

## QUESTION NO. 1

Amendment to the *Nevada Constitution*

Assembly Joint Resolution No. 10 of the 73rd Session

### CONDENSATION

Shall the *Nevada Constitution* be amended to eliminate an unconstitutional requirement that a person must reside in Nevada for 6 months prior to an election in order to be eligible to vote in that election?

Yes       No

### EXPLANATION

The proposed amendment to the *Nevada Constitution* would remove language requiring that a person who is otherwise eligible to vote must reside in Nevada for 6 months before being entitled to vote.

Currently, language in Article 2, Section 1 of the *Nevada Constitution* provides that a person who is otherwise eligible to vote must reside in Nevada for 6 months, and in a particular district or county for 30 days, in order to be entitled to vote. The United States Supreme Court has ruled that state residency requirements of this length are unconstitutional. The proposed amendment would remove the 6-month requirement, allowing the 30-day requirement to apply to both state and local residency.

**A “Yes” vote would change the language in the *Nevada Constitution* to allow a person who has lived both in Nevada and in a particular district or county for 30 days to register to vote in the next upcoming election.**

**A “No” vote would retain the existing language which provides that a person must live in Nevada for 6 months, and in a given district or county for 30 days, prior to an election in order to be eligible to vote in that election.**

### ARGUMENTS FOR PASSAGE

In 1972, and again in later years, the U.S. Supreme Court ruled that residency requirements, which exceed the amount of time required to complete election-related administrative procedures, do not further any compelling state interest and violate the Equal Protection Clause of the Fourteenth Amendment of the *United States Constitution*. The U.S. Supreme Court has stated that 30 days is a reasonable time period for residency requirements.

Chapter 293.485 of the *Nevada Revised Statutes* complies with the U.S. Supreme Court’s position on residency requirements and sets 30 days as the length of time one must reside in

Nevada prior to being eligible to register to vote. However, the *Nevada Constitution* has yet to be corrected. It is time for this unenforceable provision to be removed from the *Nevada Constitution*.

### **ARGUMENTS AGAINST PASSAGE**

In its current form, the *Nevada Constitution* seeks to ensure that those who wish to vote have been in the state long enough to get to know the issues and the candidates upon which they must decide.

The 6-month requirement may not be enforceable today, but it may be enforceable in the future should the U.S. Supreme Court reverse itself and conclude that lengthier residency requirements are acceptable. If the U.S. Supreme Court does not change course, there is still no reason to repeal the 6-month residency requirement because it is not being applied.

Nevada's 6-month residency requirement has existed since the *Nevada Constitution* was ratified in 1864. There is no reason to believe that Nevadans are opposed to the requirement and, therefore, no reason to do away with it.

### **FISCAL NOTE**

**Financial Impact** - None

### **FULL TEXT OF MEASURE**

Assembly Joint Resolution No. 10—Committee on Elections, Procedures, Ethics, and Constitutional Amendments  
FILE NUMBER.....

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide that a person must be a resident of the State for 30 days before an election to be eligible to vote in that election.

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

Section 1. All citizens of the United States (not laboring under the disabilities named in this Constitution) of the age of eighteen years and upwards, who shall have actually, and not constructively, resided in the State [six months,] and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; *provided*, that no person who has been or may be convicted of treason or felony in any state or territory of the United States, unless restored to

civil rights, and no person who has been adjudicated mentally incompetent, unless restored to legal capacity, shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election on account of sex. The Legislature may provide by law the conditions under

which a citizen of the United States who does not have the status of an elector in another state and who does not meet the residence requirements of this section may vote in this State for President and Vice President of the United States.0 ~~~~~ 05