

(REPRINTED WITH ADOPTED AMENDMENTS)
SECOND REPRINT A.B. 443

ASSEMBLY BILL NO. 443—ASSEMBLYWOMAN FREEMAN

MARCH 19, 2001

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Makes various changes concerning elections. (BDR 24-986)

FISCAL NOTE: Effect on Local Government: Yes.
 Effect on the State: Yes.

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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; providing for certain designated areas for gathering signatures on petitions; prohibiting state and local government, for certain periods, from expending money to support or oppose candidates or ballots questions; extending the period for gathering signatures on certain 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.** Chapter 293 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2. 1.** *At each building that is open to the general public and*
4 *occupied by the government of this state or a political subdivision of this*
5 *state or an agency thereof, other than a building of a public elementary*
6 *or secondary school, an area must be made available for the use of any*
7 *person to gather signatures on a petition at any time that the building is*
8 *open to the public. The area must be reasonable and may be inside or*
9 *outside of the building. Each public officer or employee in control of the*
10 *operation of a building governed by this subsection shall designate and*
11 *approve the area required by this subsection for the building.*
- 12 2. *Before a person may use an area designated pursuant to*
13 *subsection 1, the person must notify the public officer or employee in*
14 *control of the operation of the building governed by subsection 1 of the*
15 *dates and times that the person intends to use the area to gather*
16 *signatures on a petition. The public officer or employee may not deny the*
17 *person the use of the area.*
- 18 3. *A person aggrieved by a decision made by a public officer or*
19 *employee pursuant to subsection 1 may appeal the decision to the*
20 *secretary of state. The secretary of state shall review the decision to*
21 *determine whether the public officer or employee designated a*
22 *reasonable area as required by subsection 1.*



1 4. *The decision of the secretary of state is a final decision for the*
2 *purposes of judicial review. The decision of the secretary of state may*
3 *only be appealed in the first judicial district court.*

4 5. *The secretary of state may adopt regulations to carry out the*
5 *provisions of subsection 3.*

6 **Sec. 3.** *The government of this state or a political subdivision of this*
7 *state or an agency thereof shall not incur an expense or make an*
8 *expenditure to support or oppose:*

9 1. *A ballot question.*

10 2. *A candidate.*

11 **Sec. 4.** NRS 306.015 is hereby amended to read as follows:

12 306.015 1. Before a petition to recall a public officer is circulated,
13 the persons proposing to circulate the petition must file a notice of intent
14 with the filing officer.

15 2. The notice of intent:

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

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

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

23 3. The petition may consist of more than one document. The persons
24 filing the notice of intent shall submit the petition that was circulated for
25 signatures to the filing officer within ~~160~~ 90 days after the date on which
26 the notice of intent was filed. The filing officer shall immediately submit
27 the petition to the county clerk for verification pursuant to NRS 306.035.
28 Any person who fails to file the petition as required by this subsection is
29 guilty of a misdemeanor. Copies of the petition are not valid for any
30 subsequent petition.

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

33 5. Any person who signs a petition to recall any public officer may
34 request that the county clerk remove his name from the petition by
35 submitting a request in writing to the county clerk at any time before the
36 petition is submitted for the verification of the signatures thereon pursuant
37 to NRS 306.035.

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

42 7. As used in this section, "filing officer" means the officer with whom
43 the public officer to be recalled filed his declaration of candidacy or
44 acceptance of candidacy pursuant to NRS 293.185, 293C.145 or 293C.175.

45 **Sec. 5.** NRS 350.020 is hereby amended to read as follows:

46 350.020 1. Except as otherwise provided by subsections 3 and 4, if a
47 municipality proposes to issue or incur general obligations, the proposal
48 must be submitted to the electors of the municipality at a special election



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1 called for that purpose or the next general municipal election or general
2 state election.

3 2. Such a special election may be held:

4 (a) At any time, including, without limitation, on the date of a primary
5 municipal election or a primary state election, if the governing body of the
6 municipality determines, by a unanimous vote, that an emergency exists; or

7 (b) On the first Tuesday after the first Monday in June of an odd-
8 numbered year.

9 The determination made by the governing body is conclusive unless it is
10 shown that the governing body acted with fraud or a gross abuse of
11 discretion. An action to challenge the determination made by the governing
12 body must be commenced within 15 days after the governing body's
13 determination is final. As used in this subsection, "emergency" means any
14 occurrence or combination of occurrences which requires immediate action
15 by the governing body of the municipality to prevent or mitigate a
16 substantial financial loss to the municipality or to enable the governing
17 body to provide an essential service to the residents of the municipality.

18 3. If payment of a general obligation of the municipality is additionally
19 secured by a pledge of gross or net revenue of a project to be financed by
20 its issue, and the governing body determines, by an affirmative vote of
21 two-thirds of the members elected to the governing body, that the pledged
22 revenue will at least equal the amount required in each year for the
23 payment of interest and principal, without regard to any option reserved by
24 the municipality for early redemption, the municipality may, after a public
25 hearing, incur this general obligation without an election unless, within
26 ~~60~~ 90 days after publication of a resolution of intent to issue the bonds, a
27 petition is presented to the governing body signed by not less than 5
28 percent of the registered voters of the ~~municipality who together with any~~
29 ~~corporate petitioners own not less than 2 percent in assessed value of the~~
30 ~~taxable property of the~~ municipality. Any member elected to the
31 governing body whose authority to vote is limited by charter, statute or
32 otherwise may vote on the determination required to be made by the
33 governing body pursuant to this subsection. The determination by the
34 governing body becomes conclusive on the last day for filing the petition.
35 For the purpose of this subsection, the number of registered voters must be
36 determined as of the close of registration for the last preceding general
37 election. ~~and assessed values must be determined from the next preceding~~
38 ~~final assessment roll. An authorized corporate officer may sign such a~~
39 ~~petition whether or not he is a registered voter.~~ The resolution of intent
40 need not be published in full, but the publication must include the amount
41 of the obligation and the purpose for which it is to be incurred. Notice of
42 the public hearing must be published at least 10 days before the day of the
43 hearing. The publications must be made once in a newspaper of general
44 circulation in the municipality. When published, the notice of the public
45 hearing must be at least as large as 5 inches high by 4 inches wide.

46 4. The board of trustees of a school district may issue general
47 obligation bonds which are not expected to result in an increase in the
48 existing property tax levy for the payment of bonds of the school district
49 without holding an election for each issuance of the bonds if the qualified



1 electors approve a question submitted by the board of trustees that
2 authorizes issuance of bonds for a period of 10 years after the date of
3 approval by the voters. If the question is approved, the board of trustees of
4 the school district may issue the bonds for a period of 10 years after the
5 date of approval by the voters, after obtaining the approval of the debt
6 management commission in the county in which the school district is
7 located and, in a county whose population is 100,000 or more, the approval
8 of the oversight panel for school facilities established pursuant to NRS
9 393.092 in that county, if the board of trustees of the school district finds
10 that the existing tax for debt service will at least equal the amount required
11 to pay the principal and interest on the outstanding general obligations of
12 the school district and the general obligations proposed to be issued. The
13 finding made by the board of trustees is conclusive in the absence of fraud
14 or gross abuse of discretion. As used in this subsection, "general
15 obligations" does not include medium-term obligations issued pursuant to
16 NRS 350.085 to 350.095, inclusive.

17 5. At the time of issuance of bonds authorized pursuant to subsection
18 4, the board of trustees shall establish a reserve account in its debt service
19 fund for payment of the outstanding bonds of the school district. The
20 reserve account must be established and maintained in an amount at least
21 equal to the lesser of the amount of principal and interest payments due on
22 all of the outstanding bonds of the school district in the next fiscal year or
23 10 percent of the outstanding principal amount of the outstanding bonds of
24 the school district. If the amount in the reserve account falls below the
25 amount required by this subsection:

26 (a) The board of trustees shall not issue additional bonds pursuant to
27 subsection 4 until the reserve account is restored to the level required by
28 this subsection; and

29 (b) The board of trustees shall apply all of the taxes levied by the school
30 district for payment of bonds of the school district that are not needed for
31 payment of the principal and interest on bonds of the school district in the
32 current fiscal year to restore the reserve account to the level required
33 pursuant to this subsection.

34 6. A municipality may issue special or medium-term obligations
35 without an election.

36 **Sec. 6.** The amendatory provisions of this act do not apply to any
37 building leased pursuant to an agreement that would prohibit the lessee
38 from complying with the provisions of section 1 of this act until the
39 agreement expires or is renewed.

