

QUESTION NO. 17

An Initiative Relating to Term Limits

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to instruct Nevada's Congressional delegation and members of the State Legislature to provide for term limits for members of the U.S. House of Representatives and the U.S. Senate through action of the Congress or through a Constitutional Convention, and shall the Nevada Constitution be further amended to inform voters how their elected representatives have acted in regard to this issue?

Yes

No

EXPLANATION

Neither the U.S. Constitution nor the Nevada Constitution limits the number of terms to which a person may be elected to the U.S. House of Representatives or the U.S. Senate. This amendment proposes to limit a Representative to no more than three (3) terms in office or six (6) years and to limit a Senator to no more than two (2) terms in office or twelve (12) years. If a person holds one of these offices at the time of ratification of this amendment, that term will count as one (1) of those allowed by the amendment. Members of Nevada's Congressional delegation are instructed to pass the Congressional term limits amendment to the U.S. Constitution. The Nevada State Legislature is also instructed to make application to the U.S. Congress to call a Constitutional Convention for proposing amendments to the U.S. Constitution. All candidates for the U.S. Senate, the U.S. House of Representatives, and the Nevada State Legislature would be judged on mandated criteria to de-



termine if each worked fully to ensure enactment of the Congressional term limits amendment. The Nevada Secretary of State would inform voters of a candidate's failure to act accordingly by placing an informational statement next to that candidate's name on the ballot.

ARGUMENTS FOR PASSAGE

Proponents argue that term limits are necessary to remove career politicians from the U.S. Congress and to reduce the power of the seniority system so that all members of Congress, whether old or new, have the same amount of power. Enactment of term limits may lessen the power of lobbyists and special interest groups because these elected officials will only be in office for a limited amount of time. Members of Congress would have the opportunity to focus on the issues instead of their own reelection campaigns. The proposal would ensure that term limits are enacted by one of the methods for amending the U.S. Constitution: direct action of Congress to be ratified by the states, or a Constitutional Convention. Proponents argue that citizens have a right to know whether or not their elected representatives have followed the instructions contained in this term limits proposal so informed decisions can be made at subsequent elections.

ARGUMENTS AGAINST PASSAGE

Opponents argue that the proposal contains methods for calling a Constitutional Convention, a process which is viewed as a dangerous and unsatisfactory method of effecting change. Opponents argue that such a convention could not be limited to consideration of just term limits as an issue, but would leave the U.S. Constitution open to wholesale revision. Others argue that voters already have the power to limit the terms of members of Congress through the act of voting. Experienced members of Congress will not be allowed to run for reelection. Members who have done a good job and been responsive to the voters would nonetheless be ineligible to continue to serve. Since they cannot be reelected, Senators and Congressmen will not be accountable to the voters in their final terms in office. Opponents argue that the printed informational statement to appear on the ballots would be unfair to the candidates and misleading to the voters.

FISCAL NOTE

Fiscal Impact-No. The proposal to amend the Nevada Constitution would require action by Nevada's Congressional delegation, State Legislature and the Secretary of State's Office regarding term limits. The proposed requirements would have no adverse fiscal effect.

FULL TEXT OF THE MEASURE

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

SECTION A. BALLOT TITLE

THE CONGRESSIONAL TERM LIMITS ACT OF 1996. THIS AMENDMENT TO THE CONSTITUTION OF NEVADA INFORMS CITIZENS ON THE VOTING RECORD OF INCUMBENT STATE AND FEDERAL LEGISLATORS ON A FEDERAL CONSTITUTIONAL AMENDMENT LIMITING THE MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES TO THREE TERMS AND MEMBERS OF THE UNITED STATES SENATE TO TWO TERMS. THIS AMENDMENT ALSO INFORMS THE VOTERS ABOUT THE POSITION OF NON-INCUMBENT CANDIDATES TOWARD THE SAME CONGRESSIONAL TERM LIMITS. THIS AMENDMENT INSTRUCTS STATE LEGISLATORS TO APPLY TO THE CONGRESS TO CONVENE AN ARTICLE 5 CONVENTION UPON THE APPLICATIONS OF TWO-

THIRDS OF THE STATES (34) FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO LIMIT CONGRESSIONAL TERMS TO THREE TERMS IN THE UNITED STATES HOUSE OF REPRESENTATIVES AND TWO TERMS IN THE UNITED STATES SENATE. THIS AMENDMENT INSTRUCTS MEMBERS OF CONGRESS FROM NEVADA TO WORK TO PROPOSE A CONGRESSIONAL TERM LIMITS AMENDMENT TO THE CONSTITUTION. A TERM LIMITS AMENDMENT PROPOSED EITHER BY CONGRESS OR BY AN ARTICLE 5 CONVENTION WOULD BECOME PART OF THE UNITED STATES CONSTITUTION UPON RATIFICATION BY THREE-FOURTHS OF THE STATES (38).

SECTION B. PREAMBLE

The People of the State of Nevada want to amend the United States Constitution to establish Term Limits on Congress that will ensure representation in Congress by true citizen lawmakers. The President of the United States is limited by the XXII Amendment to two terms in office. Governors in forty (40) states are limited to two terms or less. Voters have established term limits for over 2,000 state legislators as well as over 17,000 local officials across the country. Nevada voters have supported such limits.

Nevertheless Congress has ignored our desire for Term Limits not only by proposing excessively long terms for its own members but also by utterly refusing to pass an amendment for genuine Congressional term limits. Congress has a clear conflict of interest in proposing a term limits amendment to the United States Constitution. A majority of both Republicans and Democrats in the 104th Congress voted against a constitutional amendment containing the term limits passed by a wide margin of Nevada voters.

The People, not Congress, should set Term Limits. We hereby establish as the official position of the Citizens and State of Nevada that our elected officials should enact by Constitutional Amendment congressional Term Limits of three (3) terms in the United States House of Representatives, and of two (2) terms in the United States Senate.

The career politicians dominating Congress have a conflict of interest that prevents Congress from being what the Founders intended, the branch of government closest to the people. The politicians have refused to heed the will of the people for term limits; they have voted to dramatically raise their own pay; they have provided lavish million dollar pensions for themselves; and they have granted themselves numerous other privileges at the expense of the people. Most importantly, members of Congress have enriched themselves while running up huge deficits to support their spending. They have put the government nearly \$5,000,000,000,000.00 (five trillion dollars) in debt, gravely threatening the future of our children and grandchildren.

The corruption and appearance of corruption brought about by political careerism is destructive to the proper functioning of the first branch of our representative government. Congress has grown increasingly distant from the People of the States. The People have the sovereign right and a compelling interest in creating a citizen Congress that will more effectively protect our freedom and prosperity. This interest and right may not effectively be served in any way other than that proposed by this initiative.

We hereby state our intention on behalf of the People of Nevada, that this Amendment lead to the adoption of the following Constitutional Amendment:

CONGRESSIONAL TERM LIMITS AMENDMENT

Section 1. No person shall serve in the office of the United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section 2. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United



States Senator or who then holds the office shall serve for more than one additional term.

Section 3. This article shall have no time limit within which it must be ratified by the legislatures of three-fourths of the several States.

Therefore, We, the People of the State of Nevada, have chosen to amend the state constitution to inform voters regarding incumbent and non-incumbent federal and state legislative candidates' support for the above proposed CONGRESSIONAL TERM LIMITS AMENDMENT.

SECTION C. VOTER INSTRUCTION ON TERM LIMITS FOR MEMBERS OF CONGRESS

1. We, the Voters of Nevada, hereby instruct each member of our congressional delegation to use all of his or her delegated powers to pass the Congressional Term Limits Amendment set forth above.

2. All primary and general election ballots shall have printed the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" adjacent to the name of any United States Senator or Representative who:

- a. fails to vote in favor of the proposed Congressional Term Limits Amendment set forth above when brought to a vote or;
- b. fails to second the proposed Congressional Term Limits Amendment set forth above if it lacks for a second before any proceeding of the legislative body or;
- c. fails to propose or otherwise bring to a vote of the full legislative body the proposed Congressional Term Limits Amendment set forth above if it otherwise lacks a legislator who so proposes or brings to a vote of the full legislative body the proposed Congressional Term Limits Amendment set forth above or;
- d. fails to vote in favor of all votes bringing the proposed Congressional Term Limits Amendment set forth above before any committee or subcommittee of the respective house upon which he or she serves or;
- e. fails to reject any attempt to delay, table or otherwise prevent a vote by the full legislative body of the proposed Congressional Term Limits Amendment set forth above or;
- f. fails to vote against any proposed constitutional amendment that would establish longer term limits than those in the proposed Congressional Term Limits Amendment set forth above regardless of any other actions in support of the proposed Congressional Term Limits Amendment set forth above or;
- g. sponsors or cosponsors any proposed constitutional amendment or law that would establish longer term limits than those in the proposed Congressional Term Limits Amendment set forth above, or;
- h. fails to ensure that all votes on Congressional Term Limits are recorded and made available to the public.

3. The information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the name of any incumbent candidates for Congress if the Congressional Term Limits Amendment set forth above is before the states for ratification or has become part of the United States Constitution.

SECTION D. VOTER INSTRUCTION ON TERM LIMIT PLEDGE FOR NON-INCUMBENTS

1. Non-incumbent candidates for United States Senator and Representative, and the Nevada Legislature shall be given an opportunity to take a "Term Limits" pledge regarding Term Limits each time he or she files to run for such office. Any such candidate who declines to take the "Term Limits" pledge shall have the information "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed adjacent to his or her name on every primary and general election ballot.

2. The "Term Limits" pledge shall be offered to non-incumbent candidates for United States Senator and Representative, and the Nevada Legislature until a Constitutional Amendment which limits the number of terms of United States Senators to no more than two and United States Repre-

sentatives to no more than three shall have become part of our United States Constitution.

3. The "Term Limits" pledge that each non-incumbent candidate, set forth above, shall be offered is as follows:

I support term limits and pledge to use all my legislative powers to enact the proposed Constitutional Amendment set forth in the Term Limits Act of 1996. If elected, I pledge to vote in such a way that the designation "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" will not appear adjacent to my name.

Signature of Candidate

SECTION E. VOTER INSTRUCTION ON TERM LIMITS FOR STATE LEGISLATORS

1. We, the Voters of Nevada, hereby instruct each member of the Nevada Legislature to use all of his or her delegated powers to pass the Article 5 application to Congress set forth herein, and to ratify, if proposed, the Congressional Term Limits Amendment set forth above.

2. Application:

We, the People and Legislature of the State of Nevada, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article 5, to call a convention for proposing amendments to the Constitution.

3. All primary and general election ballots shall have the information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" printed adjacent to the name of any respective member of the Nevada Legislature who:

- a. fails to vote in favor of the application set forth above when brought to a vote or;
- b. fails to second the application set forth above if it lacks for a second or;
- c. fails to vote in favor of all votes bringing the application set forth above before any committee or subcommittee upon which he or she serves;
- d. fails to propose or otherwise bring to a vote of the full legislative body the application set forth above if it otherwise lacks a legislator who so proposes or brings to a vote of the full legislative body the application set forth above or;
- e. fails to vote against any attempt to delay, table or otherwise prevent a vote by the full legislative body of the application set forth above or;
- f. fails in any way to ensure that all votes on the application set forth above are recorded and made available to the public or;
- g. fails to vote against any change, addition or modification to the application set forth above or;
- h. fails to vote in favor of the amendment set forth above if it is sent to the states for ratification or;
- i. fails to vote against any term limits amendment, with longer terms if such an amendment is sent to the states for ratification.

4. The information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for the Nevada Legislature as required by any of subsections 3 (a) through 3 (g) if the State of Nevada has made an application to Congress for a convention for proposing amendments to the Constitution pursuant to this act and such application has not been withdrawn or, the Congressional Term Limits Amendment set forth in this act has been submitted to the states for ratification.

5. The information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for the Nevada Legislature as required by any of subsections 3 (h) through 3 (i) if the State of Nevada has ratified the proposed Congressional Term Limits Amendment set forth in this act.

6. The information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for the Nevada Legislature as required by any of subsections 3 (a) through 3 (i) if the proposed



Congressional Term Limits Amendment set forth above has become part of the United States Constitution.

SECTION F. DESIGNATION

1. The Secretary of State shall be responsible to make an accurate determination as to whether a candidate for the federal or state legislature shall have placed adjacent to his or her name on the election ballot the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS."

2. The Secretary of State shall consider timely submitted public comments prior to making the determination required in subsection (1) of this section and may rely on such comments and any information submitted by the candidates in making the determination required in subsection (1).

3. The Secretary of State, in accordance with subsection (1) of this section shall determine and declare what information, if any, shall appear adjacent to the names of each incumbent federal legislator if he or she was to be a candidate in the next election. In the case of United States Representatives and United States Senators, this determination and declaration shall be made in a fashion necessary to ensure the orderly printing of primary and general election ballots with allowance made for all legal action provided in section (5) and (6) below, and shall be based upon each member of Congress's action during their current term of office and any action taken in any concluded term, if such action was taken after the determination and declaration was made by the Secretary of State in a previous election. In the case of incumbent state legislators, this determination and declaration shall be made not later than (30) days after the end of the regular session following each general election, and shall be based upon legislative action in the previous regular session and any action taken in any concluded term, if such action was taken after the determination and declaration was made by the Secretary of State in a previous election.

4. The Secretary of State shall determine and declare what information, if any, will appear adjacent to the names of non-incumbent candidates for the state and federal legislatures, not later than five (5) business days after the deadline for filing for the office.

5. If the Secretary of State makes the determination that the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" shall not be placed on the ballot adjacent to the name of a candidate for the federal or state legislature, any elector may appeal such decision within five (5) business days to the Nevada Supreme Court as an original action or shall waive any right to appeal such decision; in which case the burden of proof shall be upon the Secretary of State to demonstrate by clear and convincing evidence that the candidate has met the requirements set forth in this Act and therefore should not have the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed on the ballot adjacent to the candidate's name.

6. If the Secretary of State determines that the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" shall be placed on the ballot adjacent to a candidate's name, the candidate may appeal such decision within (5) business days to the Nevada Supreme Court as an original action or shall waive any right to appeal such decision; in which case the burden of proof shall be upon the candidate to demonstrate by clear and convincing evidence that he or she should not have the information "DISREGARDED VOTERS' INSTRUCTION ON TERM LIMITS" or "DECLINED TO PLEDGE TO SUPPORT TERM LIMITS" printed on the ballot adjacent to the candidate's name.

7. The Supreme Court shall hear the appeal provided for in subsection (5) and issue a decision within 60 days. The Supreme Court shall hear the appeal provided for in subsection (6) and issue a decision not later than 61 days before the date of the election.

SECTION G. AUTOMATIC REPEAL

At such time as the Congressional Term Limits Amendment set forth above has become part of the U.S. Constitution, sections A through section I of this Article automatically shall be repealed.

SECTION H. JURISDICTION

Any legal challenge to this amendment shall be filed as an original action before the Supreme Court of this state.

SECTION I. SEVERABILITY

If any portion, clause, or phrase of this initiative is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases shall not be affected, but shall remain in full force and effect.

