

1 McCracken, Stemerman & Holsberry
2 RICHARD G. MCCRACKEN NV # 2748
3 ANDREW J. KAHN NV #3751
4 PAUL L. MORE NV # 9228
5 1630 S. Commerce Street, Suite A-1
6 Las Vegas, Nevada 89102
7 Telephone: (702) 386-5107
8 Fax: (702) 384-0845

9 Attorneys for Nevadans for Nevada & Danny Thompson

10 **BEFORE THE SECRETARY OF STATE OF NEVADA**
11 **AND**
12 **CLARK COUNTY REGISTRAR OF VOTERS**

13 IN RE INITIATIVE PETITIONS FOR: (1)
14 NEVADA TAXPAYER PROTECTIONS
15 ACT; (2) EDUCATION ENHANCEMENT
16 ACT, and (3) FUNDING NEVADA
17 PRIORITIES ACT

18 **COMPLAINT FOR VIOLATION**
19 **OF CIRCULATOR AFFIDAVIT**
20 **REQUIREMENTS; REQUESTS**
21 **FOR CERTIFICATION OF**
22 **NONCOMPLIANCE**

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TO SECRETARY MILLER AND COUNTY REGISTRAR LOMAX:

Nevadans for Nevada and taxpayer Danny Thompson hereby request you refuse to certify the sufficiency of the signatures on the above-referenced petitions due to their noncompliance with the requirements of Nevada law for circulator affidavits. At a minimum, we request that you confirm that all such petitions submitted contained the same form of circulator affidavit (so the Court does not have to review all the petitions itself).

The form for these petitions on file with the Secretary lacks two affirmations by circulators which are required by Nevada law. Specifically, NRS 295.0575 and NAC 295.020 require that circulators of initiative petitions provide various statements in their affidavit, including (1) reporting the number of signatures they obtained (which makes it more difficult for forged or otherwise-unverified signatures to be added later after the signing of the affidavit); and (2) assuring that they provided voters an opportunity to read

1 the petition before signing.

2 A copy of the forms for these petitions is attached hereto, with the circulator
3 affidavits highlighted. Our clients witnessed these same forms being circulated, and
4 therefore believe all the petitions received by the counties are in the same defective form.

5 You (and the courts) have the authority and duty to decline to process these
6 petitions any further, and thereby avoid a waste of taxpayer funds on such processing and
7 on putting these measures on the ballot.

8 NRS 295.0575 provides:

9 A petition for a constitutional amendment or a petition for a statewide
10 measure proposed by an initiative or referendum may consist of more than
11 one document. Each document of a petition must have attached to it when
12 submitted an affidavit executed by the circulator thereof stating:

- 13 1. That he personally circulated the document;
- 14 2. The number of signatures thereon;
- 15 3. That all the signatures were affixed in his presence; and
- 16 4. That each signer had an opportunity before signing to read the full
17 text of the act or resolution on which the initiative or referendum is
18 demanded.

19 (Emphasis supplied)

20 NAC 295.020 provides, in pertinent part:

- 21 2. If a petition for an initiative or referendum consists of more than
22 one document, each document must, in addition to any other
23 requirements, contain the full text of the proposed measure and:

24 * * *

25 (b) Have attached to it, when filed, an affidavit signed by the person who
26 circulated the document in substantially the following form:

27 STATE OF NEVADA

28 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 each
person who signed was at the time of signing a registered voter in
the county of his residence; (6) that the number of signatures affixed
thereon is _____; and (7) that each person who
signed had an opportunity before signing to read the full text of the

1 act or resolution on which the initiative or referendum is demanded.

2 Signature of circulator

3 (Emphasis supplied)

4 These two requirements serve the vital public purposes of (a) deterring
5 unscrupulous persons from adding additional unverified signatures after the circulator
6 completed his affidavit, and (b) deterring unscrupulous circulators from presenting a
7 petition so quickly and with such oral misrepresentations as to its content that voters do
8 not realize what they are signing.

9 Circulator affidavits specifying the number of signatures are essential to prevent
10 forgeries because County Registrars simply do not have the time and resources to catch
11 forgeries, having only nine days to check the names and addresses, and having only a
12 single handwriting exemplar for comparison. In enacting these two new requirements into
13 law, the Legislature received ample testimony as to the prevalence of fraudulent
14 signature-gathering practices in the initiative-petition industry. See Transcript of Hearing
15 on AB 604 before Assembly Committee on Elections, April 5, 2007 (testimony of Judge
16 Michael Griffin, Michael Brown, John Griffin, Danny Thompson, Gail Tuzzolo, and
17 Kristina Wilfore from Ballot Initiative Strategy Center and Foundation).

18 There is no excuse for these petitioners (amply represented by counsel) to have
19 ignored these requirements of Nevada law: every other statewide initiative petition
20 submitted this year to the Secretary used the proper form of circulator affidavit.

21 The Nevada Supreme Court has held that signatures must be invalidated when
22 proper circulators' affidavits were lacking. *Lundberg v. Koontz*, 82 Nev. 360, 418 P.2d
23 808 (1966). The Court also protected voters' right to the information required by
24 analogous statutory provisions on initiative disclosure by disqualifying the petition in
25 *Nevadans for Nevada v. Beers*, 122 Nev. 930, 142 P.3d 339 (2006).

26 We are confident the Nevada courts would uphold a decision by you to disqualify
27 these petitions. In a recent case, the Oregon Supreme Court affirmed the authority of the
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1 Secretary of State to reject the sufficiency of a petition due to violations of his regulatory
2 requirements for circulator affidavits. *Kucera v. Bradbury*, 97 P.3d 384 (Or. 2004)(en
3 banc)(“The Secretary of State thus may conclude, and clearly has so concluded, that a
4 circulator’s failure to comply with the Secretary of State’s requirements for circulator
5 certification means that the purported certification is invalid and the signature sheet does
6 not comply with ORS 249.740(1)).”

7 Numerous other courts have held that failure of circulator affidavits to meet
8 similar statutory requirements requires invalidation of the signatures. See, e.g., *Rust v.*
9 *Lucas Cty. Bd. of Elections*, 841 N.E.2d 766, 768 (Ohio 2005)(“Rust’s part-petitions did
10 not comply with R.C. 3501.38(E)(1), because the circulators’ statements specified
11 numbers less than the actual numbers of signatures contained on the part-petitions. The
12 purpose of this requirement is to protect against signatures being added after the
13 circulator’s statement is made. See State ex rel. Citizens for Responsible Taxation v.
14 Scioto Cty. Bd. of Elections (1992), 65 Ohio St.3d 167, 172, 602 N.E.2d 615, quoting
15 State ex rel. Loss v. Lucas Cty. Bd. of Elections (1972), 29 Ohio St.2d 233, 234, 58
16 O.O.2d 488, 281 N.E.2d 186. In Loss, we analyzed a comparable provision in R.C.
17 3513.07 and found that the requirement that the circulator indicate the number of
18 signatures contained on the part-petition is a " 'substantial, reasonable requirement.' "
19 Citizens for Responsible Taxation, 65 Ohio St.3d at 172, 602 N.E.2d 615, quoting Loss at
20 234, 58 O.O.2d 488, 281 N.E.2d 186.).

21 The courts in New York are in accord. See *Esse v. Chiavaroli*, 71 A.D.2d 1046,
22 420 N.Y.S.2d 798, 799 (N.Y.A.D.1979)(“Failure of a subscribing witness to set forth the
23 number of signatures invalidates the entire page. (Matter of Bernhardt v. Sachs, 57
24 A.D.2d 598, 393 N.Y.S.2d 745; Matter of King v. Van Wart, 67 Misc.2d 592, 324
25 N.Y.S.2d 835, affd. 37 A.D.2d 773, 325 N.Y.S.2d 622.) Moreover, ‘the fact that the cover
26 sheet of each petition may have stated the correct number of total signatures contained
27 therein’ is irrelevant, since that, in itself, ‘is no safeguard against the unauthorized
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1 addition of signatures after the individual sheets have been attested to by the subscribing
2 witness.' (Matter of Bernardt, supra, at 598-599, 393 N.Y.S.2d at 746.)”)

3 In the cited *King v. Van Wart* case, the Court observed: “The requirement that the
4 number of signatures be inserted in the statement of the subscribing witness is one of the
5 major safeguards against fraud contained on the face of each sheet. It is designed to detect
6 and prevent the unauthorized placement of signatures on the sheets of a petition after the
7 same has been attested to by the subscribing witness. Petitioner's failure in this regard is
8 not a mere irregularity, and cannot be disregarded.” Accord, *Lyden v. Sullivan*, 269 A.D.
9 942, 57 N.Y.S.2d 657 (N.Y.A.D. 2 Dept. 1945)(also holding such defects cannot be
10 corrected by new affidavits after the statutory deadline). See also *In re Initiative Petition*
11 *No. 365, State Question No. 687*, 55 P.3d 1048, 1051 (Okla.2002)(affirming
12 disqualification of thousands of signatures based on problems with the circulator
13 affidavits, noting prior cases to the same effect); *Williams v. Butler*, 341 N.E.2d 394,
14 398-99 (Ill. App. 1976)(voiding petition where circulators' verifications not in conformity
15 with statute, as statutory requirement was a "meaningful and realistic requirement
16 designed to eliminate fraudulent signatures or perhaps a signing of large number of names
17 to petitions by a few people”).

18 We searched for caselaw elsewhere and could find no state high court having
19 adopted a contrary approach to a statutory requirement that the circulator certify the
20 number of signatures. The same result is even more clearly warranted in Nevada, given
21 the much shorter deadlines provided County Registrars here than elsewhere to review the
22 signatures provided (just nine business days for more than 58,000 signatures per petition).
23 In Nevada, there is simply no practical way for forgeries to be detected by County
24 officials in time for the issue to be resolved before ballots must be printed, nor time for
25 any challengers to investigate and litigate the legitimacy of the signatures. See Judge
26 Griffin's testimony at pp. 25-26. Instead, petitioners and circulators must be trusted to
27 handle these tasks honestly despite the enormous financial advantages to them for
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1 cheating. They can only be trusted if they have provided the required affidavits.

2 If you will not invalidate these petitions yourselves, we request you recommend to
3 the courts that they do so, in order to provide some meaningful enforcement of these
4 important provisions of Nevada law protecting the electoral process from fraud and
5 deception.

6 At a minimum the Secretary should ask all County Registrars and Clerks to
7 confirm that all signed copies of these petitions used the same defective form as these
8 petitions had on the Secretary's website. We request County Registrar Lomax provide
9 such a confirmation in writing.

10 Thank you very much for your consideration of these requests.

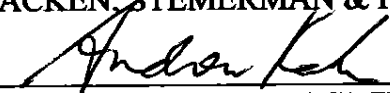
11 Respectfully submitted,

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Dated: May 20, 2008

McCRACKEN, STEMERMAN & HOLSBERRY

By: _____



RICHARD G. MCCRACKEN NV # 2748
ANDREW J. KAHN NV #3751
PAUL L. MORE NV # 9228

Attorneys for Nevadans for Nevada & Danny Thompson

EDUCATION ENHANCEMENT 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 11 of the Constitution of the State of Nevada is hereby amended by adding thereto a new section, designated section 11, to read as follows:

Sec. 11. 1. Any revenue generated from a county or city license fee and license tax that is collected in a county whose population is 800,000 or more, and collected for or by the county fair and recreation board within that county that exceeds the total amount of revenue collected for or by the county fair and recreation board in any such county pursuant to applicable law for the 2006-2007 fiscal year, but adjusted annually pursuant to subsection 2 for changes in inflation and deflation, shall be distributed as provided for in subsection 3.

2. For the purposes of subsection 1 of this section, percentage rates of inflation or deflation must be determined in accordance with the Consumer Price Index U.S. City Average (All Items) published by the United States Department of Labor for the preceding calendar year. If such Consumer Price Index is no longer published by the United States Department of Labor, the Legislature shall designate the most comparable index available for the purposes of this section.

3. Notwithstanding any other provision of law to the contrary, the city, county or the county fair and recreation board shall pay over all revenue as described in subsection 1 to the State Treasurer to be deposited to the credit of the Distributive School Account in the State General Fund, to be held and expended exclusively for educational purposes in the same manner as other money deposited in that account.

4. The city, county or the county fair and recreation board shall pay over the revenue described in subsection 1 to the State Treasurer annually, on the last business day of the month following the end of the fiscal year.

Sec. 2. 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.



ROSS MILLER
SECRETARY OF STATE
Hard-Delivered
2008 FEB 29 12:28:35
[Signature]

Ex. A

DESCRIPTION OF EFFECT

This initiative amends the Nevada Constitution to assist in funding education in the State of Nevada by dedicating to the Distributive School Account in the State General Fund any increased revenues generated from certain county and city license fees and taxes that currently fund the operations of the county fair and recreation boards in counties whose population is 800,000 or more. In such counties, any revenue generated by license fees and taxes that is collected for or by the county fair and recreation board within that county that exceeds the total amount of such revenue generated in the 2006-2007 fiscal year, as adjusted for inflation or deflation according to the Consumer Price Index, will be distributed to the Distributive School Account in the State General Fund to be used exclusively for educational purposes.

County of _____ **(Only registered voters of this county may sign below)**

This space for 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	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
3	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
4	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
5	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
6	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
7	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
8	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
9	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
10	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

FUNDING NEVADA'S PRIORITIES 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 10 of the Constitution of the State of Nevada is hereby amended by adding thereto a new section, designated section 7, to read as follows:

Sec. 7 1. *Any revenue generated from a county or city license fee and license tax that is collected in a county whose population is 800,000 or more, and collected for or by the county fair and recreation board within that county that exceeds the total amount of revenue collected for or by the county fair and recreation board in any such county pursuant to applicable law for the 2006-2007 fiscal year, but adjusted annually pursuant to subsection 2 for changes in inflation and deflation, shall be distributed as provided in subsection 4.*

2. For the purposes of subsection 1 of this section, percentage rates of inflation or deflation must be determined in accordance with the Consumer Price Index U.S. City Average (All Items) published by the United States Department of Labor for the preceding calendar year. If such Consumer Price Index is no longer published by the United States Department of Labor, the Legislature shall designate the most comparable index available for the purposes of this section.

3. There is hereby created a special revenue fund in the state treasury to be called the Nevada Public Safety Fund. The money in the Nevada Public Safety Fund may be appropriated by the Legislature only for the purpose of enhancing the public safety of the State of Nevada and its residents, including expenditures for law enforcement, homeland security, fire protection, or corrections, and grants to local police departments, fire departments, or sheriff's offices for similar purposes.

4. Notwithstanding any other provision of law to the contrary, the city, county or the county fair and recreation board shall pay over all revenue as described in subsection 1 to the State Treasurer to be deposited one-third to the credit of the Distributive School Account in the State General Fund, to be held and expended exclusively for educational purposes in the same manner as other money deposited in that account, one-third to the State Highway Fund to be held and expended exclusively for transportation purposes in the same manner as other money deposited in that fund, and one-third to the Nevada Public Safety Fund.

5. The city, county or the county fair and recreation board shall pay over the revenue described in subsection 1 to the State Treasurer annually, on the last business day of the month following the end of the fiscal year.

Sec. 2. 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.



ROSS MILLER
SECRETARY OF STATE
Hand-Delivered
2008 FEB 29 P 2:36
SPRINGFIELD
NEVADA

Ex. B

DESCRIPTION OF EFFECT

This initiative amends the Nevada Constitution to assist in funding the public school system, transportation projects, and public safety by dedicating to the Distributive School Account in the State General Fund, to the State Highway Fund, and to the newly-created Nevada Public Safety Fund, specified portions of increased revenues generated from certain county and city license fees and taxes that currently fund the operations of the county fair and recreation boards in counties whose population is 800,000 or more. In such counties, any revenue generated by license fees and taxes that is collected for or by the county fair and recreation board that exceeds the total amount of such revenue generated in the 2006-2007 fiscal year, as adjusted for inflation or deflation according to the Consumer Price Index, will be distributed one-third to the Distributive School Account in the State General Fund to be used for educational purposes, one-third to the State Highway Fund to be used for transportation purposes, and one-third to the Nevada Public Safety Fund to be used for public safety purposes.

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

This space for 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	
	YOUR SIGNATURE DATE / /	CITY	COUNTY
3	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
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	YOUR SIGNATURE DATE / /	CITY	COUNTY
10	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.

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

Signature of Circulator

Notary Public or person authorized to administer oath

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 [If] 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 [If] 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***

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 [14] 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 [14] 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.

DESCRIPTION OF EFFECT

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 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)

This space for office use only

12	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
13	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
14	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
15	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
16	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
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18	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
19	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY	
	YOUR SIGNATURE _____ DATE / /	CITY _____	COUNTY _____
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

