

# EDUCATIONAL SERIES

## Epoch-Making Governmental Reforms in Nevada and Arkansas

(By George H. Shibley, President People's Rule of America.)

Of the states wherein legislatures were elected last year the two that have gone farthest in governmental reforms during the past twelve months are Nevada and Arkansas.

The Nevada legislature enacted laws establishing a mandatory system of direct nominations in place of nominating conventions, and a system of direct selection of United States senators by the people, under the Oregon plan, and the legislature submitted to the next legislature for submission to the people two constitutional amendments conferring upon them a power to recall their public officers, and a power to directly amend the constitution and directly enact state laws and municipal ordinances, also a veto power as to municipal ordinances. At present the people of the state possess a veto power as to acts of the legislature except emergency measures—measures, the enactment of which are immediately necessary for the preservation of the public peace, health or safety.

These proposed amendments for the initiative and the recall and the establishment of the referendum and direct nominations place Nevada in the front rank of the progressive states. The people of the state by electing next year a legislature that will submit the proposed constitutional amendments to a popular vote will be in line to become a self-governing people in 1912. In the meantime direct nominations will prevail, and the people can veto the acts of the legislature.

The most remarkable thing about this people's rule movement is that it has not been carried forward by the people themselves but by the democratic leaders, chief of whom is Senator Francis G. Newlands. I personally know that for many years he has been doing his utmost to supply the democratic newspapers of the state the facts that show the need for a complete restoration of self government by the people, and at each democratic state convention he has advised the enunciation of a platform promising the voters full relief. Four years ago the republican organization secured control of the legislature and refused to endorse the constitutional amendment for the initiative which the democratic majority in the preceding legislature had endorsed. But in 1908 the voters elected a democratic legislature and the result has been the complete carrying out of the people's-rule program of the democratic party in Nevada. At one time this year it looked as if the legislature might adjourn without action and Senator Newlands took the train for home, but when he reached Chicago he received reassuring telegrams that caused him to return to Washington and the platform pledges were fulfilled.

Senator Newlands is wealthy and he is a Yale college man, both of which tend to induce a belief in the rule of the few. But his instinct for popular government, supplemented by a careful examination of the actual working of the system, have carried him to the people's side and today he has the unique distinction of being the only party leader in the United States who has had both the willingness and the power to grant to the people of his state the restoration of self government.

In Oregon an initiative and referendum league steered the people's movement and forced an acquiescence from the party leaders to acquiesce. In South Dakota the farmer's alliance, that developed into the people's party, did it. In each of the other states either a league or the State Federation of Labor or the combined action of organized farmers and organized wage earners have been the moving power.

All honor to the party leader in a machine-ruled government who, though wealthy and a former student in a reactionary college, has within him such a sense of justice and such an abiding faith in the people that he has used his position and his power to willingly lead the way to a complete restoration of the people's rule.

I say "restoration," for from 1776 to the time of the establishment of the state nominating convention, 1823 to 1836, and the establishment of the national nominating conventions in 1832, the people possessed a system through which they could directly vote on public ques-

tions—the town meeting system in the north and the county conference in the south. But when the nominating conventions were established the people soon ceased to instruct at town meetings and county conferences for throughout an entire state and throughout the nation they could work together for reforms.

For a time the use of delegates in party conventions was an improvement. But in neither of the parties was there a written constitution and the state committees changed the convention system. In each state the committee provided that the delegates who could sit in the state convention should be three or four times removed from the voters so as to make it more difficult for them to rule. By 1844 the national system of party conventions had become so bad that John C. Calhoun withdrew from the race for the democratic nomination for the presidency, and in an address to the people he exposed the stacked cards and in conclusion said:

I hold it impossible to form a scheme more perfectly calculated to annihilate the control of the people over the presidential election and vest it in those who make politics a trade, and who live or expect to live on the government. (Benton's "Thirty Years in the United States Senate," Vol. II., p. 596.)

When the democratic national convention of 1844 assembled, though a majority of the delegates were pledged to former President Van Buren he was not nominated. The "machine" nominated James K. Polk, who the people scarcely knew. Says Benton:

That convention is an era in our political history, to be looked back upon as the starting point in a course of usurpation which has taken the choice of president out of the hands of the people, and vested it in the hands of a self-constituted and irresponsible assemblage. It was the first instance of such a disposal of the presidency—for these nominations are the election, so far as the party is concerned; but not the last. These assemblages now (1853) perpetuate themselves, through a committee of their own, ramified into each state, sitting permanently, and working incessantly to govern the election that is to come, after having governed the one that is past.—(Thirty Years in the United States Senate, Vol. II., p. 595.)

The details of the Nevada reforms are ideal.

### Nevada's Initiative and Referendum System

The proposed system of the initiative is an improvement over the Oregon plan. In Oregon there is no provision for public hearings on measures submitted by petition, and no provision for competing measures. The Nevada system provides:

Initiative petitions, for all but municipal legislation, shall be filed with the secretary of state not less than thirty days before any regular session of the legislature; the secretary of state shall transmit the same to the legislature as soon as it convenes and organizes. Such initiative measures shall take precedence over all measures of the legislature except appropriation bills, and shall be enacted or rejected by the legislature, without change or amendment, within forty days. If any such initiative measure so proposed by petition as aforesaid, shall be enacted by the legislature and approved by the governor in the same manner as other laws are enacted, same shall become a law, but shall be subject to referendum petition as provided in sections one and two of this article. If said initiative measure be rejected by the legislature or if no action be taken thereon within forty days, the secretary of state shall submit same to the qualified electors for approval or rejection at the next ensuing general election; and if a majority of the qualified electors voting thereon shall approve of such measure it shall become a law and take effect from the date of the official declaration of the vote; an initiative measure so approved by the qualified electors shall not be annulled, set aside, or repealed by the legislature within three years from the date said act takes effect. In case the legislature shall reject such initiative measure, said body may, with the approval of the governor, propose a different measure on the same subject, in which event both measures shall be submitted by the secretary of state to the qualified electors for approval or rejection at the next ensuing general election.

The percentage of signatures required for initiative petitions is that "not more than ten per cent of the qualified electors shall be required to propose any measure by initiative petition, and every such petition shall include the full text of the measure so proposed."

In county and city affairs not more than ten per cent of the signatures of the qualified electors shall be required for the referendum and not more than fifteen per cent for the initiative.

### The Recall

The recall amendment is as follows:

Every public officer in the state of Nevada is subject, as herein provided, to recall from office by the qualified electors of the state, or of the county, district, or municipality, from which he was elected. For this purpose not less than twenty-

five per cent of the qualified electors who vote in the state or in the county, district, or municipality electing said officer, at the preceding election, for justice of the supreme court, 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 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 days after the petition is filed, a special election shall be ordered to be held within twenty 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 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 the 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 months, save and except that it may be filed against a senator or assemblyman in the legislature at any time after ten 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.

### Direct Nominations

Nevada's system of direct nominations is mandatory. It provides:

All candidates for elective public offices shall be nominated as follows:

1. By direct vote at primary elections held in accordance with the provisions of this Act; or

2. By nominating petitions signed and filed as provided by existing laws.

Party candidates for the office of United States senator shall be nominated in the manner provided herein for the nominations of candidates for state offices. This act shall not apply to special elections to fill vacancies, to the nomination of party candidates for presidential electors; nor to the nomination of officers of the municipalities, whose charters provide a system for nominating candidates for such offices; nor to the nomination of officers for reclamation and irrigation districts; nor to school district officers or school trustees; nor shall it be construed as restricting or affecting the right of political parties to hold, under existing laws, which are hereby continued in force for all such purposes, primaries and conventions for the selection of delegates to national conventions.

Direct selection of United States senators by the people as between the party nominees is also provided. Each elector who seeks a nomination for the office of state senator or member of the assembly may include in his affidavit one of the two following statements:

I further declare to the people of Nevada, and to the people of..... (Senatorial or Assembly) district that during my term of office, without regard to my individual preference, I will always vote for that candidate for United States senator in congress who has received for that office the highest number of the people's votes for that position at the general election next preceding the election of a senator in congress.

.....  
(Signature of candidate for nomination.)

If the candidate be unwilling to sign the above statement, he may sign the following declaration, which shall be filed with his nomination paper or papers and affidavit:

I further declare to the people of Nevada, and to the people of..... (Senatorial or Assembly) district that during my term of office I shall consider the vote of the people at any primary election for United States senator as nothing more than a recommendation, which I shall be at liberty wholly to disregard as I see fit.

.....  
(Signature of candidate for nomination.)

The statute further provides:

It shall also be the duty of the secretary of state to compile the returns for United States senator in congress, if any, and prepare a statement thereof. A duplicate of such statement insofar as it shall be applicable to such party shall be transmitted to the state chairman of each political party. And it shall be the duty of the secretary of state to transmit duplicates of such statements to the speaker of the assembly and to the president of the senate on the first day of the next ensuing session of the legislature, together with his official certificates of nomination for the candidates for United States senator in congress, who received the highest number of votes cast by their respective party at the primary election.

All the expenses of the primary election are to be paid by the people, through their government, except that each candidate whose name is on the ticket shall pay a fee of from \$50, for each candidate for state office and for the United States senatorship and for representative