlets, or engaging in religious expression by a person acting in a personal capacity, undirected in any manner by, and who does not purport to represent the interests of, a public employer; and
  - (g) An authorized officer or employee of the office of i) the Supreme Court or any lower court of the state or any of its political subdivisions, ii) the Governor, or iii) any elected officer of the state executive branch of government whose responsibilities are to assess the impact of proposals which affect the administration of government.
3. The following are definitions of terms used in this Section:
- (a) "Direct, permit, receive, require, or facilitate the use of tax revenues or any other public resources for campaign, lobbying, or partisan purposes," includes (i) the use of public funds, facilities, rights of access, equipment, supplies, or trademarks to influence any election; (ii) undertaking, promoting, or distributing studies, surveys, analyses, descriptions, or other communications using public resources in a manner specifically calculated to induce support of, or opposition to, proposed legislation or ballot questions; and (iii) incurring any public administrative expenses or activities to allocate or designate portions of public employee income to entities that engage in campaign, lobbying, or partisan activities, other than charitable organizations qualified as exempt from federal income tax under section 501(C)3 of the Internal Revenue Code, or the corresponding section of any future federal tax code.
  - (b) "Tax revenues or any other public resources" includes all state and local government revenues and resources, but does not include any revenues paid or resources provided by the United States government.
  - (c) "Campaign," includes (i) communications or expenditures related to the pursuit of a public office, either electoral or appointive; (ii) all lobbying; or (iii) efforts paid in whole or in part by public revenues or resources to coordinate or induce members of the general public or any segment thereof to directly influence legislative activity by communicating with members of a legislative body, supporting or opposing legislation, or supporting or opposing a petition drive or ballot question.
  - (d) "Lobbying," means attempts to directly influence legislative activity by communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of legislation.
  - (e) "Person," includes any individual, business entity, organization, committee, political party, campaign fund, and association
  - (f) "Public officer, person in the employ of the state or any of its political subdivisions," includes any person who is elected, appointed, or employed by this state or any political subdivision of this state, including persons who are independent contractors or consultants hired by the state or a political subdivision of this state.
4. This Section will apply only to those agreements, contracts, understandings or practices that take force or are extended or renewed after this Section takes effect, namely January 1, 2011.
5. A violation of this Section is a misdemeanor. Further, any person who knowingly spends or receives funds in violation of this Section shall pay full restitution for the greater of the public cost or for the market value of any misappropriated resources. The second or subsequent violation by a public officer or employee shall render that person ineligible to hold public office or employment with the state or any of its political subdivisions for ten years.
6. The provisions of this Section are independent and severable, and if any provision of this Section, or the applicability of any provision to any person or circumstance, shall be found to be invalid, the remainder of this Section shall not be affected and shall be given effect to the fullest extent practicable.

### DESCRIPTION OF EFFECT

**If enacted, this measure will add a new Section to Article 2 of the Nevada Constitution doing the following:**

- This measure strictly prohibits the expenditure of Nevada government resources for political purposes.
- Under this provision, Nevada taxpayer funds and other state and local public resources cannot be spent to influence state or local elections or to make payments to non-governmental groups or persons that engage in lobbying activities.
- It does not prohibit government officials or their staff employees from freely communicating with each other on government policy matters.
- It does not affect rights of access to public property for personal religious or political expression.
- Any person violating this measure will be guilty of a misdemeanor and make restitution. A second offense will result in disqualification to hold public office or public employment for 10 years.

County of \_\_\_\_\_ (Only registered voters of this county may sign below)

|   |                                                  |             | This space for<br>office use only |        |
|---|--------------------------------------------------|-------------|-----------------------------------|--------|
| 1 | PRINT YOUR NAME (first name, initial, last name) |             | RESIDENCE ADDRESS ONLY            |        |
|   | YOUR SIGNATURE                                   | DATE<br>/ / | 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<br>DATE<br>/ /                    | CITY<br>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**