

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT S.B. 565

SENATE BILL NO. 565—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF OFFICE OF THE SECRETARY OF STATE)

MARCH 26, 2001

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to elections. (BDR 24-608)

FISCAL NOTE: Effect on Local Government: No.
 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 a statewide system of voter registration; revising various deadlines and procedures relating to petitions, ballots, elections, recounts and campaign practices; 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 a
2 new section to read as follows:

3 ***1. The secretary of state shall establish and maintain a statewide***
4 ***system to organize and manage the registration of voters and information***
5 ***relating to the registration of voters.***

6 ***2. Upon the request of the secretary of state, a county clerk shall***
7 ***provide, in the form required by the secretary of state, all requested***
8 ***information relating to voter registration in the county.***

9 ***3. Notwithstanding the provisions of chapter 239 of NRS, the***
10 ***secretary of state may not sell or otherwise distribute a copy of any list of***
11 ***the persons who are registered to vote in this state or a precinct, district***
12 ***or county of this state. Nothing in this subsection prevents a person from***
13 ***obtaining a copy of a list of the persons who are registered to vote in a***
14 ***precinct, district or county pursuant to NRS 293.440.***

15 ***4. The secretary of state may adopt regulations to carry out the***
16 ***provisions of this section.***

17 **Sec. 2.** NRS 293.128 is hereby amended to read as follows:

18 293.128 1. To qualify as a major political party, any organization
19 must, under a common name:



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1 (a) On January 1 preceding any primary election, have been designated
2 as a political party on the applications to register to vote of at least 10
3 percent of the total number of registered voters in this state; or

4 (b) File a petition with the secretary of state not later than the last Friday
5 in April before any primary election signed by a number of registered
6 voters equal to or more than 10 percent of the total number of votes cast at
7 the last preceding general election for the offices of Representative in
8 Congress.

9 2. If a petition is filed pursuant to paragraph (b) of subsection 1, the
10 names of the voters need not all be on one document, but each document of
11 the petition must be verified by ~~at least one of its signers~~ *the circulator of*
12 *the document* to the effect that the signers are registered voters of this state
13 according to his best information and belief and that the signatures are
14 genuine and were signed in his presence. Each document of the petition
15 must bear the name of a county and only registered voters of that county
16 may sign the document. The documents which are circulated for signature
17 must then be submitted for verification pursuant to NRS 293.1276 to
18 293.1279, inclusive, not later than 25 working days before the last Friday
19 in April preceding a primary election.

20 3. In addition to the requirements set forth in subsection 1, each
21 organization which wishes to qualify as a political party must file with the
22 secretary of state a certificate of existence which includes the:

- 23 (a) Name of the political party;
24 (b) Names and addresses of its officers;
25 (c) Names of the members of its executive committee; and
26 (d) Name of the person who is authorized by the party to act as resident
27 agent in this state.

28 4. A political party shall file with the secretary of state an amended
29 certificate of existence within 5 days after any change in the information
30 contained in the certificate.

31 **Sec. 3.** NRS 293.1755 is hereby amended to read as follows:

32 293.1755 1. In addition to any other requirement provided by law, no
33 person may be a candidate for any office unless, for at least the 30 days
34 immediately preceding the date of the close of filing of declarations of
35 candidacy or acceptances of candidacy for the office which he seeks, he
36 has, in accordance with NRS 281.050, actually, as opposed to
37 constructively, resided in the state, district, county, township or other area
38 prescribed by law to which the office pertains and, if elected, over which
39 he will have jurisdiction or which he will represent.

40 2. Any person who knowingly and willfully files an acceptance of
41 candidacy or declaration of candidacy which contains a false statement in
42 this respect is guilty of a gross misdemeanor.

43 3. Any person convicted pursuant to the provisions of this section is
44 disqualified from entering upon the duties of the office for which he was a
45 candidate.

46 4. The provisions of this section do not apply to candidates for ~~the~~ :

- 47 (a) *The* office of district attorney ~~it~~ ; *or*
48 (b) *A federal office.*



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1 **Sec. 4.** NRS 293.194 is hereby amended to read as follows:
2 293.194 **1. Except as otherwise provided in subsection 2, the filing**
3 **fee paid by a candidate must not be returned to the candidate.**

4 **2.** The filing fee of an independent candidate who files a petition
5 pursuant to NRS 293.200 or 298.109, of a candidate of a minor political
6 party or of a candidate of a new major political party, must be returned to
7 the candidate by the officer to whom the fee was paid within 10 days after
8 the date on which a final determination is made that the petition of the
9 candidate, minor political party or new major political party failed to
10 contain the required number of signatures.

11 **Sec. 5.** NRS 293.200 is hereby amended to read as follows:

12 293.200 1. An independent candidate for partisan office must file
13 with the appropriate filing officer:

14 (a) A copy of the petition of candidacy that he intends to circulate for
15 signatures. The copy must be filed not earlier than the January 2 preceding
16 the date of the election and not later than 25 working days before the last
17 day to file the petition pursuant to subsection 4. ~~The copy must also be~~
18 ~~filed before the petition may be circulated.~~

19 (b) Either of the following:

20 (1) A petition of candidacy signed by a number of registered voters
21 equal to at least 1 percent of the total number of ballots cast in:

22 (I) This state for that office at the last preceding general election in
23 which a person was elected to that office, if the office is a statewide office;

24 (II) The county for that office at the last preceding general election
25 in which a person was elected to that office, if the office is a county office;
26 or

27 (III) The district for that office at the last preceding general
28 election in which a person was elected to that office, if the office is a
29 district office.

30 (2) A petition of candidacy signed by 250 registered voters if the
31 candidate is a candidate for statewide office, or signed by 100 registered
32 voters if the candidate is a candidate for any office other than a statewide
33 office.

34 2. The petition may consist of more than one document. Each
35 document must bear the name of the county in which it was circulated and
36 only registered voters of that county may sign the document. If the office is
37 not a statewide office, only the registered voters of the county, district or
38 municipality in question may sign the document. The documents that are
39 circulated for signature in a county must be submitted to that county clerk
40 for verification in the manner prescribed in NRS 293.1276 to 293.1279,
41 inclusive, not later than 25 working days before the last day to file the
42 petition pursuant to subsection 4. Each person who signs the petition shall
43 add to his signature the address of the place at which he actually resides,
44 the date that he signs the petition and the name of the county where he is
45 registered to vote. The person who circulates each document of the petition
46 shall sign an affidavit attesting that the signatures on the document are
47 genuine to the best of his knowledge and belief and were signed in his
48 presence by persons registered to vote in that county.



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1 3. The petition of candidacy may state the principle, if any, which the
2 person qualified represents.

3 4. Petitions of candidacy must be filed not earlier than the first
4 Monday in May preceding the general election and not later than 5 p.m. on
5 the third Monday in May.

6 5. No petition of candidacy may contain the name of more than one
7 candidate for each office to be filled.

8 6. A person may not file as an independent candidate if he is proposing
9 to run as the candidate of a political party.

10 7. The names of independent candidates must be placed on the general
11 election ballot and must not appear on the primary election ballot.

12 8. If the candidacy of any person seeking to qualify pursuant to this
13 section is challenged, all affidavits and documents in support of the
14 challenge must be filed not later than 5 p.m. on the fourth Monday in May.
15 Any judicial proceeding resulting from the challenge must be set for
16 hearing not more than 5 days after the fourth Monday in May.

17 9. Any challenge pursuant to subsection 8 must be filed with:

18 (a) The first judicial district court if the petition of candidacy was filed
19 with the secretary of state.

20 (b) The district court for the county where the petition of candidacy was
21 filed if the petition was filed with a county clerk.

22 10. An independent candidate for partisan office must file a
23 declaration of candidacy with the appropriate filing officer and pay the fee
24 required by NRS 293.193 not earlier than the first Monday in May of the
25 year in which the election is held nor later than 5 p.m. on the third Monday
26 in May.

27 **Sec. 6.** NRS 293.260 is hereby amended to read as follows:

28 293.260 1. Where there is no contest for nomination to a particular
29 office, neither the title of the office nor the name of the candidate may
30 appear on the ballot.

31 2. If more than one major political party has candidates for a particular
32 office, the persons who receive the highest number of votes at the primary
33 elections must be declared the nominees of those parties for the office ~~and~~
34 *and their names must be placed on the ballot for the general election.*

35 3. If only one major political party has candidates for a particular
36 office and a minor political party has nominated a candidate for the office
37 or an independent candidate has filed for the office, the candidate who
38 receives the highest number of votes in the primary election of the major
39 political party must be declared the nominee of that party and his name
40 must be placed on the general election ballot with the name of the nominee
41 of the minor political party for the office and the name of the independent
42 candidate who has filed for the office.

43 4. If only one major political party has candidates for a particular
44 office, ~~and~~ no minor political party has nominated a candidate for the
45 office ~~for~~ *and* no independent candidate has filed for the office:

46 (a) If there are more candidates than twice the number to be elected to
47 the office, the names of the candidates must appear on the ballot for a
48 primary election. Except as otherwise provided in this paragraph, the
49 candidates of that party who receive the highest number of votes in the



1 primary election, not to exceed twice the number to be elected to that office
2 at the general election, must be declared the nominees for the office ~~and~~ *and*
3 *their names must be placed on the ballot for the general election.* If only
4 one candidate is to be elected to the office and a candidate receives a
5 majority of the votes in the primary election for that office, that candidate
6 must be declared the nominee for that office and his name must be placed
7 on the ballot for the general election.

8 (b) If there are no more than twice the number of candidates to be
9 elected to the office, the candidates must, without a primary election, be
10 declared the nominees for the office ~~and~~ *and their names must be placed on*
11 *the ballot for the general election.*

12 5. Where no more than the number of candidates to be elected have
13 filed for nomination for any office, the names of those candidates must be
14 omitted from all ballots for a primary election and placed on all ballots for
15 a general election.

16 6. If there are more candidates than twice the number to be elected to a
17 nonpartisan office, the names of the candidates must appear on the ballot
18 for a primary election. Those candidates who receive the highest number of
19 votes at that election, not to exceed twice the number to be elected, must be
20 declared nominees for the office ~~and~~ *and their names must be placed on the*
21 *ballot for the general election.*

22 **Sec. 7.** NRS 293.269 is hereby amended to read as follows:

23 293.269 1. Every ballot upon which appears the names of candidates
24 for any statewide office *or federal office*, or for President and Vice
25 President of the United States ~~shall~~ *must* contain for each *such* office an
26 additional line equivalent to the lines on which the candidates' names
27 appear and placed at the end of the group of lines containing the names of
28 the candidates for that office. Each additional line ~~shall~~ *must* contain a
29 square in which the voter may express his choice of that line in the same
30 manner as he would express his choice of a candidate, and the line ~~shall~~
31 *must* read "None of these candidates."

32 2. Only votes cast for the named candidates ~~shall~~ *may* be counted in
33 determining nomination or election to any statewide office *or federal*
34 *office*, or *in determining* presidential nominations or the selection of
35 presidential electors, but for each *such* office the number of ballots on
36 which the additional line was chosen ~~shall~~ *must* be listed following the
37 names of the candidates and the number of their votes in every posting,
38 abstract and proclamation of the results of the election.

39 3. Every sample ballot or other instruction to voters prescribed or
40 approved by the secretary of state ~~shall~~ *must* clearly explain that the voter
41 may mark his choice of the line "None of these candidates" only if he has
42 not voted for any candidate for the office.

43 **Sec. 8.** NRS 293.302 is hereby amended to read as follows:

44 293.302 If a candidate whose name appears on the ballot at a *primary*
45 *or* general election dies ~~within the periods set forth in NRS 293.368,~~
46 *before the day of the election*, the county clerk shall post a notice of the
47 candidate's death at each polling place where the candidate's name will
48 appear on the ballot.



1 **Sec. 9.** NRS 293.403 is hereby amended to read as follows:

2 293.403 1. A candidate defeated at any election may demand and
3 receive a recount of the vote for the office for which he is a candidate if
4 within 3 working days after the canvass of the vote and the certification by
5 the county clerk or city clerk of the abstract of votes:

6 (a) He files in writing his demand with the officer with whom he filed
7 his declaration of candidacy or acceptance of candidacy; and

8 (b) He deposits in advance the estimated costs of the recount with that
9 officer.

10 2. Any voter at an election may demand and receive a recount of the
11 vote for a ballot question if within 3 working days after the canvass of the
12 vote and the certification by the county clerk or city clerk of the abstract of
13 votes:

14 (a) He files in writing his demand with:

15 (1) The secretary of state, if the demand is for a recount of a ballot
16 question affecting more than one county; or

17 (2) The county or city clerk who will conduct the recount, if the
18 demand is for a recount of a ballot question affecting only one county or
19 city; and

20 (b) He deposits in advance the estimated costs of the recount with the
21 person to whom he made his demand.

22 3. The estimated costs of the recount must be determined by the person
23 with whom the advance is deposited based on regulations adopted by the
24 secretary of state defining the term "costs."

25 4. As used in this section, "canvass" means:

26 (a) In any primary election, the canvass by the board of county
27 commissioners of the returns for a candidate or ballot question voted for in
28 one county or the canvass by the board of county commissioners last
29 completing its canvass of the returns for a candidate or ballot question
30 voted for in more than one county.

31 (b) In any primary city election, the canvass by the city council of the
32 returns for a candidate or ballot question voted for in the city.

33 (c) In any general election:

34 (1) The canvass by the supreme court of the returns for a candidate
35 for a statewide office or a statewide ballot question; or

36 (2) ~~The~~ *Except as otherwise provided in subparagraph (1), the*
37 canvass of the board of county commissioners ~~of~~ :

38 *(I) Of the returns for ~~any other~~ a candidate or ballot question ~~as~~*
39 *provided in paragraph (a) ~~of~~ voted for in one county; or*

40 *(II) That is the last to be completed of the returns for a candidate*
41 *or ballot question voted for in more than one county.*

42 (d) In any general city election, the canvass by the city council of the
43 returns for a candidate or ballot question voted for in the city.

44 **Sec. 10.** NRS 293.405 is hereby amended to read as follows:

45 293.405 1. If the person who demanded the recount does not prevail,
46 and it is found that the sum deposited was less than the cost of the recount,
47 the person shall, upon demand, pay the deficiency to the county clerk, city
48 clerk or secretary of state, as the case may be. If the sum deposited is in
49 excess of the cost, the excess must be refunded to him.



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- 1 2. If the person who demanded the recount prevails, the sum deposited
2 with the secretary of state, county clerk or city clerk must be refunded to
3 the person and the cost of the recount must be paid as follows:
- 4 (a) If the recount concerns an office or ballot question for which voting
5 is not statewide, the cost must be borne by the county or city which
6 conducted the recount.
- 7 (b) If the recount concerns an office or ballot question for which voting
8 is statewide, the clerk of each county shall submit a statement of its costs in
9 the recount to the secretary of state for review and approval. The secretary
10 of state shall submit the statements to the state board of examiners, which
11 shall repay the allowable costs from the reserve for statutory contingency
12 account to the respective counties.
- 13 3. Each recount must be commenced within 5 days after demand, and
14 must be completed within 5 days after it is begun. Sundays and holidays
15 must not be excluded in determining each 5-day period.
- 16 4. *Upon completion of a recount:*
- 17 (a) *If the recount affected more than one county, the secretary of state*
18 *shall certify the results.*
- 19 (b) *Except as otherwise provided in paragraph (a), the county or city*
20 *clerk who conducted the recount shall certify the results.*
- 21 5. After the recount of a precinct is completed, that precinct must not
22 be subject to another recount for the same office or ballot question at the
23 same election.
- 24 **Sec. 11.** NRS 293.440 is hereby amended to read as follows:
- 25 293.440 1. Any person who desires a copy of any list of the persons
26 who are registered to vote in any precinct, district or county may obtain a
27 copy by applying at the office of the county clerk and paying therefor a
28 sum of money equal to one cent per name on the list, except that one copy
29 of each original and supplemental list for each precinct, district or county
30 must be provided to the state and county central committee of any major
31 political party ~~H~~ *or a minor political party*, upon request, without charge.
- 32 2. Except as otherwise provided in NRS 293.558, the copy of the list
33 provided pursuant to this section must indicate the address, date of birth,
34 telephone number and the serial number on each application to register to
35 vote. If the county maintains this information in a computer database, the
36 date of the most recent addition or revision to an entry, if made on or after
37 July 1, 1989, must be included in the database and on any resulting list of
38 the information. The date must be expressed numerically in the order of
39 month, day and year.
- 40 3. A county may not pay more than 10 cents per folio or more than \$6
41 per thousand copies for printed lists for a precinct or district.
- 42 4. A county which has a system of computers capable of recording
43 information on magnetic tape or diskette shall, upon request of the state or
44 county central committee of any major political party or *a* minor political
45 party which has filed a certificate of existence with the secretary of state,
46 record for that central committee *or minor political party* on magnetic tape
47 or diskette supplied by it:
- 48 (a) The list of persons who are registered to vote and the information
49 required in subsection 2; and



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1 (b) Not more than four times per year, as requested by the committee:

2 (1) A complete list of the persons who are registered to vote with a
3 notation for the most recent entry of the date on which the entry or the
4 latest change in the information was made; or

5 (2) A list that includes additions and revisions made to the list of
6 persons who are registered to vote after a date specified by the central
7 committee.

8 5. If a political party does not provide its own magnetic tape or
9 diskette, or if a political party requests the list in any other form that does
10 not require printing, the county clerk may charge a fee to cover the actual
11 cost of providing the tape, diskette or list.

12 **Sec. 12.** NRS 293.565 is hereby amended to read as follows:

13 293.565 1. Except as otherwise provided in subsection 2, sample
14 ballots must include:

15 (a) The fiscal note, as provided pursuant to NRS 218.443 or 293.250,
16 for each proposed constitutional amendment or statewide measure;

17 (b) An explanation, as provided pursuant to NRS 218.443, of each
18 proposed constitutional amendment or statewide measure, including
19 arguments for and against it; and

20 (c) The full text of each proposed constitutional amendment.

21 2. Sample ballots that are mailed to registered voters may be printed
22 without the full text of each proposed constitutional amendment if:

23 (a) The cost of printing the sample ballots would be significantly
24 reduced if the full text of each proposed constitutional amendment were
25 not included;

26 (b) The county clerk ensures that a sample ballot that includes the full
27 text of each proposed constitutional amendment is provided at no charge to
28 each registered voter who requests such a sample ballot; and

29 (c) The sample ballots provided to each polling place include the full
30 text of each proposed constitutional amendment.

31 3. ~~1A4~~ *Except as otherwise provided in this subsection, at* least 10
32 days before any election, the county clerk shall cause to be mailed to each
33 registered voter in the county a sample ballot for his precinct with a notice
34 informing the voter of the location of his polling place. *If there is early*
35 *voting by personal appearance for the election, the sample ballot must be*
36 *mailed by the later of 10 days before the first day for early voting or the*
37 *earliest practicable date after all information necessary to prepare the*
38 *sample ballot is available.* If the location of the polling place has changed
39 since the last election:

40 (a) The county clerk shall mail a notice of the change to each registered
41 voter in the county not sooner than 10 days before mailing the sample
42 ballots; or

43 (b) The sample ballot must also include a notice in at least 10-point bold
44 type immediately above the location which states:



NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

4. The county clerk shall include in each sample ballot for a primary election, a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.

5. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 13. NRS 293C.291 is hereby amended to read as follows:

293C.291 If a candidate whose name appears on the ballot at a ~~primary or~~ general city election dies ~~within the periods set forth in NRS 293C.370, before the day of the election,~~ the city clerk shall post a notice of the candidate's death at each polling place where the candidate's name will appear on the ballot.

Sec. 14. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. ~~At~~ *Except as otherwise provided in this subsection, at* least 10 days before an election, the city clerk shall cause to be mailed to each registered voter in the city a sample ballot for his precinct with a notice informing the voter of the location of his polling place. *If there is early voting by personal appearance for the election, the sample ballot must be mailed by the later of 10 days before the first day for early voting or the earliest practicable date after all information necessary to prepare the sample ballot is available.* If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in at least 10-point bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

2. The city clerk shall include in each sample ballot for a primary city election, a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.

3. The cost of mailing sample ballots for a city election must be borne by the city holding the election.

Sec. 15. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

"Question on the ballot" means an initiative, referendum or other question that has qualified to appear on the ballot, including, without limitation, a question for which the underlying petition qualified pursuant to NRS 293.1276 to 293.1279, inclusive.

Sec. 16. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.004 to 294A.009,



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1 inclusive, *and section 15 of this act* have the meanings ascribed to them in
2 those sections.

3 **Sec. 17.** NRS 294A.180 is hereby amended to read as follows:

4 294A.180 1. Each candidate for a state, district, county, city or
5 township office who is not elected to that office shall, not later than the
6 15th day of the second month after his defeat, file a report ~~with the~~
7 ~~secretary of state~~ *pursuant to subsection 4* stating the amount of
8 contributions which he received for that campaign but did not spend and
9 the disposition of those unspent contributions.

10 2. Each public officer who is elected to a state, district, county, city or
11 township office shall file a report ~~with the~~ *pursuant to subsection 4:*

12 (a) Not later than the 15th day of the second month after his election,
13 stating the amount of campaign contributions which he received but did not
14 spend and the amount, if any, of those unspent contributions disposed of
15 pursuant to subsection 2 of NRS 294A.160 as of the last day of the first
16 month after his election;

17 (b) Not later than January 15th of each year of his term beginning the
18 year after he filed the report required by paragraph (a), stating the amount,
19 if any, of those unspent contributions disposed of pursuant to NRS
20 294A.160 during the period from the last date covered by his last report
21 through December 31 of the immediately preceding year and the manner in
22 which they were disposed of; and

23 (c) Not later than the 15th day of the second month after he no longer
24 holds that office, stating the amount and disposition of any remaining
25 unspent contributions.

26 3. The reports required by subsections 1 and 2 must be submitted on a
27 form designed and provided by the secretary of state and signed by the
28 candidate or public officer under penalty of perjury.

29 4. A *candidate or* public officer filing a report pursuant to subsection *1*
30 *or 2:*

31 (a) Shall file the report with the officer with whom he filed his
32 declaration of candidacy or acceptance of candidacy.

33 (b) May file the report by certified mail. If certified mail is used, the
34 date of mailing shall be deemed the date of filing.

35 5. A county clerk who receives from a legislative or judicial officer,
36 other than a justice of the peace or municipal judge, a report pursuant to
37 subsection 4 shall file a copy of the report with the secretary of state within
38 10 working days after he receives the report.

39 **Sec. 18.** NRS 294A.420 is hereby amended to read as follows:

40 294A.420 1. If the secretary of state receives information that a
41 person or entity that is subject to the provisions of NRS 294A.120,
42 294A.140, 294A.150, 294A.180, 294A.200, 294A.210, 294A.220,
43 294A.270, 294A.280 or 294A.360 has not filed a report pursuant to the
44 applicable provisions of those sections, the secretary of state may, after
45 giving notice to that person or entity, cause the appropriate proceedings to
46 be instituted in the first judicial district court.

47 2. Except as otherwise provided in this section, a person or entity that
48 violates an applicable provision of NRS 294A.112, 294A.120, 294A.130,
49 294A.140, 294A.150, 294A.160, 294A.170, 294A.180, 294A.200,



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1 294A.210, 294A.220, 294A.270, 294A.280, 294A.300, 294A.310,
2 294A.320 or 294A.360 is subject to a civil penalty of not more than \$5,000
3 for each violation and payment of court costs and attorney's fees. The civil
4 penalty must be recovered in a civil action brought in the name of the State
5 of Nevada by the secretary of state in the first judicial district court and
6 deposited with the state treasurer for credit to the state general fund.

7 3. If a civil penalty is imposed because a person or entity has reported
8 its contributions, expenses or expenditures after the date the report is due,
9 the amount of the civil penalty is:

10 (a) If the report is ~~not~~ :

11 (1) *Not* more than 7 days late, \$25 for each day the report is late ~~+~~

12 ~~—(b) If the report is more;~~

13 (2) *More* than 7 days late but not more than 15 days late, \$50 for each
14 day the report is late ~~+~~

15 ~~—(c) If the report is more; or~~

16 (3) *More* than 15 days late, \$100 for each day the report is late ~~+~~ ;

17 *and*

18 (b) *Notwithstanding the provisions of paragraph (a), not to exceed*
19 *\$100 for a person who:*

20 (1) *Was a candidate for an office the holder of which receives no*
21 *compensation;*

22 (2) *Received no contributions; and*

23 (3) *Incurred no campaign expenses and made no expenditures*
24 *except for the filing fee, if any, for the office for which he was a*
25 *candidate.*

26 4. For good cause shown, the secretary of state may waive a civil
27 penalty that would otherwise be imposed pursuant to this section. If the
28 secretary of state waives a civil penalty pursuant to this subsection, the
29 secretary of state shall:

30 (a) Create a record which sets forth that the civil penalty has been
31 waived and describes the circumstances that constitute the good cause
32 shown; and

33 (b) Ensure that the record created pursuant to paragraph (a) is available
34 for review by the general public.

35 **Sec. 19.** NRS 295.055 is hereby amended to read as follows:

36 295.055 1. The secretary of state shall by regulation specify:

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

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

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

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

47 **Sec. 20.** NRS 295.115 is hereby amended to read as follows:

48 295.115 1. When an initiative or referendum petition has been finally
49 determined sufficient, the board shall promptly consider the proposed



1 initiative ordinance in the manner provided by law for the consideration of
2 ordinances generally or reconsider the referred ordinance by voting its
3 repeal. If , *not later than 45 days after the date the petition was finally*
4 *determined sufficient*, the board fails to adopt ~~it~~ *the* proposed initiative
5 ordinance without any change in substance ~~within 60 days~~ or fails to
6 repeal the referred ordinance ~~within 30 days after the date the petition was~~
7 ~~finally determined sufficient, it~~ , *the board* shall submit the proposed or
8 referred ordinance to the registered voters of the county.

9 2. The vote of the county on ~~it~~ *the* proposed or referred ordinance
10 must be held at the next primary or general election. Copies of the
11 proposed or referred ordinance must be made available at the polls.

12 3. An initiative or referendum petition may be withdrawn at any time
13 before the 30th day preceding the day scheduled for a vote of the county or
14 the deadline for placing questions on the ballot, whichever is earlier, by
15 filing with the county clerk a request for withdrawal signed by at least four
16 members of the petitioners' original committee. Upon the filing of that
17 request, the petition has no further effect and all proceedings thereon must
18 be terminated.

19 **Sec. 21.** NRS 295.150 is hereby amended to read as follows:

20 295.150 1. The names of the registered voters petitioning need not be
21 all upon one petition, but may be contained on one or more petitions; but
22 each petition ~~shall~~ *must* be verified by ~~at least one of the voters who has~~
23 ~~signed such~~ *the circulator of that* petition.

24 2. The ~~voter~~ *circulator*, in making the verification , shall swear, on
25 information and belief, that the persons signing the petition are registered
26 voters of the county and state, and that such signatures are genuine and
27 were executed in his presence.

28 **Sec. 22.** NRS 295.215 is hereby amended to read as follows:

29 295.215 1. When an initiative or referendum petition has been finally
30 determined sufficient, the council shall promptly consider the proposed
31 initiative ordinance in the manner provided by law for the consideration of
32 ordinances generally or reconsider the referred ordinance by voting its
33 repeal. If , *not later than 45 days after the date the petition was finally*
34 *determined sufficient*, the council fails to adopt ~~it~~ *the* proposed initiative
35 ordinance without any change in substance ~~within 60 days~~ or fails to
36 repeal the referred ordinance ~~within 30 days after the date the petition was~~
37 ~~finally determined sufficient, it~~ , *the council* shall submit the proposed or
38 referred ordinance to the registered voters of the city.

39 2. The vote of the city on ~~it~~ *the* proposed or referred ordinance must
40 be held at the next primary or general city election or primary or general
41 election. Copies of the proposed or referred ordinance must be made
42 available at the polls.

43 3. An initiative or referendum petition may be withdrawn at any time
44 before the 30th day preceding the day scheduled for a vote of the city or
45 the deadline for placing questions on the ballot, whichever is earlier, by
46 filing with the city clerk a request for withdrawal signed by at least four
47 members of the petitioners' original committee. Upon the filing of that
48 request the petition has no further effect and all proceedings thereon must
49 be terminated.



1 **Sec. 23.** NRS 306.030 is hereby amended to read as follows:
2 306.030 1. The petition may consist of any number of copies which
3 are identical in form with the original, except for the name of the county
4 and the signatures and addresses of the residences of the signers. The pages
5 of the petition with the signatures and of any copy must be consecutively
6 numbered. Each page must bear the name of a county and only registered
7 voters of that county may sign the page.

8 2. Every copy must be verified by ~~{at least one of the signers}~~ *the*
9 *circulator* thereof, who shall swear or affirm, before a person authorized
10 by law to administer oaths, that the statements and signatures contained in
11 the petition are true to the best of his knowledge and belief. The
12 verification must also contain a statement of the number of signatures
13 being verified by the ~~{signer}~~ *circulator*.

14 **Sec. 24.** NRS 306.040 is hereby amended to read as follows:

15 306.040 1. Upon determining that the number of signatures on a
16 petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279,
17 inclusive, the secretary of state shall notify the county clerk, the officer
18 with whom the petition is to be filed pursuant to subsection 4 of NRS
19 306.015 and the public officer who is the subject of the petition.

20 2. After the verification of signatures is complete, but not later than the
21 date a complaint is filed pursuant to subsection 5 or the date the call for a
22 special election is issued, whichever is earlier, a person who signs a
23 petition to recall may request the secretary of state to strike his name from
24 the petition. ~~## Upon receipt of the request from the person ,~~
25 ~~{demonstrates good cause therefor,}~~ the secretary of state shall strike his
26 name from the petition.

27 3. Not sooner than 10 days nor more than 20 days after the secretary of
28 state completes the notification required by subsection 1, if a complaint is
29 not filed pursuant to subsection 5, the officer with whom the petition is
30 filed shall issue a call for a special election in the jurisdiction in which the
31 public officer who is the subject of the petition was elected to determine
32 whether the people will recall him.

33 4. The call for a special election pursuant to subsection 3 or 6 must
34 include, without limitation:

35 (a) The last day on which a person may register to vote to qualify to
36 vote in the special election; and

37 (b) The last day on which a petition to nominate other candidates for the
38 office may be filed.

39 5. The legal sufficiency of the petition may be challenged by filing a
40 complaint in district court not later than 5 days, Saturdays, Sundays and
41 holidays excluded, after the secretary of state completes the notification
42 required by subsection 1. All affidavits and documents in support of the
43 challenge must be filed with the complaint. The court shall set the matter
44 for hearing not later than 30 days after the complaint is filed and shall give
45 priority to such a complaint over all other matters pending with the court,
46 except for criminal proceedings.

47 6. Upon the conclusion of the hearing, if the court determines that the
48 petition is sufficient, it shall order the officer with whom the petition is
49 filed to issue a call for a special election in the jurisdiction in which the



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1 public officer who is the subject of the petition was elected to determine
2 whether the people will recall him. If the court determines that the petition
3 is not sufficient, it shall order the officer with whom the petition is filed to
4 cease any further proceedings regarding the petition.

