

# THE CONSTITUTION OF THE STATE OF NEVADA

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[The Nevada constitution was framed by a convention of delegates chosen by the people. The convention met at Carson City on July 4, 1864, and adjourned on July 28 of the same year. On the 1st Wednesday of September 1864, the constitution was approved by the vote of the people of the Territory of Nevada, and on October 31, 1864, President Lincoln proclaimed that the State of Nevada was admitted into the Union on an equal footing with the original states.

The literal text of the original, signed copy of the constitution filed in the office of the secretary of state has been retained, unless it has been repealed or superseded by amendment. Where the original text has been amended or where a new provision has been added to the original constitution, the source of the amendment or addition is indicated in the source note immediately following the text of the amended or new section. Headlines for sections have been supplied by the Legislative Counsel of the State of Nevada.]

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[PRELIMINARY ACTION.]

WHEREAS,

The Act of Congress Approved March Twenty First A.D. Eighteen Hundred and Sixty Four “To enable the People of the Territory of Nevada to form a Constitution and State Government and for the admission of such State into the Union on an equal footing with the Original States,” requires that the Members of the Convention for framing said Constitution shall, after Organization, on behalf of the people of said Territory, adopt the Constitution of the United States.—Therefore, Be it Resolved,

That the Members of this Convention, elected by the Authority of the aforesaid enabling Act of Congress, Assembled in Carson City the Capital of said Territory of Nevada, and immediately subsequent to its Organization, do adopt, on behalf of the people of said Territory the Constitution of the United States[.]

ORDINANCE

Slavery prohibited; freedom of religious worship; disclaimer of public lands. [Effective until the date Congress consents to amendment or a legal determination is made that such consent is

not necessary.] In obedience to the requirements of an act of the Congress of the United States, approved March twenty-first, A.D. eighteen hundred and sixty-four, to enable the people of Nevada to form a constitution and state government, this convention, elected and convened in obedience to said enabling act, do ordain as follows, and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

First. That there shall be in this state neither slavery nor involuntary servitude, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.

Second. That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship.

Third. That the people inhabiting said territory do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the United States, unless otherwise provided by the congress of the United States.

[Amended in 1956. Proposed and passed by the 1953 legislature; agreed to and passed by the 1955 legislature; approved and ratified by the people at the 1956 general election. See: Statutes of Nevada 1953, p. 718; Statutes of Nevada 1955, p. 926.]

Slavery prohibited; freedom of religious worship; taxation of certain property. [Effective on the date Congress consents to amendment or a legal determination is made that such consent is not necessary.] In obedience to the requirements of an act of the Congress of the United States, approved March twenty-first, A.D. eighteen hundred and sixty-four, to enable the people of Nevada to form a constitution and state government, this convention, elected and convened in obedience to said enabling act, do ordain as follows, and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

First. That there shall be in this state neither slavery nor involuntary servitude, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.

Second. That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship.

Third. That the people inhabiting said territory do agree and declare, that lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the land belonging to the residents thereof; and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the United States, unless otherwise provided by the Congress of the United States.

[Amended in 1956 and 1996. The first amendment was proposed and passed by the 1953 legislature; agreed to and passed by the 1955 legislature; approved and ratified by the people at the 1956 general election. See: Statutes of Nevada 1953, p. 718; Statutes of Nevada 1955, p. 926. The second amendment was proposed and passed by the 1993 legislature; agreed to and passed by the 1995 legislature; and approved and ratified by the people at the 1996 general election, effective on the date Congress consents to amendment or a legal determination is made that such consent is not necessary. See: Statutes of Nevada 1993, p. 3136; Statutes of Nevada 1995, p. 2917.]

## PREAMBLE.

We the people of the State of Nevada Grateful to Almighty God for our freedom in order to secure its blessings, insure domestic tranquility, and form a more perfect Government, do establish this CONSTITUTION.

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## ARTICLE. 1. - Declaration of Rights.

- Sec. 1. Inalienable rights.
2. Purpose of government; paramount allegiance to United States.
3. Trial by jury; waiver in civil cases.
4. Liberty of conscience.
5. Suspension of habeas corpus.
6. Excessive bail and fines; cruel or unusual punishments; detention of witnesses.
7. Bail; exception for capital offenses and certain murders.
8. Rights of accused in criminal prosecutions; jeopardy; rights of victims of crime; due process of law; eminent domain.
9. Liberty of speech and the press.
10. Right to assemble and to petition.
11. Right to keep and bear arms; civil power supreme.

12. Quartering soldier in private house.
13. Representation apportioned according to population.
14. Exemption of property from execution; imprisonment for debt.
15. Bill of attainder; ex post facto law; obligation of contract.
16. Rights of foreigners. [Repealed in 1924.]
17. Slavery and involuntary servitude prohibited.
18. Unreasonable seizure and search; issuance of warrants.
19. Treason.
20. Rights retained by people.
21. Limitation on recognition of marriage.
22. Eminent domain proceedings: Restrictions and requirements.

Section. 1. Inalienable rights. All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and obtaining safety and happiness[.]

Sec: 2. Purpose of government; paramount allegiance to United States. All political power is inherent in the people[.] Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it. But the Paramount Allegiance of every citizen is due to the Federal Government in the exercise of all its Constitutional powers as the same have been or may be defined by the Supreme Court of the United States; and no power exists in the people of this or any other State of the Federal Union to dissolve their connection therewith or perform any act tending to impair[,] subvert, or resist the Supreme Authority of the government of the United States. The Constitution of the United States confers full power on the Federal Government to maintain and Perpetuate its existance [existence], and whensoever any portion of the States, or people thereof attempt to secede from the Federal Union, or forcibly resist the Execution of its laws, the Federal Government may, by warrant of the Constitution, employ armed force in compelling obedience to its Authority.

Sec: 3. Trial by jury; waiver in civil cases. The right of trial by Jury shall be secured to all and remain inviolate forever; but a Jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law; and in civil cases, if three fourths of the Jurors agree upon a verdict it shall stand and have the same force and effect as a verdict by the whole Jury, Provided, the Legislature by a law passed by a two thirds vote of all the members elected to each branch thereof may require a unanimous verdict notwithstanding this Provision.

Sec: 4. Liberty of conscience. The free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed in this State, and no person shall be rendered incompetent to be a witness on account of his opinions on matters of his religious belief, but the liberty of conscience [conscience] hereby secured, shall not be so construed, as to excuse acts of licentiousness or justify practices inconsistent with the peace, or safety of this State.

Sec: 5. Suspension of habeas corpus. The privilege of the writ of Habeas Corpus, shall not be suspended unless when in cases of rebellion or invasion the public safety may require its suspension.

Sec: 6. Excessive bail and fines; cruel or unusual punishments; detention of witnesses. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

Sec. 7. Bail; exception for capital offenses and certain murders. All persons shall be bailable by sufficient sureties; unless for Capital Offenses or murders punishable by life imprisonment without possibility of parole when the proof is evident or the presumption great.

[Amended in 1980. Proposed and passed by the 1977 legislature; agreed to and passed by the 1979 legislature; and approved and ratified by the people at the 1980 general election. See: Statutes of Nevada 1977, p. 1697; Statutes of Nevada 1979, p. 1941.]

Sec. 8. Rights of accused in criminal prosecutions; jeopardy; rights of victims of crime; due process of law; eminent domain.

1. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or Attorney

General of the State, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself.

2. The Legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:

- (a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;
- (b) Present at all public hearings involving the critical stages of a criminal proceeding; and
- (c) Heard at all proceedings for the sentencing or release of a convicted person after trial.

3. Except as otherwise provided in subsection 4, no person may maintain an action against the State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the Legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the Legislature pursuant to subsection 2.

5. No person shall be deprived of life, liberty, or property, without due process of law.

6. Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

[Amended in 1912 and 1996. The first amendment was proposed and passed by the 1909 legislature; agreed to and passed by the 1911 legislature; and approved and ratified by the people at the 1912 general election. See: Statutes of Nevada 1909, p. 346; Statutes of Nevada 1911, p. 454. The second amendment was proposed and passed by the 1993 legislature; agreed to and passed by the 1995 legislature; and approved and ratified by the people at the 1996 general election. See: Statutes of Nevada 1993, p. 3065; Statutes of Nevada 1995, p. 2880.]

Sec: 9. Liberty of speech and the press. Every citizen may freely speak, write and publish his sentiments on all subjects being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for libels, the truth may be given in evidence to the Jury; and if it shall appear to the Jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the party shall be acquitted or exonerated.

Sec: 10. Right to assemble and to petition. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives and to petition the Legislature for redress of Grievances.

Sec. 11. Right to keep and bear arms; civil power supreme.

1. Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes.

2. The military shall be subordinate to the civil power; No standing army shall be maintained by this State in time of peace, and in time of War, no appropriation for a standing army shall be for a longer time than two years.

[Amended in 1982. Proposed and passed by the 1979 legislature; agreed to and passed by the 1981 legislature; and approved and ratified by the people at the 1982 general election. See: Statutes of Nevada 1979, p. 1986; Statutes of Nevada 1981, p. 2083.]

Sec: 12. Quartering soldier in private house. No soldier shall, in time of Peace be quartered in any house without the consent of the owner, nor in time of War, except in the manner to be prescribed by law.

Sec: 13. Representation apportioned according to population. Representation shall be apportioned according to population.

Sec: 14. Exemption of property from execution; imprisonment for debt. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for payment of any debts or liabilities hereafter contracted; And there shall be no imprisonment for debt, except in cases of fraud, libel, or slander, and no person shall be imprisoned [imprisoned] for a Militia fine in time of Peace.

Sec: 15. Bill of attainder; ex post facto law; obligation of contract. No bill of attainder, ex-post-facto law, or law impairing the obligation of contracts shall ever be passed.

Sec: 16. Rights of foreigners. [Repealed in 1924.]

[Sec. 16 of the original constitution was repealed by vote of the people at the 1924 general election. See: Statutes of Nevada 1921, p. 416; Statutes of Nevada 1923, p. 407. The original section read: "Foreigners who are, or who may hereafter become Bona-fide residents of this State, shall enjoy the same rights, in respect to the possession, enjoyment and inheritance of property, as native born citizens."]

Sec: 17. Slavery and involuntary servitude prohibited. Neither Slavery nor involuntary servitude unless for the punishment of crimes shall ever be tolerated in this State.

Sec. 18. Unreasonable seizure and search; issuance of warrants. The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by Oath or Affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

Sec: 19. Treason. Treason against the State shall consist only in levying war against it, adhering to its enemies or giving them Aid and Comfort. And no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec: 20. Rights retained by people. This enumeration of rights shall not be construed to impair or deny others retained by the people.

Sec: 21. Limitation on recognition of marriage. Only a marriage between a male and female person shall be recognized and given effect in this state.

[Added in 2002. Proposed by initiative petition and approved and ratified by the people at the 2000 and 2002 general elections.]

Sec. 22. Eminent domain proceedings: Restrictions and requirements. Notwithstanding any other provision of this Constitution to the contrary:

1. Public use shall not include the direct or indirect transfer of any interest in property taken in an eminent domain proceeding from one private party to another private party. In all eminent domain actions, the government shall have the burden to prove public use.

2. In all eminent domain actions, prior to the government's occupancy, a property owner shall be given copies of all appraisals by the government and shall be entitled, at the property

owner's election, to a separate and distinct determination by a district court jury, as to whether the taking is actually for a public use.

3. If a public use is determined, the taken or damaged property shall be valued at its highest and best use without considering any future dedication requirements imposed by the government. If private property is taken for any proprietary governmental purpose, then the property shall be valued at the use to which the government intends to put the property, if such use results in a higher value for the land taken.

4. In all eminent domain actions, just compensation shall be defined as that sum of money, necessary to place the property owner back in the same position, monetarily, without any governmental offsets, as if the property had never been taken. Just compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred.

5. In all eminent domain actions where fair market value is applied, it shall be defined as the highest price the property would bring on the open market.

6. Property taken in eminent domain shall automatically revert back to the original property owner upon repayment of the original purchase price, if the property is not used within five years for the original purpose stated by the government. The five years shall begin running from the date of the entry of the final order of condemnation.

7. A property owner shall not be liable to the government for attorney fees or costs in any eminent domain action.

8. For all provisions contained in this section, government shall be defined as the State of Nevada, its political subdivisions, agencies, any public or private agent acting on their behalf, and any public or private entity that has the power of eminent domain.

9. Any provision contained in this section shall be deemed a separate and freestanding right and shall remain in full force and effect should any other provision contained in this section be stricken for any reason.

[Added in 2008. Proposed by initiative petition and approved and ratified by the people at the 2006 and 2008 General Elections.]

## ARTICLE. 2. - Right of Suffrage.

SEC. 1. Right to vote; qualifications of elector; qualifications of nonelector to vote for President and Vice President of United States.

2. When residence not gained or lost.

3. Armed Forces personnel. [Repealed in 1972.]

4.      Privilege of qualified electors on general election day.
5.      Voting by ballot; voting in elections by legislature.
6.      Registration of electors; test of electoral qualifications.
7.      Poll tax: Levy and purpose. [Repealed in 1966.]
8.      Qualifications of voters on adoption or rejection of constitution.
9.      Recall of public officers: Procedure and limitations.
10.     Limitation on contributions to campaign.

Section 1. Right to vote; qualifications of elector; qualifications of nonelector to vote for President and Vice President of United States. 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.

[Amended in 1880, 1886, 1914, 1970 and 1971. The first amendment was proposed and passed by the 1877 Legislature; agreed to and passed by the 1879 Legislature; and approved and ratified by the people at the 1880 General Election. See: Statutes of Nevada 1877, p. 213; Statutes of Nevada 1879, p. 149. The second amendment was approved and ratified by the people at the 1886 General Election, but no entry of the proposed amendment had been made upon the journal of either house of the Legislature, and such omission was fatal to the adoption of the amendment. See: State ex rel. Stevenson v. Tufty, 19 Nev. 391 (1887). The third amendment was proposed and passed by the 1911 Legislature; agreed to and passed by the 1913 Legislature; and approved and ratified by the people at the 1914 General Election. See: Statutes of Nevada 1911, p. 457; Statutes of Nevada 1913, p. 581. The fourth amendment was proposed and passed by the 1967 Legislature; agreed to and passed by the 1969 Legislature; and approved and ratified by the people at the 1970 General Election. See: Statutes of Nevada 1967, p. 1827; Statutes of Nevada 1969, p. 1657. The fifth amendment was proposed and passed by the 1969 Legislature; agreed to and passed by the 1971 Legislature; and approved and ratified by the people at a special election held on June 8, 1971. See: Statutes of Nevada 1969, p. 1685; Statutes

of Nevada 1971, p. 2263. The sixth amendment was proposed and passed by the 2001 Legislature; agreed to and passed by the 2003 Legislature; and approved and ratified by the people at the 2004 General Election. See: Statutes of Nevada 2001, p. 3469; Statutes of Nevada 2003, p. 3726.]

Sec. 2. When residence not gained or lost. For the purpose of voting, no person shall be deemed to have gained or lost a residence solely by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a student of any institution of learning; nor while kept at any charitable institution or medical facility at public expense; nor while confined in any public prison.

[Amended in 1972. Proposed and passed by the 1969 legislature; agreed to and passed by the 1971 legislature; approved and ratified by the people at the 1972 general election. See: Statutes of Nevada 1969, p. 1695; Statutes of Nevada 1971, p. 2240.]

Section 3. Armed Forces personnel. [Repealed in 1972.]

[Amended in 1956. Proposed and passed by the 1953 legislature; agreed to and passed by the 1955 legislature; approved and ratified by the people at the 1956 general election. See: Statutes of Nevada 1953, p. 732; Statutes of Nevada 1955, p. 952. Repealed in 1972. Repeater proposed and passed by the 1969 legislature; agreed to and passed by the 1971 legislature; approved and ratified by the people at the 1972 general election. See: Statutes of Nevada 1969, p. 1695; Statutes of Nevada 1971, p. 2240. The section as amended in 1956 and repealed in 1972 read: "The right of suffrage shall be enjoyed by all persons, otherwise entitled to the same, who may be in the military or naval service of the United States; provided, the votes so cast shall be made to apply to the county and township of which said voters were bona fide residents at the time of their entry into such service; and provided further, that the payment of a poll tax shall not be required as a condition to the right of voting. Provision shall be made by law, regulating the manner of voting, holding elections, and making returns of such elections, wherein other provisions are not contained in this constitution."]

Sec: 4. Privilege of qualified electors on general election day. During the day on which any General Election shall be held in this State no qualified elector shall be arrested by virtue of any civil process.

Sec: 5. Voting by ballot; voting in elections by legislature. All elections by the people shall be by ballot, and all elections by the Legislature, or by either branch thereof shall be "Viva-Voce".

Sec: 6. Registration of electors; test of electoral qualifications. Provision shall be made by law for the registration of the names of the Electors within the counties of which they may be

residents and for the ascertainment by proper proofs of the persons who shall be entitled to the right of suffrage, as hereby established, to preserve the purity of elections, and to regulate the manner of holding and making returns of the same; and the Legislature shall have power to prescribe by law any other or further rules or oaths, as may be deemed necessary, as a test of electoral qualification.

Section 7. Poll tax: Levy and purpose. [Repealed in 1966.]

[Amended in 1910. Proposed and passed by the 1907 legislature; agreed to and passed by the 1909 legislature; approved and ratified by the people at the 1910 general election. See: Statutes of Nevada 1907, p. 450; Statutes of Nevada 1909, p. 344. Repealed in 1966. Repeater proposed and passed by the 1963 legislature; agreed to and passed by the 1965 legislature; approved and ratified by the people at the 1966 general election. See: Statutes of Nevada 1963, p. 1421; Statutes of Nevada 1965, p. 1495. The section as amended in 1910 and repealed in 1966 read: "The Legislature shall provide by law for the payment of an annual poll tax of not less than two, nor exceeding four, dollars from each male resident in the State between the ages of twenty-one and sixty years (uncivilized American Indians excepted) to be expended for the maintenance and betterment of the public roads."]

Sec: 8. Qualifications of voters on adoption or rejection of constitution. All persons qualified by law to vote for representatives to the General Assembly of the Territory of Nevada, on the twenty first day of March A.D. Eighteen hundred and sixty four and all other persons who may be lawful voters in said Territory on the first Wednesday of September next following, shall be entitled to vote directly upon the question of adopting or rejecting this Constitution.

Sec. 9. Recall of public officers: Procedure and limitations. Every public officer in the State of Nevada is subject, as herein provided, to recall from office by the registered voters of the state, or of the county, district, or municipality which he represents. For this purpose, not less than twenty-five percent (25%) of the number who actually voted in the state or in the county, district, or municipality which he represents, at the election in which he was elected, shall file their petition, in the manner herein provided, demanding his recall by the people. They shall set forth in said petition, in not exceeding two hundred (200) words, the reasons why said recall is demanded. If he shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy thereby caused shall be filled in the manner provided by law. If he shall not resign within five (5) days after the petition is filed, a special election shall be ordered to be held within thirty (30) days after the issuance of the call therefor, in the state, or county, district, or municipality electing said officer, to determine whether the people will recall said officer. On the ballot at said election shall be printed verbatim as set forth in the recall petition, the reasons for demanding the recall of said officer, and in not more than two hundred (200) words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall be finally declared. Other candidates for the office may be nominated to be voted for at said special election. The candidate who shall receive highest

number of votes at said special election shall be deemed elected for the remainder of the term, whether it be the person against whom the recall petition was filed, or another. The recall petition shall be filed with the officer with whom the petition for nomination to such office shall be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated or filed against any officer until he has actually held his office six (6) months, save and except that it may be filed against a senator or assemblyman in the legislature at any time after ten (10) days from the beginning of the first session after his election. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected, unless such further petitioners shall pay into the public treasury from which the expenses of said special election have been paid, the whole amount paid out of said public treasury as expenses for the preceding special election. Such additional legislation as may aid the operation of this section shall be provided by law.

[Added in 1912, amended in 1970 and 1996. The addition was proposed and passed by the 1909 legislature; agreed to and passed by the 1911 legislature; and approved and ratified by the people at the 1912 general election. See: Statutes of Nevada 1909, p. 345; Statutes of Nevada 1911, p. 448. The first amendment was proposed and passed by the 1967 legislature; agreed to and passed by the 1969 legislature; and approved and ratified by the people at the 1970 general election. See: Statutes of Nevada 1967, p. 1782; Statutes of Nevada 1969, p. 1663. The second amendment was proposed and passed by the 1993 legislature; agreed to and passed by the 1995 legislature; and approved and ratified by the people at the 1996 general election. See: Statutes of Nevada 1993, p. 3135; Statutes of Nevada 1995, p. 2887.]

#### Sec. 10. Limitation on contributions to campaign.

1. As used in this Section, "contribution" includes the value of services provided in kind for which money would otherwise be paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid campaign paraphernalia printed or otherwise produced, and the use of paid personnel to assist in a campaign.

2. The Legislature shall provide by law for the limitation of the total contribution by any natural or artificial person to the campaign of any person for election to any office, except a federal office, to \$5,000 for the primary and \$5,000 for the general election, and to the approval or rejection of any question by the registered voters to \$5,000, whether the office sought or the question submitted is local or for the State as a whole. The Legislature shall further provide for the punishment of the contributor, the candidate, and any other knowing party to a violation of the limit, as a felony.

[Added in 1996. Proposed by initiative petition and approved and ratified by the people at the 1994 and 1996 General Elections.]

#### ARTICLE. 3. - Distribution of Powers.

SEC. 1. Three separate departments; separation of powers; legislative review of administrative regulations.

Section 1. Three separate departments; separation of powers; legislative review of administrative regulations.

1. The powers of the Government of the State of Nevada shall be divided into three separate departments,—the Legislative,—the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions, appertaining to either of the others, except in the cases expressly directed or permitted in this constitution.

2. If the legislature authorizes the adoption of regulations by an executive agency which bind persons outside the agency, the legislature may provide by law for:

(a) The review of these regulations by a legislative agency before their effective date to determine initially whether each is within the statutory authority for its adoption;

(b) The suspension by a legislative agency of any such regulation which appears to exceed that authority, until it is reviewed by a legislative body composed of members of the Senate and Assembly which is authorized to act on behalf of both houses of the legislature; and

(c) The nullification of any such regulation by a majority vote of that legislative body, whether or not the regulation was suspended.

[Amended in 1996. Proposed and passed by the 1993 legislature; agreed to and passed by the 1995 legislature; and approved and ratified by the people at the 1996 general election. See: Statutes of Nevada 1993, p. 3082; Statutes of Nevada 1995, p. 2972.]

## ARTICLE. 4. - Legislative Department

SEC. 1. Legislative power vested in senate and assembly.

2. Biennial sessions of Legislature: Commencement; limitation on duration; void actions; submission of proposed executive budget. [Effective through November 26, 2012, and after that date unless the proposed amendment is approved and ratified by the voters at the 2012 General Election.]

2. Biennial sessions of Legislature: Commencement; limitation on duration; void actions; submission of proposed executive budget. [Effective November 27, 2012, if the proposed amendment is approved and ratified by the voters at the 2012 General Election.]

2A. Special sessions of Legislature: Procedure for convening; precedence; limitations on business and duration; void actions. [Effective November 27, 2012, if the proposed addition is approved and ratified by the voters at the 2012 General Election.]

3. Members of assembly: Election and term of office; eligibility for office.
4. Senators: Election and term of office; eligibility for office.
5. Number of Senators and members of Assembly; apportionment.
6. Power of houses to judge qualifications, elections and returns of members; selection of officers; rules of proceedings; punishment of members.
7. Punishment of nonmember.
8. Senators and members of Assembly ineligible for certain offices.
9. Federal officers ineligible for state office; exceptions.
10. Embezzler of public money ineligible for office; disqualification for bribery.
11. Privilege of members: Freedom from arrest on civil process.