

(REPRINTED WITH ADOPTED AMENDMENTS)
THIRD 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 may 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:



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

- 44 (a) *The* office of district attorney ~~or~~ ; *or*
45 (b) *A federal office.*

46 **Sec. 4.** NRS 293.194 is hereby amended to read as follows:

47 293.194 1. *Except as otherwise provided in subsection 2, the filing*
48 *fee paid by a candidate must not be returned to the candidate.*



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

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

9 293.200 1. An independent candidate for partisan office must file
10 with the appropriate filing officer:

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

16 (b) Either of the following:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

26 293.260 1. Where there is no contest for nomination to a particular
27 office, neither the title of the office nor the name of the candidate may
28 appear on the ballot.

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

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

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

44 (a) If there are more candidates than twice the number to be elected to
45 the office, the names of the candidates must appear on the ballot for a
46 primary election. Except as otherwise provided in this paragraph, the
47 candidates of that party who receive the highest number of votes in the
48 primary election, not to exceed twice the number to be elected to that office
49 at the general election, must be declared the nominees for the office ~~and~~ *and*



1 *their names must be placed on the ballot for the general election.* If only
2 one candidate is to be elected to the office and a candidate receives a
3 majority of the votes in the primary election for that office, that candidate
4 must be declared the nominee for that office and his name must be placed
5 on the ballot for the general election.

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

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

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

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

21 293.269 1. Every ballot upon which appears the names of candidates
22 for any statewide office *or federal office*, or for President and Vice
23 President of the United States ~~shall~~ *, must* contain for each *such* office an
24 additional line equivalent to the lines on which the candidates' names
25 appear and placed at the end of the group of lines containing the names of
26 the candidates for that office. Each additional line ~~shall~~ *must* contain a
27 square in which the voter may express his choice of that line in the same
28 manner as he would express his choice of a candidate, and the line ~~shall~~
29 *must* read "None of these candidates."

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

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

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

42 293.302 If a candidate whose name appears on the ballot at a *primary*
43 *or* general election dies ~~within the periods set forth in NRS 293.368,~~
44 *before the day of the election*, the county clerk shall post a notice of the
45 candidate's death at each polling place where the candidate's name will
46 appear on the ballot.

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

48 293.403 1. A candidate defeated at any election may demand and
49 receive a recount of the vote for the office for which he is a candidate if



1 within 3 working days after the canvass of the vote and the certification by
2 the county clerk or city clerk of the abstract of votes:
3 (a) He files in writing his demand with the officer with whom he filed
4 his declaration of candidacy or acceptance of candidacy; and
5 (b) He deposits in advance the estimated costs of the recount with that
6 officer.
7 2. Any voter at an election may demand and receive a recount of the
8 vote for a ballot question if within 3 working days after the canvass of the
9 vote and the certification by the county clerk or city clerk of the abstract of
10 votes:
11 (a) He files in writing his demand with:
12 (1) The secretary of state, if the demand is for a recount of a ballot
13 question affecting more than one county; or
14 (2) The county or city clerk who will conduct the recount, if the
15 demand is for a recount of a ballot question affecting only one county or
16 city; and
17 (b) He deposits in advance the estimated costs of the recount with the
18 person to whom he made his demand.
19 3. The estimated costs of the recount must be determined by the person
20 with whom the advance is deposited based on regulations adopted by the
21 secretary of state defining the term "costs."
22 4. As used in this section, "canvass" means:
23 (a) In any primary election, the canvass by the board of county
24 commissioners of the returns for a candidate or ballot question voted for in
25 one county or the canvass by the board of county commissioners last
26 completing its canvass of the returns for a candidate or ballot question
27 voted for in more than one county.
28 (b) In any primary city election, the canvass by the city council of the
29 returns for a candidate or ballot question voted for in the city.
30 (c) In any general election:
31 (1) The canvass by the supreme court of the returns for a candidate
32 for a statewide office or a statewide ballot question; or
33 (2) ~~The~~ *Except as otherwise provided in subparagraph (1), the*
34 *canvass of the board of county commissioners* ~~of~~ :
35 *(I) Of the returns for* ~~any other~~ *a candidate or ballot question* ~~as~~
36 ~~provided in paragraph (a)-1~~ *voted for in one county; or*
37 *(II) That is the last to be completed of the returns for a candidate*
38 *or ballot question voted for in more than one county.*
39 (d) In any general city election, the canvass by the city council of the
40 returns for a candidate or ballot question voted for in the city.
41 **Sec. 10.** NRS 293.405 is hereby amended to read as follows:
42 293.405 1. If the person who demanded the recount does not prevail,
43 and it is found that the sum deposited was less than the cost of the recount,
44 the person shall, upon demand, pay the deficiency to the county clerk, city
45 clerk or secretary of state, as the case may be. If the sum deposited is in
46 excess of the cost, the excess must be refunded to him.
47 2. If the person who demanded the recount prevails, the sum deposited
48 with the secretary of state, county clerk or city clerk must be refunded to
49 the person and the cost of the recount must be paid as follows:



1 (a) If the recount concerns an office or ballot question for which voting
2 is not statewide, the cost must be borne by the county or city which
3 conducted the recount.

4 (b) If the recount concerns an office or ballot question for which voting
5 is statewide, the clerk of each county shall submit a statement of its costs in
6 the recount to the secretary of state for review and approval. The secretary
7 of state shall submit the statements to the state board of examiners, which
8 shall repay the allowable costs from the reserve for statutory contingency
9 account to the respective counties.

10 3. Each recount must be commenced within 5 days after demand, and
11 must be completed within 5 days after it is begun. Sundays and holidays
12 must not be excluded in determining each 5-day period.

13 4. *Upon completion of a recount:*

14 (a) *If the recount affected more than one county, the secretary of state*
15 *shall certify the results.*

16 (b) *Except as otherwise provided in paragraph (a), the county or city*
17 *clerk who conducted the recount shall certify the results.*

18 5. After the recount of a precinct is completed, that precinct must not
19 be subject to another recount for the same office or ballot question at the
20 same election.

21 **Sec. 11.** NRS 293.440 is hereby amended to read as follows:

22 293.440 1. Any person who desires a copy of any list of the persons
23 who are registered to vote in any precinct, district or county may obtain a
24 copy by applying at the office of the county clerk and paying therefor a
25 sum of money equal to one cent per name on the list, except that one copy
26 of each original and supplemental list for each precinct, district or county
27 must be provided to the state and county central committee of any major
28 political party ~~H~~ *or a minor political party*, upon request, without charge.

29 2. Except as otherwise provided in NRS 293.558, the copy of the list
30 provided pursuant to this section must indicate the address, date of birth,
31 telephone number and the serial number on each application to register to
32 vote. If the county maintains this information in a computer database, the
33 date of the most recent addition or revision to an entry, if made on or after
34 July 1, 1989, must be included in the database and on any resulting list of
35 the information. The date must be expressed numerically in the order of
36 month, day and year.

37 3. A county may not pay more than 10 cents per folio or more than \$6
38 per thousand copies for printed lists for a precinct or district.

39 4. A county which has a system of computers capable of recording
40 information on magnetic tape or diskette shall, upon request of the state or
41 county central committee of any major political party or *a* minor political
42 party which has filed a certificate of existence with the secretary of state,
43 record for that central committee *or minor political party* on magnetic tape
44 or diskette supplied by it:

45 (a) The list of persons who are registered to vote and the information
46 required in subsection 2; and

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



* S B 5 6 5 R 3 *

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

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

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

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

12 293.565 1. Except as otherwise provided in subsection 2, sample
13 ballots must include:

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

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

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

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

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

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

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

30 3. ~~1A4~~ *Except as otherwise provided in this subsection, at* least 10
31 days before any election, the county clerk shall cause to be mailed to each
32 registered voter in the county a sample ballot for his precinct with a notice
33 informing the voter of the location of his polling place. *If there is early*
34 *voting by personal appearance for the election, the sample ballot must be*
35 *mailed by the later of 5 days before the first day for early voting or the*
36 *earliest practicable date after all information necessary to prepare the*
37 *sample ballot is available.* If the location of the polling place has changed
38 since the last election:

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

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

44
45 NOTICE: THE LOCATION OF YOUR POLLING PLACE
46 HAS CHANGED SINCE THE LAST ELECTION



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

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

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

8 293C.291 If a candidate whose name appears on the ballot at a
9 *primary or* general city election dies ~~within the periods set forth in NRS~~
10 ~~293C.370,~~ *before the day of the election,* the city clerk shall post a notice
11 of the candidate's death at each polling place where the candidate's name
12 will appear on the ballot.

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

14 293C.530 1. ~~[A]~~ *Except as otherwise provided in this subsection, at*
15 *least 10 days before an election, the city clerk shall cause to be mailed to*
16 *each registered voter in the city a sample ballot for his precinct with a*
17 *notice informing the voter of the location of his polling place. If there is*
18 *early voting by personal appearance for the election, the sample ballot*
19 *must be mailed by the later of 5 days before the first day for early voting*
20 *or the earliest practicable date after all information necessary to prepare*
21 *the sample ballot is available.* If the location of the polling place has
22 changed since the last election:

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

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

28
29 NOTICE: THE LOCATION OF YOUR POLLING PLACE
30 HAS CHANGED SINCE THE LAST ELECTION
31

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

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

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

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

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

44 294A.002 As used in this chapter, unless the context otherwise
45 requires, the words and terms defined in NRS 294A.004 to 294A.009,
46 inclusive, *and section 15 of this act* have the meanings ascribed to them in
47 those sections.



1 **Sec. 17.** NRS 294A.180 is hereby amended to read as follows:
2 294A.180 1. Each candidate for a state, district, county, city or
3 township office who is not elected to that office shall, not later than the
4 15th day of the second month after his defeat, file a report ~~with the~~
5 ~~secretary of state~~ *pursuant to subsection 4* stating the amount of
6 contributions which he received for that campaign but did not spend and
7 the disposition of those unspent contributions.
8 2. Each public officer who is elected to a state, district, county, city or
9 township office shall file a report ~~with the~~ *pursuant to subsection 4:*
10 (a) Not later than the 15th day of the second month after his election,
11 stating the amount of campaign contributions which he received but did not
12 spend and the amount, if any, of those unspent contributions disposed of
13 pursuant to subsection 2 of NRS 294A.160 as of the last day of the first
14 month after his election;
15 (b) Not later than January 15th of each year of his term beginning the
16 year after he filed the report required by paragraph (a), stating the amount,
17 if any, of those unspent contributions disposed of pursuant to NRS
18 294A.160 during the period from the last date covered by his last report
19 through December 31 of the immediately preceding year and the manner in
20 which they were disposed of; and
21 (c) Not later than the 15th day of the second month after he no longer
22 holds that office, stating the amount and disposition of any remaining
23 unspent contributions.
24 3. The reports required by subsections 1 and 2 must be submitted on a
25 form designed and provided by the secretary of state and signed by the
26 candidate or public officer under penalty of perjury.
27 4. A *candidate or* public officer filing a report pursuant to subsection *1*
28 *or 2:*
29 (a) Shall file the report with the officer with whom he filed his
30 declaration of candidacy or acceptance of candidacy.
31 (b) May file the report by certified mail. If certified mail is used, the
32 date of mailing shall be deemed the date of filing.
33 5. A county clerk who receives from a legislative or judicial officer,
34 other than a justice of the peace or municipal judge, a report pursuant to
35 subsection 4 shall file a copy of the report with the secretary of state within
36 10 working days after he receives the report.
37 **Sec. 18.** NRS 294A.420 is hereby amended to read as follows:
38 294A.420 1. If the secretary of state receives information that a
39 person or entity that is subject to the provisions of NRS 294A.120,
40 294A.140, 294A.150, 294A.180, 294A.200, 294A.210, 294A.220,
41 294A.270, 294A.280 or 294A.360 has not filed a report pursuant to the
42 applicable provisions of those sections, the secretary of state may, after
43 giving notice to that person or entity, cause the appropriate proceedings to
44 be instituted in the first judicial district court.
45 2. Except as otherwise provided in this section, a person or entity that
46 violates an applicable provision of NRS 294A.112, 294A.120, 294A.130,
47 294A.140, 294A.150, 294A.160, 294A.170, 294A.180, 294A.200,
48 294A.210, 294A.220, 294A.270, 294A.280, 294A.300, 294A.310,
49 294A.320 or 294A.360 is subject to a civil penalty of not more than \$5,000



1 for each violation and payment of court costs and attorney's fees. The civil
2 penalty must be recovered in a civil action brought in the name of the State
3 of Nevada by the secretary of state in the first judicial district court and
4 deposited with the state treasurer for credit to the state general fund.

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

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

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

10 ~~—(b) If the report is more;~~

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

13 ~~—(c) If the report is more; or~~

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

16 (b) *Notwithstanding the provisions of paragraph (a), not to exceed*
17 *\$100 for a person who:*

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

20 (2) *Received no contributions; and*

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

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

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

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

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

34 295.055 1. The secretary of state shall by regulation specify:

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

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

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

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

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

47 295.115 1. When an initiative or referendum petition has been finally
48 determined sufficient, the board shall promptly consider the proposed
49 initiative ordinance in the manner provided by law for the consideration of



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

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

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

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

19 295.150 1. The names of the registered voters petitioning need not be
20 all upon one petition, but may be contained on one or more petitions; but
21 each petition ~~shall~~ *must* be verified by ~~at least one of the voters who has~~
22 ~~signed such~~ *the circulator of that* petition.

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

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

28 295.215 1. When an initiative or referendum petition has been finally
29 determined sufficient, the council shall promptly consider the proposed
30 initiative ordinance in the manner provided by law for the consideration of
31 ordinances generally or reconsider the referred ordinance by voting its
32 repeal. If , *not later than 45 days after the date the petition was finally*
33 *determined sufficient*, the council fails to adopt ~~it~~ *the* proposed initiative
34 ordinance without any change in substance ~~within 60 days~~ or fails to
35 repeal the referred ordinance ~~within 30 days after the date the petition was~~
36 ~~finally determined sufficient, it~~ , *the council* shall submit the proposed or
37 referred ordinance to the registered voters of the city.

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

42 3. An initiative or referendum petition may be withdrawn at any time
43 before the 30th day preceding the day scheduled for a vote of the city or
44 the deadline for placing questions on the ballot, whichever is earlier, by
45 filing with the city clerk a request for withdrawal signed by at least four
46 members of the petitioners' original committee. Upon the filing of that
47 request the petition has no further effect and all proceedings thereon must
48 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. If the person ~~{demonstrates good cause therefor}~~ *makes such a*
25 *request*, and the number of such requests received by the secretary of state
26 could affect the sufficiency of the petition, the secretary of state shall strike
27 the name of the person from the petition.

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

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

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

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

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

48 6. Upon the conclusion of the hearing, if the court determines that the
49 petition is sufficient, it shall order the officer with whom the petition is



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

6 **Sec. 25.** 1. This section and sections 1, 2 and 4 to 24, inclusive, of
7 this act become effective on October 1, 2001.

8 2. Section 3 of this act becomes effective at 12:01 a.m. on October 1,
9 2001.

