QUESTION NO. 9

Amendment to the Nevada Constitution

Assembly Joint Resolution No. 11 of the 72nd Session

CONDENSATION (Ballot Question)

Shall the *Nevada Constitution* be amended to provide for the election of certain members of the Board of Regents of the University of Nevada and for the gubernatorial appointment of certain members, and to specify the number and terms of the members?

Yes…….☐
No…...…..☐

EXPLANATION

The *Nevada Constitution* authorizes the Board of Regents to control and manage the affairs and funds of the Nevada System of Higher Education, which consists of the state universities, state college, community colleges, research facilities, and public service departments. The *Constitution* currently requires the Legislature to provide for the election of the Regents. In 2001, the Legislature set the number of Regents at 13 members, determined the geographic boundaries of the districts, and fixed the terms of office at six years.

The proposed amendment to the *Constitution* would set the number of Regents at nine. One member would be elected from each of Nevada's congressional districts and the Governor would appoint the remaining members. Not more than two-thirds of the appointed members of the Board may be of the same political party. The length of term of office would be four years. Initially, the Legislature and the Governor would stagger the terms so that an equal number, as nearly as possible, would expire every two years. If a vacancy occurs during the term of an appointed member, the Governor would appoint a similarly qualified person to fill the remainder of the unexpired term. Nevada currently is apportioned three seats in the United States House of Representatives. If at any time Nevada is apportioned more than nine congressional seats, the Legislature would establish the districts from which the nine members would be elected.

A "Yes" vote would amend the *Nevada Constitution* to set the membership of the Board of Regents at nine members, to fix the term of office at four years, and to provide for the election of one member from each congressional district with the appointment of the remaining members by the Governor according to staggered terms.

A "No" vote would retain existing provisions regarding the election of members of the Board of Regents under the *Nevada Constitution*.

ARGUMENTS FOR PASSAGE

Nevada is the only state to elect a single board to govern all public institutions of higher education. Most governing boards of public higher education institutions are appointed by the governor of the state. The proposed amendment continues a link to Nevada's past by maintaining the citizens' right to vote for representatives on the Board, while it moves Nevada into a more common governance structure by authorizing the Governor to appoint some members of the Board.

The Governor can appoint members with the necessary education, credentials, and experience to administer this complex system of higher education. Appointed Regents would be accountable to the Governor, who is responsible to the electorate for the quality of his appointments. This proposal would result in more state-level coordination of policy goals for higher education and economic development among the Executive and Legislative Branches and the Board of Regents.

At 13, the current number of Regents is too large, making the Board unworkable. The Board needs a serious reconfiguration. For many years, the number of Regents was fixed at nine members. In 1991, membership was increased to 11, where it remained until the increase to 13 in 2001. Reducing the number of Regents will decrease operational costs. A smaller board would more effectively resolve issues among Board members through improved communication. Reducing the term of elected members from six years to four years will make them more accountable and responsive to the voters.

ARGUMENTS AGAINST PASSAGE

The proposed amendment takes from the people their right to vote on some of the members of the Board of Regents. Inevitably, friction between the elected and appointed members would occur as the elected officials act to represent their constituents. Elected boards are accessible to the people. Appointed individuals would be far less responsive to average citizens. An elective process requires individuals to undergo public scrutiny. The Governor might appoint only those who share his views.

The proposed four-year term is too short. Experienced Regents retain the institutional memory. Most boards around the country have terms of six or more years. To govern complex higher education institutions effectively, a board needs committees to study issues and to recommend policies to the full board. The existing number of Regents is necessary to make the committee structure work and to provide a range of opinions. Asking fewer people to commit even more time would result in less effective governance.

Neither an elected nor an appointed process guarantees a highly qualified board. Amending the *Constitution* to appoint Regents is not necessary. The voters may vote a Regent out of office at the end of a term, an option that would not apply to appointed Regents. In addition, the *Constitution* provides processes for impeachment or recall of elected officials.

As the number of congressional districts continues to increase, along with Nevada's growing population, the Regents would once again become an elected board. In the meantime, the districts from which individuals would be elected could be large, making campaigns more difficult and expensive.

FISCAL NOTE

FINANCIAL IMPACT – NO

The proposal to amend the *Nevada Constitution* would revise the method by which members of the Board of Regents of the Nevada System of Higher Education are selected. Approval of this proposal would have no adverse fiscal impact.

The proposal does not have a financial impact as it does not increase expenditures related to the Board of Regents. In fact, approval of the proposal would most likely decrease expenditures through reduced operational costs (per diem, travel, and related expenses) associated with the proposed nine member Board of Regents compared to the current 13 member Board.