

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT **A.B. 299**

ASSEMBLY BILL NO. 299—ASSEMBLYMAN MORTENSON

MARCH 7, 2001

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Revises provisions relating to ballot questions and petitions. (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; authorizing 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; providing that signatures must be removed from certain petitions, upon request, only if the removal of such signatures could affect the sufficiency of the petitions; 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 293.1277 is hereby amended to read as follows:
2 293.1277 1. If the secretary of state finds that the total number of
3 signatures submitted to all the county clerks is 100 percent or more of the
4 number of registered voters needed to declare the petition sufficient, he
5 shall immediately so notify the county clerks. Within 9 days, excluding
6 Saturdays, Sundays and holidays, after notification, each of the county
7 clerks shall determine the number of registered voters who have signed the
8 documents submitted in his county.
9 2. If more than 500 names have been signed on the documents
10 submitted to him, a county clerk shall examine the signatures by sampling
11 them at random for verification. The random sample of signatures to be
12 verified must be drawn in such a manner that every signature which has
13 been submitted to the county clerk is given an equal opportunity to be
14 included in the sample. The sample must include an examination of at least
15 500 or 5 percent of the signatures, whichever is greater.
16 3. In determining from the records of registration the number of
17 registered voters who signed the documents, the county clerk may use the



1 signatures contained in the file of applications to register to vote. If the
2 county clerk uses that file, he shall ensure that every application in the file
3 is examined, including any application in his possession which may not yet
4 be entered into his records. The county clerk shall rely only on the
5 appearance of the signature and the address and date included with each
6 signature in making his determination.

7 4. Except as otherwise provided in subsection 6, upon completing the
8 examination, the county clerk shall immediately attach to the documents a
9 certificate properly dated, showing the result of his examination and
10 transmit the documents with the certificate to the secretary of state. A copy
11 of this certificate must be filed in the clerk's office. *When the county clerk
12 transmits the certificate to the secretary of state, the county clerk shall
13 notify the secretary of state of the number of requests to remove a name
14 received by the county clerk pursuant to NRS 295.055 or 306.015.*

15 5. A person who submits a petition to the county clerk which is
16 required to be verified pursuant to NRS 293.128, 293.165, 293.172,
17 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness
18 the verification of the signatures. A public officer who is the subject of a
19 recall petition must also be allowed to witness the verification of the
20 signatures on the petition.

21 6. For any petition containing signatures which are required to be
22 verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or
23 306.110 for any county, district or municipal office within one county, the
24 county clerk shall not transmit to the secretary of state the documents
25 containing the signatures of the registered voters.

26 7. The secretary of state may by regulation establish further procedures
27 for carrying out the provisions of this section.

28 **Sec. 2.** NRS 293.1278 is hereby amended to read as follows:

29 293.1278 1. If the certificates received by the secretary of state from
30 all the county clerks establish that the number of valid signatures is less
31 than 90 percent of the required number of registered voters, the petition
32 shall be deemed to have failed to qualify, and the secretary of state shall
33 immediately so notify the petitioners and the county clerks.

34 2. If those certificates establish that the ~~petitioners have~~ *number of*
35 *valid signatures is equal to or* more than ~~the sum of~~ 100 percent of the
36 number of registered voters needed to make the petition sufficient ~~plus~~
37 *the total number of requests to remove a name received by the county*
38 *clerks pursuant to NRS 295.055 or 306.015*, the petition shall be deemed
39 to qualify as of the date of receipt by the secretary of state of *those*
40 certificates, ~~showing the petition to have reached 100 percent,~~ and the
41 secretary of state shall immediately so notify the petitioners and the county
42 clerks.

43 3. *If the certificates establish that the petitioners have 100 percent or*
44 *more of the number of registered voters needed to make the petition*
45 *sufficient but the petition fails to qualify pursuant to subsection 2, each*
46 *county clerk who received a request to remove a name pursuant to NRS*
47 *295.055 or 306.015 shall remove each name as requested, amend the*
48 *certificate, and transmit the amended certificate to the secretary of state.*
49 *If the amended certificates establish that the petitioners have 100 percent*



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1 *or more of the number of registered voters needed to make the petition*
2 *sufficient, the petition shall be deemed to qualify as of the date of receipt*
3 *by the secretary of state of the amended certificates, and the secretary of*
4 *state shall immediately so notify the petitioners and the county clerks.*

5 **Sec. 3.** NRS 293.1279 is hereby amended to read as follows:

6 293.1279 1. If the statistical sampling shows that the number of valid
7 signatures filed is 90 percent or more , but less than *the sum of* 100 percent
8 of the number of signatures of registered voters needed to declare the
9 petition sufficient ~~+~~ *plus the total number of requests to remove a name*
10 *received by the county clerks pursuant to NRS 295.055 or 306.015,* the
11 secretary of state shall order the county clerks to examine the signatures for
12 verification. The county clerks shall examine the signatures for verification
13 until they determine that 100 percent of the number of signatures of
14 registered voters needed to declare the petition sufficient are valid. *If the*
15 *county clerks received a request to remove a name pursuant to NRS*
16 *295.055 or 306.015, the county clerks may not determine that 100 percent*
17 *of the number of signatures of registered voters needed to declare the*
18 *petition sufficient are valid until they have removed each name as*
19 *requested pursuant to NRS 295.055 or 306.015.*

20 2. If the statistical sampling shows that the number of valid signatures
21 filed in any county is 90 percent or more but less than *the sum of* 100
22 percent of the number of signatures of registered voters needed to
23 constitute 10 percent of the number of voters who voted at the last
24 preceding general election in that county ~~+~~ *plus the total number of*
25 *requests to remove a name received by the county clerk in that county*
26 *pursuant to NRS 295.055 or 306.015,* the secretary of state may order the
27 county clerk in that county to examine every signature for verification. *If*
28 *the county clerk received a request to remove a name pursuant to NRS*
29 *295.055 or 306.015, the county clerk may not determine that 100 percent*
30 *or more of the number of signatures of registered voters needed to*
31 *constitute 10 percent of the number of voters who voted at the last*
32 *preceding general election in that county are valid until he has removed*
33 *each name as requested pursuant to NRS 295.055 or 306.015.*

34 3. Within 12 days, excluding Saturdays, Sundays and holidays, after
35 receipt of such an order, the clerk shall determine from the records of
36 registration what number of registered voters have signed the petition. If
37 necessary, the board of county commissioners shall allow the county clerk
38 additional assistants for examining the signatures and provide for their
39 compensation. In determining from the records of registration what number
40 of registered voters have signed the petition, the clerk may use any file or
41 list of registered voters maintained by his office or facsimiles of voters'
42 signatures. The county clerk may rely on the appearance of the signature
43 and the address and date included with each signature in determining the
44 number of registered voters that signed the petition.

45 4. Except as otherwise provided in subsection 5, upon completing the
46 examination, the county clerk shall immediately attach to the documents of
47 the petition an amended certificate properly dated, showing the result of the
48 examination and shall immediately forward the documents with the



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1 amended certificate to the secretary of state. A copy of the amended
2 certificate must be filed in the county clerk's office.

3 5. For any petition containing signatures which are required to be
4 verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or
5 306.110 for any county, district or municipal office within one county, the
6 county clerk shall not forward to the secretary of state the documents
7 containing the signatures of the registered voters.

8 6. Except for a petition to recall a county, district or municipal officer,
9 the petition shall be deemed filed with the secretary of state as of the date
10 on which he receives certificates from the county clerks showing the
11 petition to be signed by the requisite number of voters of the state.

12 7. If the amended certificates received from all county clerks by the
13 secretary of state establish that the petition is still insufficient, he shall
14 immediately so notify the petitioners and the county clerks. If the petition
15 is a petition to recall a county, district or municipal officer, the secretary of
16 state shall also notify the officer with whom the petition is to be filed.

17 **Sec. 4.** NRS 293.12795 is hereby amended to read as follows:

18 293.12795 1. If an appeal is based upon the results of the verification
19 of signatures on a petition performed pursuant to NRS 293.1277 or
20 293.1279, the secretary of state shall:

21 (a) If he finds for the appellant, order the county clerk to recertify the
22 petition, including as verified signatures all contested signatures which the
23 secretary of state determines are valid. *If the county clerk has not yet*
24 *removed each name as requested pursuant to NRS 295.055 or 306.015,*
25 *the county clerk shall do so before recertifying the petition.*

26 (b) If he does not find for the appellant, notify the appellant and the
27 county clerk that the petition remains insufficient.

28 2. If the secretary of state is unable to make a decision on the appeal
29 based upon the documents submitted to him, the secretary of state may
30 order the county clerk to reverify the signatures.

31 3. The decision of the secretary of state is a final decision for the
32 purposes of judicial review. The decision of the secretary of state may only
33 be appealed in the first judicial district court.

34 **Sec. 5.** NRS 295.055 is hereby amended to read as follows:

35 295.055 1. The secretary of state shall by regulation specify:

36 (a) The format for the signatures on a petition for an initiative or
37 referendum and make free specimens of the format available upon request.
38 Each signature must be dated.

39 (b) The manner of fastening together several sheets circulated by one
40 person to constitute a single document.

41 2. Each document of the petition must bear the name of a county, and
42 only registered voters of that county may sign the document.

43 3. A person who signs a petition may *request that the county clerk*
44 *remove his name from it by transmitting his request in writing to the*
45 *county clerk at any time before the petition is filed with the county clerk.*

46 **Sec. 6.** NRS 295.095 is hereby amended to read as follows:

47 295.095 1. Any five registered voters of the county may commence
48 initiative or referendum proceedings by filing with the county clerk an
49 affidavit stating they will constitute the petitioners' committee and be



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1 responsible for circulating the petition and filing it in proper form, stating
2 their names and addresses and specifying the address to which all notices
3 to the committee are to be sent, and setting out in full the proposed
4 initiative ordinance or citing the ordinance sought to be reconsidered.
5 2. Initiative petitions must be signed by a number of registered voters
6 of the county equal to 15 percent or more of the number of voters who
7 voted at the last preceding general election in the county.
8 3. Referendum petitions must be signed by a number of registered
9 voters of the county equal to 10 percent or more of the number of voters
10 who voted at the last preceding general election in the county.
11 4. A petition must be filed not later than:
12 (a) One hundred and eighty days after the date that the affidavit required
13 by subsection 1 is filed with the county clerk; or
14 (b) One hundred *and thirty* days before the election,
15 whichever is earlier.
16 5. A petition may consist of more than one document, but all
17 documents of a petition must be uniform in size and style, numbered and
18 assembled as one instrument for filing. Each signature must be executed in
19 ink or indelible pencil and followed by the address of the person signing
20 and the date on which he signed the petition. All signatures on a petition
21 must be obtained within the period specified in ~~paragraph (a) of~~
22 subsection 4. Each document must contain or have attached thereto
23 throughout its circulation the full text of the ordinance proposed or sought
24 to be reconsidered.
25 6. Each document of a petition must have attached to it when filed an
26 affidavit executed by the circulator thereof stating:
27 (a) That he personally circulated the document;
28 (b) The number of signatures thereon;
29 (c) That all the signatures were affixed in his presence;
30 (d) That he believes them to be genuine signatures of the persons whose
31 names they purport to be; and
32 (e) That each signer had an opportunity before signing to read the full
33 text of the ordinance proposed or sought to be reconsidered.
34 7. The county clerk shall issue a receipt to any person who submits a
35 petition pursuant to this section. The receipt must set forth the number of:
36 (a) Documents included in the petition;
37 (b) Pages in each document; and
38 (c) Signatures that the person declares are included in the petition.
39 **Sec. 7.** NRS 295.121 is hereby amended to read as follows:
40 295.121 1. In a county whose population is 50,000 or more, for each
41 initiative, referendum or other question to be placed on the ballot by the
42 board or county clerk, including, without limitation, pursuant to NRS
43 293.482, 295.115 or 295.160, the board shall, in consultation with the
44 county clerk ~~1, pursuant to subsection 12, appoint a committee of six~~
45 ~~person, three of whom are known to 4, appoint two committees. Except~~
46 *as otherwise provided in subsection 2, one committee must be composed*
47 *of three persons who* favor approval by the voters of the initiative,
48 referendum or other question and *the other committee must be composed*



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1 of three ~~{of whom are known to}~~ *persons who* oppose approval by the
2 voters of the initiative, referendum or other question.

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

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

9 (a) A person may *not* serve *simultaneously* on ~~{more than one~~
10 ~~committee.}~~ *the committee that favors approval by the voters of an*
11 *initiative, referendum or other question and the committee that opposes*
12 *approval by the voters of that initiative, referendum or other question.*

13 (b) Members of the committee serve without compensation.

14 (c) The term of office for each member commences upon appointment
15 and expires upon the publication of the sample ballot containing the
16 initiative, referendum or other question.

17 ~~{2-}~~ 4. Before the board appoints a committee pursuant to subsection
18 1, the county clerk shall:

19 (a) Recommend to the board persons to be appointed to the committee;
20 and

21 (b) Consider recommending pursuant to paragraph (a):

22 (1) Any person who has expressed an interest in serving on the
23 committee; and

24 (2) A person who is a member of an organization that has expressed
25 an interest in having a member of the organization serve on the committee.

26 ~~{3-}~~ 5. If the board of a county whose population is 50,000 or more
27 fails to appoint a committee as required ~~{by subsection 1-}~~ *pursuant to this*
28 *section*, the county clerk shall appoint the committee.

29 ~~{4-}~~ 6. A committee appointed pursuant to this section:

30 (a) Shall elect a chairman for the committee;

31 (b) Shall meet and conduct its affairs as necessary to fulfill the
32 requirements of this section;

33 (c) May seek and consider comments from the general public;

34 (d) Shall, *based on whether the members were appointed to advocate*
35 *or oppose approval by the voters of the initiative, referendum or other*
36 *question*, prepare an argument *either* advocating *or opposing* approval by
37 the voters of the initiative, referendum or other question ; ~~{, and prepare a~~
38 ~~rebuttal to that argument;}~~

39 (e) Shall prepare ~~{an argument opposing approval by the voters of the~~
40 ~~initiative, referendum or other question, and prepare}~~ a rebuttal to ~~{that~~
41 ~~argument;}~~ *the argument prepared by the other committee appointed*
42 *pursuant to this section;* and

43 (f) Shall submit the ~~{arguments and rebuttals}~~ *argument and rebuttal*
44 prepared pursuant to paragraphs (d) and (e) to the county clerk not later
45 than the date prescribed by the county clerk pursuant to subsection ~~{5-}~~ 7.

46 ~~{5-}~~ 7. The county clerk of a county whose population is 50,000 or
47 more shall provide, by rule or regulation:

48 (a) The maximum permissible length of an argument or rebuttal
49 prepared pursuant to this section; and



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



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

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

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

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

- 16 (a) That he personally circulated the document;
17 (b) The number of signatures thereon;
18 (c) That all the signatures were affixed in his presence;
19 (d) That he believes them to be genuine signatures of the persons whose
20 names they purport to be; and
21 (e) That each signer had an opportunity before signing to read the full
22 text of the ordinance proposed or sought to be reconsidered.

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

- 25 (a) Documents included in the petition;
26 (b) Pages in each document; and
27 (c) Signatures that the person declares are included in the petition.

28 **Sec. 9.** NRS 295.217 is hereby amended to read as follows:

29 295.217 1. In a city whose population is 50,000 or more, for each
30 initiative, referendum or other question to be placed on the ballot by the
31 council, including, without limitation, pursuant to NRS 293.482 or
32 295.215, the council shall, in consultation with the city clerk ~~1,~~ pursuant to
33 subsection ~~{2, appoint a committee of six persons, three of whom are~~
34 ~~known to}~~ *4, appoint two committees. Except as otherwise provided in*
35 *subsection 2, one committee must be composed of three persons who*
36 *favor approval by the voters of the initiative, referendum or other question*
37 *and the other committee must be composed of three* ~~of whom are known~~
38 ~~to}~~ *persons who* oppose approval by the voters of the initiative, referendum
39 or other question.

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

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

- 46 (a) A person may *not* serve *simultaneously* on ~~more than one~~
47 ~~committee.~~ *the committee that favors approval by the voters of an*
48 *initiative, referendum or other question and the committee that opposes*
49 *approval by the voters of that initiative, referendum or other question.*



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



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1 and may receive evidence, documentary or testimonial, to aid him in his
2 decision. Not later than 3 business days after the appeal by the committee,
3 the city attorney shall issue his decision rejecting or accepting the
4 statement. The decision of the city attorney is a final decision for the
5 purposes of judicial review.

6 ~~7-1~~ 9. The city clerk shall place in the sample ballot provided to the
7 registered voters of the city each argument and rebuttal prepared pursuant
8 to this section, containing all statements that were not rejected pursuant to
9 subsection ~~6-1~~ 8. The city clerk may revise the language submitted by the
10 committee so that it is clear, concise and suitable for incorporation in the
11 sample ballot, but shall not alter the meaning or effect without the consent
12 of the committee.

13 ~~8-1~~ 10. In a city whose population is less than 50,000:

14 (a) The council may appoint ~~1a-committee~~ *committees* pursuant to
15 ~~subsection 1-1~~ *this section*.

16 (b) If the council appoints ~~1a-committee~~ *committees pursuant to this*
17 *section*, the city clerk shall provide for rules or regulations pursuant to
18 subsection ~~5-1~~ 7.

19 **Sec. 10.** NRS 306.015 is hereby amended to read as follows:

20 306.015 1. Before a petition to recall a public officer is circulated,
21 the persons proposing to circulate the petition must file a notice of intent
22 with the filing officer.

23 2. The notice of intent:

24 (a) Must be signed by three registered voters who actually voted in this
25 state or in the county, district or municipality electing the officer at the last
26 preceding general election.

27 (b) Must be signed before a person authorized by law to administer
28 oaths that the statements and signatures contained in the notice are true.

29 (c) Is valid until the date on which the call for a special election is
30 issued, as set forth in NRS 306.040.

31 3. The petition may consist of more than one document. The persons
32 filing the notice of intent shall submit the petition that was circulated for
33 signatures to the filing officer within 60 days after the date on which the
34 notice of intent was filed. The filing officer shall immediately submit the
35 petition to the county clerk for verification pursuant to NRS 306.035. Any
36 person who fails to file the petition as required by this subsection is guilty
37 of a misdemeanor. Copies of the petition are not valid for any subsequent
38 petition.

39 4. The county clerk shall, upon completing the verification of the
40 signatures on the petition, file the petition with the filing officer.

41 5. Any person who signs a petition to recall any public officer may
42 *request that the county clerk* remove his name from the petition by
43 submitting a request in writing to the county clerk at any time before the
44 petition is submitted for the verification of the signatures thereon pursuant
45 to NRS 306.035.

46 6. A person who signs a notice of intent pursuant to subsection 1 or a
47 petition to recall a public officer is immune from civil liability for conduct
48 related to the exercise of his right to participate in the recall of a public
49 officer.



1 7. As used in this section, "filing officer" means the officer with whom
2 the public officer to be recalled filed his declaration of candidacy or
3 acceptance of candidacy pursuant to NRS 293.185, 293C.145 or 293C.175.
4 **Sec. 11.** NRS 306.040 is hereby amended to read as follows:
5 306.040 1. Upon determining that the number of signatures on a
6 petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279,
7 inclusive, the secretary of state shall notify the county clerk, the officer
8 with whom the petition is to be filed pursuant to subsection 4 of NRS
9 306.015 and the public officer who is the subject of the petition.
10 2. After the verification of signatures is complete, but not later than the
11 date a complaint is filed pursuant to subsection 5 or the date the call for a
12 special election is issued, whichever is earlier, a person who signs a
13 petition to recall may request the secretary of state to strike his name from
14 the petition. If the person demonstrates good cause therefor ~~his~~ *and the*
15 *number of such requests received by the secretary of state could affect*
16 *the sufficiency of the petition*, the secretary of state shall strike ~~this~~ *the*
17 *name of the person* from the petition.
18 3. Not sooner than 10 days nor more than 20 days after the secretary of
19 state completes the notification required by subsection 1, if a complaint is
20 not filed pursuant to subsection 5, the officer with whom the petition is
21 filed shall issue a call for a special election in the jurisdiction in which the
22 public officer who is the subject of the petition was elected to determine
23 whether the people will recall him.
24 4. The call for a special election pursuant to subsection 3 or 6 must
25 include, without limitation:
26 (a) The last day on which a person may register to vote to qualify to
27 vote in the special election; and
28 (b) The last day on which a petition to nominate other candidates for the
29 office may be filed.
30 5. The legal sufficiency of the petition may be challenged by filing a
31 complaint in district court not later than 5 days, Saturdays, Sundays and
32 holidays excluded, after the secretary of state completes the notification
33 required by subsection 1. All affidavits and documents in support of the
34 challenge must be filed with the complaint. The court shall set the matter
35 for hearing not later than 30 days after the complaint is filed and shall give
36 priority to such a complaint over all other matters pending with the court,
37 except for criminal proceedings.
38 6. Upon the conclusion of the hearing, if the court determines that the
39 petition is sufficient, it shall order the officer with whom the petition is
40 filed to issue a call for a special election in the jurisdiction in which the
41 public officer who is the subject of the petition was elected to determine
42 whether the people will recall him. If the court determines that the petition
43 is not sufficient, it shall order the officer with whom the petition is filed to
44 cease any further proceedings regarding the petition.
45 **Sec. 12.** This act becomes effective upon passage and approval.

