

ASSEMBLY BILL NO. 299—ASSEMBLYMAN MORTENSON

MARCH 7, 2001

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Revises provisions relating to county and municipal ballot questions.  
(BDR 24-598)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to elections; revising the period within which county and municipal initiative and referendum petitions must be filed; providing for the appointment of two committees to prepare arguments for and against county and municipal ballot questions in certain counties and cities; revising the provisions relating to the appointment and duties of such committees; requiring the county clerk and city clerk to consult with certain persons before determining whether to reject certain statements in arguments and rebuttals prepared by such committees; requiring the county clerk to perform certain duties of the registrar of voters in certain counties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** NRS 293.044 is hereby amended to read as follows:  
2     293.044 Except as the term is used in NRS 293.393 ~~†~~ *and*  
3     *subsections 4, 5 and 8 of NRS 295.121*, whenever the term “county clerk”  
4     is used in this Title it means “registrar of voters” in those counties where  
5     such office has been created pursuant to the provisions of NRS 244.164.  
6     **Sec. 2.** NRS 295.095 is hereby amended to read as follows:  
7     295.095 1. Any five registered voters of the county may commence  
8     initiative or referendum proceedings by filing with the county clerk an  
9     affidavit stating they will constitute the petitioners’ committee and be  
10    responsible for circulating the petition and filing it in proper form, stating  
11    their names and addresses and specifying the address to which all notices  
12    to the committee are to be sent, and setting out in full the proposed  
13    initiative ordinance or citing the ordinance sought to be reconsidered.  
14    2. Initiative petitions must be signed by a number of registered voters  
15    of the county equal to 15 percent or more of the number of voters who  
16    voted at the last preceding general election in the county.



1 3. Referendum petitions must be signed by a number of registered  
2 voters of the county equal to 10 percent or more of the number of voters  
3 who voted at the last preceding general election in the county.

4 4. A petition must be filed not later than:

5 (a) One hundred and eighty days after the date that the affidavit required  
6 by subsection 1 is filed with the county clerk; or

7 (b) One hundred *and thirty* days before the election,  
8 whichever is earlier.

9 5. A petition may consist of more than one document, but all  
10 documents of a petition must be uniform in size and style, numbered and  
11 assembled as one instrument for filing. Each signature must be executed in  
12 ink or indelible pencil and followed by the address of the person signing  
13 and the date on which he signed the petition. All signatures on a petition  
14 must be obtained within the period specified in ~~paragraph (a) of~~  
15 subsection 4. Each document must contain or have attached thereto  
16 throughout its circulation the full text of the ordinance proposed or sought  
17 to be reconsidered.

18 6. Each document of a petition must have attached to it when filed an  
19 affidavit executed by the circulator thereof stating:

20 (a) That he personally circulated the document;

21 (b) The number of signatures thereon;

22 (c) That all the signatures were affixed in his presence;

23 (d) That he believes them to be genuine signatures of the persons whose  
24 names they purport to be; and

25 (e) That each signer had an opportunity before signing to read the full  
26 text of the ordinance proposed or sought to be reconsidered.

27 7. The county clerk shall issue a receipt to any person who submits a  
28 petition pursuant to this section. The receipt must set forth the number of:

29 (a) Documents included in the petition;

30 (b) Pages in each document; and

31 (c) Signatures that the person declares are included in the petition.

32 **Sec. 3.** NRS 295.121 is hereby amended to read as follows:

33 295.121 1. In a county whose population is 50,000 or more, for each  
34 initiative, referendum or other question to be placed on the ballot by the  
35 board or county clerk, including, without limitation, pursuant to NRS  
36 293.482, 295.115 or 295.160, the board shall, in consultation with the  
37 county clerk ~~to~~ pursuant to subsection ~~2, appoint a committee of six~~  
38 ~~person, three of whom are known to~~ *4, appoint two committees. Except*  
39 *as otherwise provided in subsection 2, one committee must be composed*  
40 *of three persons who* favor approval by the voters of the initiative,  
41 referendum or other question and *the other committee must be composed*  
42 *of three* ~~of whom are known to~~ *persons who* oppose approval by the  
43 voters of the initiative, referendum or other question.

44 *2. If, after consulting with the county clerk pursuant to subsection 4,*  
45 *the board is unable to appoint three persons who are willing to serve on a*  
46 *committee, the board may appoint fewer than three persons to that*  
47 *committee, but the board must appoint at least one person to each*  
48 *committee appointed pursuant to this section.*

49 *3. With respect to a committee appointed pursuant to this section:*



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- 1 (a) A person may *not* serve *simultaneously* on ~~more than one~~  
2 ~~committee.~~ *the committee that favors approval by the voters of an*  
3 *initiative, referendum or other question and the committee that opposes*  
4 *approval by the voters of that initiative, referendum or other question.*  
5 (b) Members of the committee serve without compensation.  
6 (c) The term of office for each member commences upon appointment  
7 and expires upon the publication of the sample ballot containing the  
8 initiative, referendum or other question.  
9 ~~12-1~~ 4. Before the board appoints a committee pursuant to subsection  
10 1, the county clerk shall:  
11 (a) Recommend to the board persons to be appointed to the committee;  
12 and  
13 (b) Consider recommending pursuant to paragraph (a):  
14 (1) Any person who has expressed an interest in serving on the  
15 committee; and  
16 (2) A person who is a member of an organization that has expressed  
17 an interest in having a member of the organization serve on the committee.  
18 ~~13-1~~ 5. If the board of a county whose population is 50,000 or more  
19 fails to appoint a committee as required ~~by subsection 1,~~ *pursuant to this*  
20 *section,* the county clerk shall appoint the committee.  
21 ~~14-1~~ 6. A committee appointed pursuant to this section:  
22 (a) Shall elect a chairman for the committee;  
23 (b) Shall meet and conduct its affairs as necessary to fulfill the  
24 requirements of this section;  
25 (c) May seek and consider comments from the general public;  
26 (d) Shall *, based on whether the members were appointed to advocate*  
27 *or oppose approval by the voters of the initiative, referendum or other*  
28 *question,* prepare an argument *either* advocating *or opposing* approval by  
29 the voters of the initiative, referendum or other question ; ~~and prepare a~~  
30 ~~rebuttal to that argument;~~  
31 (e) Shall prepare ~~an argument opposing approval by the voters of the~~  
32 ~~initiative, referendum or other question, and prepare~~ a rebuttal to ~~that~~  
33 ~~argument;~~ *the argument prepared by the other committee appointed*  
34 *pursuant to this section;* and  
35 (f) Shall submit the ~~arguments and rebuttals~~ *argument and rebuttal*  
36 prepared pursuant to paragraphs (d) and (e) to the county clerk not later  
37 than the date prescribed by the county clerk pursuant to subsection ~~15-1~~ 7.  
38 ~~15-1~~ 7. The county clerk of a county whose population is 50,000 or  
39 more shall provide, by rule or regulation:  
40 (a) The maximum permissible length of an argument or rebuttal  
41 prepared pursuant to this section; and  
42 (b) The date by which an argument or rebuttal prepared pursuant to this  
43 section must be submitted by the committee to the county clerk.  
44 ~~16-1~~ 8. Upon receipt of an argument or rebuttal prepared pursuant to  
45 this section, the county clerk shall ~~reject~~ :  
46 (a) *Consult with persons who are generally recognized by a national*  
47 *or statewide organization as having expertise in the field or area to which*  
48 *the initiative, referendum or other question pertains; and*



1       **(b) Based on such consultation, reject** each statement in the argument  
2 or rebuttal that he believes is libelous or factually inaccurate.  
3 Not later than 5 days after the county clerk rejects a statement pursuant to  
4 this subsection, the committee may appeal that rejection to the district  
5 attorney. The district attorney shall review the statement and the reasons  
6 for its rejection and may receive evidence, documentary or testimonial, to  
7 aid him in his decision. Not later than 3 business days after the appeal by  
8 the committee, the district attorney shall issue his decision rejecting or  
9 accepting the statement. The decision of the district attorney is a final  
10 decision for the purposes of judicial review.  
11       ~~7-1~~ **9.** The county clerk shall place in the sample ballot provided to  
12 the registered voters of the county each argument and rebuttal prepared  
13 pursuant to this section, containing all statements that were not rejected  
14 pursuant to subsection ~~6-1~~ **8.** The county clerk may revise the language  
15 submitted by the committee so that it is clear, concise and suitable for  
16 incorporation in the sample ballot, but shall not alter the meaning or effect  
17 without the consent of the committee.  
18       ~~8-1~~ **10.** In a county whose population is less than 50,000:  
19       (a) The board may appoint ~~a committee~~ **committees** pursuant to  
20 ~~subsection 1-1~~ **this section.**  
21       (b) If the board appoints ~~a committee~~ **committees pursuant to this**  
22 **section,** the county clerk shall provide for rules or regulations pursuant to  
23 subsection ~~5-1~~ **7.**  
24       **Sec. 4.** NRS 295.205 is hereby amended to read as follows:  
25       295.205 1. Any five registered voters of the city may commence  
26 initiative or referendum proceedings by filing with the city clerk an  
27 affidavit:  
28       (a) Stating they will constitute the petitioners' committee and be  
29 responsible for circulating the petition and filing it in proper form;  
30       (b) Stating their names and addresses;  
31       (c) Specifying the address to which all notices to the committee are to  
32 be sent; and  
33       (d) Setting out in full the proposed initiative ordinance or citing the  
34 ordinance sought to be reconsidered.  
35       2. Initiative petitions must be signed by a number of registered voters  
36 of the city equal to 15 percent or more of the number of voters who voted  
37 at the last preceding city election.  
38       3. Referendum petitions must be signed by a number of registered  
39 voters of the city equal to 10 percent or more of the number of voters who  
40 voted at the last preceding city election.  
41       4. A petition must be filed not later than:  
42       (a) One hundred and eighty days after the date that the affidavit required  
43 by subsection 1 is filed with the city clerk; or  
44       (b) One hundred **and thirty** days before the election,  
45 whichever is earlier.  
46       5. A petition may consist of more than one document, but all  
47 documents of a petition must be uniform in size and style, numbered and  
48 assembled as one instrument for filing. Each signature must be executed in  
49 ink or indelible pencil and followed by the address of the person signing



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1 and the date on which he signed the petition. All signatures on a petition  
2 must be obtained within the period specified in ~~paragraph (a) of~~  
3 subsection 4. Each document must contain or have attached thereto  
4 throughout its circulation the full text of the ordinance proposed or sought  
5 to be reconsidered.

6 6. Each document of a petition must have attached to it when filed an  
7 affidavit executed by the circulator thereof stating:

- 8 (a) That he personally circulated the document;  
9 (b) The number of signatures thereon;  
10 (c) That all the signatures were affixed in his presence;  
11 (d) That he believes them to be genuine signatures of the persons whose  
12 names they purport to be; and  
13 (e) That each signer had an opportunity before signing to read the full  
14 text of the ordinance proposed or sought to be reconsidered.

15 7. The city clerk shall issue a receipt to any person who submits a  
16 petition pursuant to this section. The receipt must set forth the number of:

- 17 (a) Documents included in the petition;  
18 (b) Pages in each document; and  
19 (c) Signatures that the person declares are included in the petition.

20 **Sec. 5.** NRS 295.217 is hereby amended to read as follows:

21 295.217 1. In a city whose population is 50,000 or more, for each  
22 initiative, referendum or other question to be placed on the ballot by the  
23 council, including, without limitation, pursuant to NRS 293.482 or  
24 295.215, the council shall, in consultation with the city clerk ~~+~~ pursuant to  
25 subsection ~~2, appoint a committee of six persons, three of whom are~~  
26 ~~known to~~ *4, appoint two committees. Except as otherwise provided in*  
27 *subsection 2, one committee must be composed of three persons who*  
28 *favor approval by the voters of the initiative, referendum or other question*  
29 *and the other committee must be composed of three* ~~of whom are known~~  
30 ~~to~~ *persons who* oppose approval by the voters of the initiative, referendum  
31 or other question.

32 *2. If, after consulting with the city clerk pursuant to subsection 4, the*  
33 *council is unable to appoint three persons willing to serve on a*  
34 *committee, the council may appoint fewer than three persons to that*  
35 *committee, but the council must appoint at least one person to each*  
36 *committee appointed pursuant to this section.*

37 *3. With respect to a committee appointed pursuant to this section:*

38 *(a) A person may not serve simultaneously on* ~~more than one~~  
39 ~~committee~~ *the committee that favors approval by the voters of an*  
40 *initiative, referendum or other question and the committee that opposes*  
41 *approval by the voters of that initiative, referendum or other question.*

42 *(b) Members of the committee serve without compensation.*

43 *(c) The term of office for each member commences upon appointment*  
44 *and expires upon the publication of the sample ballot containing the*  
45 *initiative, referendum or other question.*

46 ~~2.~~ *4. Before the council appoints a committee pursuant to*  
47 ~~subsection 1,~~ *this section,* the city clerk shall:

48 (a) Recommend to the council persons to be appointed to the  
49 committee; and



1 (b) Consider recommending pursuant to paragraph (a):  
2 (1) Any person who has expressed an interest in serving on the  
3 committee; and  
4 (2) A person who is a member of an organization that has expressed  
5 an interest in having a member of the organization serve on the committee.  
6 ~~§3-~~ 5. If the council of a city whose population is 50,000 or more fails  
7 to appoint a committee as required ~~by subsection 1,~~ *pursuant to this*  
8 *section*, the city clerk shall appoint the committee.  
9 ~~§4-~~ 6. A committee appointed pursuant to this section:  
10 (a) Shall elect a chairman for the committee;  
11 (b) Shall meet and conduct its affairs as necessary to fulfill the  
12 requirements of this section;  
13 (c) May seek and consider comments from the general public;  
14 (d) Shall *, based on whether the members were appointed to advocate*  
15 *or oppose approval by the voters of the initiative, referendum or other*  
16 *question*, prepare an argument *either* advocating *or opposing* approval by  
17 the voters of the initiative, referendum or other question ; ~~and prepare a~~  
18 ~~rebuttal to that argument;~~  
19 (e) Shall prepare ~~an argument opposing approval by the voters of the~~  
20 ~~initiative, referendum or other question, and prepare~~ a rebuttal to ~~that~~  
21 ~~argument;~~ *the argument prepared by the other committee appointed*  
22 *pursuant to this section;* and  
23 (f) Shall submit the ~~arguments and rebuttals~~ *argument and rebuttal*  
24 prepared pursuant to paragraphs (d) and (e) to the city clerk not later than  
25 the date prescribed by the city clerk pursuant to subsection ~~§5-~~ 7.  
26 ~~§5-~~ 7. The city clerk of a city whose population is 50,000 or more  
27 shall provide, by rule or regulation:  
28 (a) The maximum permissible length of an argument or rebuttal  
29 prepared pursuant to this section; and  
30 (b) The date by which an argument or rebuttal prepared pursuant to this  
31 section must be submitted by the committee to the city clerk.  
32 ~~§6-~~ 8. Upon receipt of an argument or rebuttal prepared pursuant to  
33 this section, the city clerk shall ~~reject~~ :  
34 (a) *Consult with persons who are generally recognized by a national*  
35 *or statewide organization as having expertise in the field or area to which*  
36 *the initiative, referendum or other question pertains; and*  
37 (b) *Based on such consultation, reject* each statement in the argument  
38 or rebuttal that he believes is libelous or factually inaccurate.  
39 Not later than 5 days after the city clerk rejects a statement pursuant to this  
40 subsection, the committee may appeal that rejection to the city attorney.  
41 The city attorney shall review the statement and the reasons for its rejection  
42 and may receive evidence, documentary or testimonial, to aid him in his  
43 decision. Not later than 3 business days after the appeal by the committee,  
44 the city attorney shall issue his decision rejecting or accepting the  
45 statement. The decision of the city attorney is a final decision for the  
46 purposes of judicial review.  
47 ~~§7-~~ 9. The city clerk shall place in the sample ballot provided to the  
48 registered voters of the city each argument and rebuttal prepared pursuant  
49 to this section, containing all statements that were not rejected pursuant to



1 subsection ~~16-1~~ 8. The city clerk may revise the language submitted by the  
2 committee so that it is clear, concise and suitable for incorporation in the  
3 sample ballot, but shall not alter the meaning or effect without the consent  
4 of the committee.  
5 ~~18-1~~ 10. In a city whose population is less than 50,000:  
6 (a) The council may appoint ~~1a-committee~~ committees pursuant to  
7 ~~subsection 1-1~~ this section.  
8 (b) If the council appoints ~~1a-committee~~ committees pursuant to this  
9 section, the city clerk shall provide for rules or regulations pursuant to  
10 subsection ~~15-1~~ 7.  
11 **Sec. 6.** NRS 244.164 is hereby amended to read as follows:  
12 244.164 1. In each county having a population of 100,000 or more,  
13 the board of county commissioners may create the office of registrar of  
14 voters, prescribe the qualifications, duties and compensation of that office  
15 and make appointments to that office.  
16 2. The registrar of voters, upon appointment as provided in subsection  
17 1, shall assume all of the powers and duties vested in and imposed upon the  
18 county clerk of the county with respect to elections, except the duties  
19 imposed ~~1by virtue of NRS 293.393 to make out and deliver certificates of~~  
20 ~~election -1~~ pursuant to NRS 293.393 and subsections 4, 5 and 8 of NRS  
21 295.121.  
22 **Sec. 7.** This act becomes effective upon passage and approval.

