

ASSEMBLY BILL NO. 436—ASSEMBLYMEN GUSTAVSON, ANGLE,
BEERS, BROWN, CHOWNING, CLABORN, GRADY AND
WEBER

MARCH 17, 2003

JOINT SPONSOR: SENATOR NOLAN

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Revises provisions governing ballot questions.
(BDR 24-917)

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 the appointment of committees to prepare arguments for and against, and rebuttals for, certain statewide ballot questions; requiring sample ballots to include the names of the persons, organizations or governmental entities that assisted in writing condensations, explanations, arguments and rebuttals for ballot questions; revising the provisions relating to county and municipal ballot questions in certain counties and cities; 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
2 thereto a new section to read as follows:

3 ***1. For each constitutional amendment or statewide measure***
4 ***proposed by initiative or referendum to be placed on the ballot by***
5 ***the Secretary of State, the Secretary of State shall, pursuant to***
6 ***subsection 4, appoint two committees. Except as otherwise***
7 ***provided in subsection 2, one committee must be composed of***



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1 *three persons who favor approval by the voters of the initiative or*
2 *referendum and the other committee must be composed of three*
3 *persons who oppose approval by the voters of the initiative or*
4 *referendum.*

5 *2. If the Secretary of State is unable to appoint three persons*
6 *who are willing to serve on a committee, he may appoint fewer*
7 *than three persons to that committee, but he must appoint at least*
8 *one person to each committee appointed pursuant to this section.*

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

11 *(a) A person may not serve simultaneously on the committee*
12 *that favors approval by the voters of an initiative or referendum*
13 *and the committee that opposes approval by the voters of that*
14 *initiative or referendum.*

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

16 *(c) The term of office for each member commences upon*
17 *appointment and expires upon the publication of the sample ballot*
18 *containing the initiative or referendum.*

19 *4. The Secretary of State shall consider appointing to a*
20 *committee pursuant to this section:*

21 *(a) Any person who has expressed an interest in serving on the*
22 *committee; and*

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

26 *5. A committee appointed pursuant to this section:*

27 *(a) Shall elect a chairman for the committee;*

28 *(b) Shall meet and conduct its affairs as necessary to fulfill the*
29 *requirements of this section;*

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

31 *(d) Shall, based on whether the members were appointed to*
32 *advocate or oppose approval by the voters of the initiative or*
33 *referendum, prepare an argument either advocating or opposing*
34 *approval by the voters of the initiative or referendum;*

35 *(e) Shall prepare a rebuttal to the argument prepared by the*
36 *other committee appointed pursuant to this section; and*

37 *(f) Shall submit the argument and rebuttal prepared pursuant*
38 *to paragraphs (d) and (e), including the names described in*
39 *subsection 6, to the Secretary of State not later than the date*
40 *prescribed by the Secretary of State pursuant to subsection 7.*

41 *6. The name of each person or organization who assisted in*
42 *writing an argument or rebuttal pursuant to this section must be*
43 *printed immediately following the argument or rebuttal.*

44 *7. The Secretary of State shall provide, by rule or regulation:*



1 (a) *The maximum permissible length of an argument and*
2 *rebuttal prepared pursuant to this section; and*

3 (b) *The date by which an argument and rebuttal prepared*
4 *pursuant to this section must be submitted by a committee to the*
5 *Secretary of State.*

6 8. *Upon receipt of an argument or rebuttal prepared pursuant*
7 *to this section, the Secretary of State:*

8 (a) *May consult with persons who are generally recognized by*
9 *a national or statewide organization as having expertise in the*
10 *field or area to which the initiative or referendum pertains; and*

11 (b) *Shall reject each statement in the argument or rebuttal that*
12 *he believes is libelous or factually inaccurate.*

13 *Not later than 5 days after the Secretary of State rejects a*
14 *statement pursuant to this subsection, the committee that prepared*
15 *the statement may appeal that rejection to the Attorney General.*
16 *The Attorney General shall review the statement and the reasons*
17 *for its rejection and may receive evidence, documentary or*
18 *testimonial, to aid him in his decision. Not later than 3 business*
19 *days after the appeal by the committee, the Attorney General shall*
20 *issue his decision rejecting or accepting the statement. The*
21 *decision of the Attorney General is a final decision for the*
22 *purposes of judicial review.*

23 9. *The Secretary of State may revise the language submitted*
24 *by a committee pursuant to this section so that it is clear, concise*
25 *and suitable for incorporation in the sample ballot, but shall not*
26 *alter the meaning or effect of the language without the consent of*
27 *the committee.*

28 **Sec. 2.** NRS 293.250 is hereby amended to read as follows:

29 293.250 1. The Secretary of State shall, in a manner
30 consistent with the election laws of this state, prescribe:

31 (a) The form of all ballots, absent ballots, diagrams, sample
32 ballots, certificates, notices, declarations, applications to register to
33 vote, lists, applications, pollbooks, registers, rosters, statements and
34 abstracts required by the election laws of this state.

35 (b) The procedure to be followed when a computer is used to
36 register voters and to keep records of registration.

37 2. The Secretary of State shall prescribe with respect to the
38 matter to be printed on every kind of ballot:

39 (a) The placement and listing of all offices, candidates and
40 measures upon which voting is statewide, which must be uniform
41 throughout the State.

42 (b) The listing of all other candidates required to file with him,
43 and the order of listing all offices, candidates and measures upon
44 which voting is not statewide, from which each county or city clerk



1 shall prepare appropriate ballot forms for use in any election in his
2 county.

3 3. The Secretary of State shall place the condensation of each
4 proposed constitutional amendment or statewide measure near the
5 spaces or devices for indicating the voter's choice.

6 4. The fiscal note for , ~~and~~ explanation of , *arguments for*
7 *and against, and rebuttals to such arguments of* each proposed
8 constitutional amendment or statewide measure ~~[, including~~
9 ~~arguments for and against it,]~~ must be included on all sample
10 ballots.

11 5. The condensations and explanations for constitutional
12 amendments and statewide measures proposed by initiative or
13 referendum must be prepared by the Secretary of State, upon
14 consultation with the Attorney General. *The arguments and*
15 *rebuttals for or against constitutional amendments and statewide*
16 *measures proposed by initiative or referendum must be prepared*
17 *in the manner set forth in section 1 of this act.* The fiscal notes for
18 constitutional amendments and statewide measures proposed by
19 initiative or referendum must be prepared by the Secretary of State,
20 upon consultation with the Fiscal Analysis Division of the
21 Legislative Counsel Bureau. The condensations, explanations ,
22 *arguments, rebuttals* and fiscal notes must be in easily understood
23 language and of reasonable length, and whenever feasible must be
24 completed by August 1 of the year in which the general election is
25 to be held.

26 6. The names of candidates for township and legislative or
27 special district offices must be printed only on the ballots furnished
28 to voters of that township or district.

29 7. A county clerk:

30 (a) May divide paper ballots into two sheets in a manner which
31 provides a clear understanding and grouping of all measures and
32 candidates.

33 (b) Shall prescribe the color or colors of the ballots and voting
34 receipts used in any election which the clerk is required to conduct.

35 **Sec. 3.** NRS 293.253 is hereby amended to read as follows:

36 293.253 1. The Secretary of State shall provide each county
37 clerk with copies of any proposed constitution, constitutional
38 amendment or statewide measure which will appear on the general
39 election ballot, together with the copies of the condensations,
40 explanations , *arguments, rebuttals* and fiscal notes prepared
41 pursuant to NRS 218.443 and 293.250 ~~and~~ *and section 1 of this act.*

42 2. Whenever feasible, he shall provide those copies on or
43 before the first Monday in August of the year in which the proposals
44 will appear on the ballot. Copies of any additional proposals must be
45 provided as soon after their filing as feasible.



1 3. Each county clerk shall cause a copy of the full text of any
2 such constitution, amendment or measure and its condensation,
3 explanation, ~~[including arguments for and against it.]~~ *arguments,*
4 *rebuttals* and fiscal note to be published, in conspicuous display
5 advertising format of not less than 10 column inches, in a newspaper
6 of general circulation in the county three times at intervals of not
7 less than 7 days, the first publication to be on or before the first
8 Monday in October. If no such newspaper is published in the
9 county, the publication may be made in a newspaper of general
10 circulation published in the nearest Nevada county.

11 4. If a copy is furnished by the Secretary of State too late to be
12 published at 7-day intervals, it must be published three times at the
13 longest intervals feasible in each county.

14 5. The portion of the cost of publication which is attributable to
15 publishing the questions, explanations , *arguments, rebuttals* and
16 fiscal notes of proposed constitutions, constitutional amendments or
17 statewide measures is a charge against the State and must be paid
18 from the Reserve for Statutory Contingency Account upon
19 recommendation by the Secretary of State and approval by the State
20 Board of Examiners.

21 **Sec. 4.** NRS 293.481 is hereby amended to read as follows:

22 293.481 1. Except as otherwise provided in subsection 2 or
23 NRS 295.121 or 295.217, every governing body of a political
24 subdivision, public or quasi-public corporation, or other local
25 agency authorized by law to submit questions to the qualified
26 electors or registered voters of a designated territory, when the
27 governing body decides to submit a question:

28 (a) At a general election, shall provide a copy of the question,
29 including an explanation of ~~[and] the question,~~ arguments for and
30 against the question, *rebuttals to such arguments, and the names of*
31 *the persons, organizations or governmental entities that assisted in*
32 *writing such explanations, arguments or rebuttals,* to each county
33 clerk within the designated territory on or before the third Monday
34 in July preceding the election.

35 (b) At a primary election, shall provide a copy of the question,
36 including an explanation of ~~[and] the question,~~ arguments for and
37 against the question, *rebuttals to such arguments, and the names of*
38 *the persons, organizations or governmental entities that assisted in*
39 *writing such explanations, arguments or rebuttals,* to each county
40 clerk within the designated territory on or before the third Monday
41 in May preceding the election.

42 (c) At any election other than a primary or general election at
43 which the county clerk gives notice of the election or otherwise
44 performs duties in connection therewith other than the registration
45 of electors and the making of records of registered voters available



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1 for the election, shall provide a copy of the question, including an
2 explanation of ~~and~~ *the question*, arguments for and against the
3 question, *rebuttals to such arguments, and the names of the*
4 *persons, organizations or governmental entities that assisted in*
5 *writing such explanations, arguments or rebuttals*, to each county
6 clerk at least 60 days before the election.

7 (d) At any city election at which the city clerk gives notice of
8 the election or otherwise performs duties in connection therewith,
9 shall provide a copy of the question, including an explanation of
10 ~~and~~ *the question*, arguments for and against the question, *rebuttals*
11 *to such arguments, and the names of the persons, organizations or*
12 *governmental entities that assisted in writing such explanations,*
13 *arguments or rebuttals*, to the city clerk at least 60 days before the
14 election.

15 2. A question may be submitted after the dates specified in
16 subsection 1 if the question is expressly privileged or required to be
17 submitted pursuant to the provisions of Article 19 of the
18 Constitution of the State of Nevada, or pursuant to the provisions of
19 chapter 295 of NRS or any other statute except NRS 293.482,
20 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that
21 authorizes the governing body to issue bonds upon the approval of
22 the voters.

23 3. *A county or city clerk shall include in the sample ballot*
24 *provided to the registered voters of the county or city the questions,*
25 *explanations, arguments and rebuttals which are:*

26 (a) *Provided to the county or city clerk pursuant to this*
27 *section; and*

28 (b) *Immediately followed by the names of the persons,*
29 *organizations or governmental entities that assisted in writing*
30 *each question, explanation, argument or rebuttal.*

31 4. A county or city clerk may charge any political subdivision,
32 public or quasi-public corporation or other local agency which
33 submits a question a reasonable fee sufficient to pay for the
34 increased costs incurred in including the question, explanation ,
35 ~~and~~ arguments *and rebuttals* on the *sample* ballot.

36 **Sec. 5.** NRS 293.482 is hereby amended to read as follows:

37 293.482 1. The governing body of any county or city may, at
38 any general election or general city election, ask the advice of the
39 registered voters within its jurisdiction on any question which it has
40 under consideration by adopting a resolution which:

41 (a) Except as otherwise provided in NRS 295.121 and 295.217,
42 sets forth the advisory question, including an explanation of ~~and~~
43 *the question*, arguments for and against the question, *rebuttals to*
44 *such arguments, and the names of the persons, organizations or*



1 *governmental entities that assisted in writing such explanations,*
2 *arguments or rebuttals,* to be submitted to the voters; and

3 (b) States that the result of the voting on the question does not
4 place any legal requirement on the governing body or any officer of
5 the political subdivision.

6 2. A governing body may, at any general election, ask the
7 advice of the registered voters of part of its territory if:

8 (a) The advisory question to be submitted affects only that part
9 of its territory; and

10 (b) The resolution adopted pursuant to subsection 1 sets forth
11 the boundaries of the area in which the advice of the registered
12 voters will be asked.

13 **Sec. 6.** NRS 293.565 is hereby amended to read as follows:

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

16 (a) The fiscal note, as provided pursuant to NRS 218.443 or
17 293.250, for each proposed constitutional amendment or statewide
18 measure;

19 (b) An explanation, as provided pursuant to NRS 218.443 ~~fit;~~ *or*
20 *293.250,* of each proposed constitutional amendment or statewide
21 measure ~~fit, including arguments~~ ;

22 (c) *Arguments* for and against ~~fit; and~~
23 ~~—(e)—~~ *each proposed constitutional amendment or statewide*
24 *measure and rebuttals to each argument, as provided pursuant to*
25 *NRS 218.443 or section 1 of this act;*

26 (d) *Printed immediately following each such explanation,*
27 *argument and rebuttal:*

28 (1) *A statement clearly indicating that the explanation,*
29 *arguments and rebuttals were written by the Legislative Counsel*
30 *Bureau if the explanation, arguments and rebuttals were written*
31 *pursuant to NRS 218.443; or*

32 (2) *The names of each person, organization or*
33 *governmental entity that assisted in writing the explanation,*
34 *argument or rebuttal if the explanation, argument or rebuttal was*
35 *written pursuant to NRS 293.250 and section 1 of this act; and*

36 (e) The full text of each proposed constitutional amendment.

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

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

43 (b) The county clerk ensures that a sample ballot that includes
44 the full text of each proposed constitutional amendment is provided



1 at no charge to each registered voter who requests such a sample
2 ballot; and

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

5 3. At least 10 days before any election, the county clerk shall
6 cause to be mailed to each registered voter in the county a sample
7 ballot for his precinct with a notice informing the voter of the
8 location of his polling place. If the location of the polling place has
9 changed since the last election:

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

13 (b) The sample ballot must also include a notice in bold type
14 immediately above the location which states:

15
16 NOTICE: THE LOCATION OF YOUR POLLING PLACE
17 HAS CHANGED SINCE THE LAST ELECTION
18

19 4. Except as otherwise provided in subsection 5, a sample
20 ballot required to be mailed pursuant to this section must:

21 (a) Be printed in at least 12-point type; and

22 (b) Include on the front page, in a separate box created by bold
23 lines, a notice printed in at least 20-point bold type that states:

24
25 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
26 LARGE TYPE, CALL (Insert appropriate telephone number)
27

28 5. A portion of a sample ballot that contains a facsimile of the
29 display area of a voting device may include material in less than 12-
30 point type to the extent necessary to make the facsimile fit on the
31 pages of the sample ballot.

32 6. The sample ballot mailed to a person who requests a sample
33 ballot in large type by exercising the option provided pursuant to
34 NRS 293.508, or in any other manner, must be printed in at least 14-
35 point type, or larger when practicable.

36 7. If a person requests a sample ballot in large type, the county
37 clerk shall ensure that all future sample ballots mailed to that person
38 from the county are in large type.

39 8. The county clerk shall include in each sample ballot a
40 statement indicating that the county clerk will, upon request of a
41 voter who is elderly or disabled, make reasonable accommodations
42 to allow the voter to vote at his polling place and provide reasonable
43 assistance to the voter in casting his vote, including, without
44 limitation, providing appropriate materials to assist the voter.



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

4 **Sec. 7.** NRS 295.121 is hereby amended to read as follows:

5 295.121 1. In a county whose population is 100,000 or more,
6 for each initiative, referendum or other question to be placed on the
7 ballot by the board or county clerk, including, without limitation,
8 pursuant to NRS 293.482, 295.115 or 295.160, the board shall, in
9 consultation with the county clerk pursuant to subsection 4, appoint
10 two committees. Except as otherwise provided in subsection 2, one
11 committee must be composed of three persons who favor approval
12 by the voters of the initiative, referendum or other question and the
13 other committee must be composed of three persons who oppose
14 approval by the voters of the initiative, referendum or other
15 question.

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

21 3. With respect to a committee appointed pursuant to this
22 section:

23 (a) A person may not serve simultaneously on the committee
24 that favors approval by the voters of an initiative, referendum or
25 other question and the committee that opposes approval by the
26 voters of that initiative, referendum or other question.

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

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

31 4. Before the board appoints a committee pursuant to this
32 section, the county clerk shall:

33 (a) Recommend to the board persons to be appointed to the
34 committee; and

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

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

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

41 5. If the board of a county whose population is 100,000 or
42 more fails to appoint a committee as required pursuant to this
43 section, the county clerk shall appoint the committee.

44 6. A committee appointed pursuant to this section:

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



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

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

4 (d) Shall, based on whether the members were appointed to
5 advocate or oppose approval by the voters of the initiative,
6 referendum or other question, prepare an argument either advocating
7 or opposing approval by the voters of the initiative, referendum or
8 other question;

9 (e) Shall prepare a rebuttal to the argument prepared by the other
10 committee appointed pursuant to this section; and

11 (f) Shall submit the argument and rebuttal prepared pursuant to
12 paragraphs (d) and (e) , *including the names described in*
13 *subsection 7*, to the county clerk not later than the date prescribed
14 by the county clerk pursuant to subsection ~~[7-]~~ 8.

15 7. *The name of each person or organization who assisted in*
16 *writing an argument or rebuttal pursuant to this section must be*
17 *printed immediately following the argument or rebuttal.*

18 8. The county clerk of a county whose population is 100,000 or
19 more shall provide, by rule or regulation:

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

22 (b) The date by which an argument or rebuttal prepared pursuant
23 to this section must be submitted by ~~the~~ a committee to the county
24 clerk.

25 ~~[8-]~~ 9. Upon receipt of an argument or rebuttal prepared
26 pursuant to this section, the county clerk:

27 (a) May consult with persons who are generally recognized by a
28 national or statewide organization as having expertise in the field or
29 area to which the initiative, referendum or other question pertains;
30 and

31 (b) Shall reject each statement in the argument or rebuttal that he
32 believes is libelous or factually inaccurate.

33 Not later than 5 days after the county clerk rejects a statement
34 pursuant to this subsection, the committee *that prepared the*
35 *statement* may appeal that rejection to the district attorney. The
36 district attorney shall review the statement and the reasons for its
37 rejection and may receive evidence, documentary or testimonial, to
38 aid him in his decision. Not later than 3 business days after the
39 appeal by the committee, the district attorney shall issue his decision
40 rejecting or accepting the statement. The decision of the district
41 attorney is a final decision for the purposes of judicial review.

42 ~~[9-]~~ 10. The county clerk shall place in the sample ballot
43 provided to the registered voters of the county each argument and
44 rebuttal prepared pursuant to this section ~~[--containing]~~ *which*
45 *contain* all statements that were not rejected pursuant to subsection



1 ~~{8.}~~ 9 and are immediately followed by the names of the persons or
2 organizations that assisted in writing each argument or rebuttal.
3 The county clerk may revise the language submitted by ~~{the}~~ a
4 committee pursuant to this section so that it is clear, concise and
5 suitable for incorporation in the sample ballot, but shall not alter the
6 meaning or effect of the language without the consent of the
7 committee.

8 ~~{10.}~~ 11. In a county whose population is less than 100,000:

9 (a) The board may appoint committees pursuant to this section.

10 (b) If the board appoints committees pursuant to this section, the
11 county clerk shall provide for rules or regulations pursuant to
12 subsection ~~{7.}~~ 8.

13 **Sec. 8.** NRS 295.217 is hereby amended to read as follows:

14 295.217 1. In a city whose population is 60,000 or more, for
15 each initiative, referendum or other question to be placed on the
16 ballot by the council, including, without limitation, pursuant to NRS
17 293.482 or 295.215, the council shall, in consultation with the city
18 clerk pursuant to subsection 4, appoint two committees. Except as
19 otherwise provided in subsection 2, one committee must be
20 composed of three persons who favor approval by the voters of the
21 initiative, referendum or other question and the other committee
22 must be composed of three persons who oppose approval by the
23 voters of the initiative, referendum or other question.

24 2. If, after consulting with the city clerk, ~~{pursuant to}~~
25 ~~subsection 4.}~~ the council is unable to appoint three persons willing
26 to serve on a committee, the council may appoint fewer than three
27 persons to that committee, but the council must appoint at least one
28 person to each committee appointed pursuant to this section.

29 3. With respect to a committee appointed pursuant to this
30 section:

31 (a) A person may not serve simultaneously on the committee
32 that favors approval by the voters of an initiative, referendum or
33 other question and the committee that opposes approval by the
34 voters of that initiative, referendum or other question.

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

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

39 4. Before the council appoints a committee pursuant to this
40 section, the city clerk shall:

41 (a) Recommend to the council persons to be appointed to the
42 committee; and

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

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



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

4 5. If the council of a city whose population is 60,000 or more
5 fails to appoint a committee as required pursuant to this section, the
6 city clerk shall appoint the committee.

7 6. A committee appointed pursuant to this section:

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

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

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

12 (d) Shall, based on whether the members were appointed to
13 advocate or oppose approval by the voters of the initiative,
14 referendum or other question, prepare an argument either advocating
15 or opposing approval by the voters of the initiative, referendum or
16 other question;

17 (e) Shall prepare a rebuttal to the argument prepared by the other
18 committee appointed pursuant to this section; and

19 (f) Shall submit the argument and rebuttal prepared pursuant to
20 paragraphs (d) and (e) , *including the names described in*
21 *subsection 7*, to the city clerk not later than the date prescribed by
22 the city clerk pursuant to subsection ~~7.1~~ 8.

23 7. *The name of each person or organization who assisted in*
24 *writing an argument or rebuttal pursuant to this section must be*
25 *printed immediately following the argument or rebuttal.*

26 8. The city clerk of a city whose population is 60,000 or more
27 shall provide, by rule or regulation:

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

30 (b) The date by which an argument or rebuttal prepared pursuant
31 to this section must be submitted by ~~the~~ a committee to the city
32 clerk.

33 ~~8.1~~ 9. Upon receipt of an argument or rebuttal prepared
34 pursuant to this section, the city clerk:

35 (a) May consult with persons who are generally recognized by a
36 national or statewide organization as having expertise in the field or
37 area to which the initiative, referendum or other question pertains;
38 and

39 (b) Shall reject each statement in the argument or rebuttal that he
40 believes is libelous or factually inaccurate.

41 Not later than 5 days after the city clerk rejects a statement pursuant
42 to this subsection, the committee *that prepared the statement* may
43 appeal that rejection to the city attorney. The city attorney shall
44 review the statement and the reasons for its rejection and may
45 receive evidence, documentary or testimonial, to aid him in his



1 decision. Not later than 3 business days after the appeal by the
2 committee, the city attorney shall issue his decision rejecting or
3 accepting the statement. The decision of the city attorney is a final
4 decision for the purposes of judicial review.

5 ~~[9-]~~ **10.** The city clerk shall place in the sample ballot provided
6 to the registered voters of the city each argument and rebuttal
7 prepared pursuant to this section ~~[, containing]~~ *which contain* all
8 statements that were not rejected pursuant to subsection ~~[8-]~~ *9 and*
9 *are immediately followed by the names of the persons or*
10 *organizations that assisted in writing each argument or rebuttal.*
11 The city clerk may revise the language submitted by ~~[the]~~ *a*
12 committee *pursuant to this section* so that it is clear, concise and
13 suitable for incorporation in the sample ballot, but shall not alter the
14 meaning or effect *of the language* without the consent of the
15 committee.

16 ~~[10-]~~ **11.** In a city whose population is less than 60,000:

17 (a) The council may appoint committees pursuant to this section.

18 (b) If the council appoints committees pursuant to this section,
19 the city clerk shall provide for rules or regulations pursuant to
20 subsection ~~[7-]~~ **8.**

21 **Sec. 9.** NRS 218.443 is hereby amended to read as follows:

22 218.443 1. As used in this section, "first committee of
23 reference" means the committee to which a bill or joint resolution
24 was first referred in the house of the Legislature into which it was
25 introduced.

26 2. Upon request from the first committee of reference, the
27 Legal, Research and Fiscal Analysis Divisions of the Legislative
28 Counsel Bureau shall prepare, for any proposed constitutional
29 amendment or statewide measure which, if approved by the
30 Legislature, would be submitted to a vote of the people:

31 (a) A condensation of the proposal into a question to be placed
32 on the ballot;

33 (b) An explanation of the proposal ; ~~[, including arguments for~~
34 ~~and against it; and]~~

35 (c) *Arguments for and against the proposal and rebuttals to*
36 *each argument; and*

37 (d) A fiscal note for the proposal, including an explanation of
38 any anticipated financial effects on state and local governments.

39 3. The condensation, explanation , *arguments, rebuttals* and
40 fiscal note must ~~[be]~~ :

41 (a) *Be* of reasonable length and written in easily understood
42 language.

43 (b) *Clearly indicate that they were written by the Legislative*
44 *Counsel Bureau.*



1 4. After the bill or joint resolution has been approved by both
2 houses of the Legislature, the first committee of reference shall
3 request the preparation of the condensation, explanation ,
4 *arguments, rebuttals* and fiscal note, if it has not already done so,
5 and shall review the draft and approve such changes as it deems
6 necessary.

7 5. The first committee of reference shall submit the
8 condensation, explanation , *arguments, rebuttals* and fiscal note, in
9 the form of a simple resolution, to the members of the house in
10 which the proposed constitutional amendment or statewide measure
11 was introduced. After that resolution is approved, it must be entered
12 in the journal in its entirety and the enrolled resolution delivered to
13 the Secretary of State to accompany the bill or joint resolution to
14 which it relates.

15 6. If the Legislature adjourns before the procedures set forth in
16 subsections 4 and 5 have been completed, the Legislative
17 Commission shall review, revise and approve the condensation,
18 explanation , *arguments, rebuttals* and fiscal note for delivery to the
19 Secretary of State on or before July 1 of the year in which the
20 general election is to be held.

21 7. In the case of a joint resolution which proposes a
22 constitutional amendment, the condensation, explanation ,
23 *arguments, rebuttals* and fiscal note must be treated in the same
24 manner when the proposal is before the Legislature for its second
25 approval as when the proposal was first approved.

26 8. The Legislative Counsel Bureau shall distribute copies of the
27 condensations, explanations , *arguments, rebuttals* and fiscal notes ,
28 *including a statement clearly indicating that the materials were*
29 *prepared by the Legislative Counsel Bureau,* to members of the
30 Legislature, public libraries, newspapers and broadcasters.

31 **Sec. 10.** Section 5.060 of the Charter of the City of Caliente,
32 being chapter 31, Statutes of Nevada 1971, as amended by chapter
33 669, Statutes of Nevada 1971, at page 2050, is hereby amended to
34 read as follows:

35 Sec. 5.060 Ballots for ordinances and charter
36 amendments. An ordinance or charter amendment to be
37 voted on in the city shall be presented for voting by ballot
38 title. The ballot title of a measure may differ from its legal
39 title and shall be a clear, concise ~~[statement describing]~~
40 *explanation of* the substance of the measure . ~~[without~~
41 ~~argument or prejudice.]~~ Below the ballot title , *and*
42 *arguments and rebuttals required by law,* shall appear the
43 following question: "Shall the above described (ordinance)
44 (amendment) be adopted?" The ballot or voting machine or
45 device shall be so marked as to indicate clearly in what



1 manner the voter may cast his vote, either for or against the
2 ordinance or amendment.

3 **Sec. 11.** Section 5.050 of the Charter of the City of Carlin,
4 being chapter 344, Statutes of Nevada 1971, as amended by chapter
5 669, Statutes of Nevada 1971, at page 2051, is hereby amended to
6 read as follows:

7 Sec. 5.050 Ballots for ordinances and charter
8 amendments. An ordinance or charter amendment to be
9 voted on in the city shall be presented for voting by ballot
10 title. The ballot title of a measure may differ from its legal
11 title and shall be a clear, concise ~~[statement describing]~~
12 *explanation of* the substance of the measure . ~~[without~~
13 ~~argument or prejudice.]~~ Below the ballot title , *and*
14 *arguments and rebuttals required by law*, shall appear the
15 following question: "Shall the above described (ordinance)
16 (amendment) be adopted?" The ballot or voting machine or
17 device shall be so marked as to indicate clearly in what
18 manner the voter may cast his vote, either for or against the
19 ordinance or amendment.

20 **Sec. 12.** Section 5.060 of the Charter of Carson City, being
21 chapter 213, Statutes of Nevada 1969, at page 305, is hereby
22 amended to read as follows:

23 Sec. 5.060 Ballots for ordinances and charter
24 amendments. An ordinance or charter amendment to be
25 voted on in Carson City shall be presented for voting by
26 ballot title. The ballot title of a measure may differ from its
27 legal title and shall be a clear, concise ~~[statement describing]~~
28 *explanation of* the substance of the measure . ~~[without~~
29 ~~argument or prejudice.]~~ Below the ballot title , *and*
30 *arguments and rebuttals required by law*, shall appear the
31 following question: "Shall the above-described (ordinance)
32 (amendment) be adopted?" The ballot or voting machine or
33 device shall be so marked as to indicate clearly in what
34 manner the voter may cast his vote either for or against the
35 ordinance or amendment.

36 **Sec. 13.** Section 5.050 of the Charter of the City of Elko,
37 being chapter 276, Statutes of Nevada 1971, as amended by chapter
38 669, Statutes of Nevada 1971, at page 2052, is hereby amended to
39 read as follows:

40 Sec. 5.050 Ballots for ordinances and charter
41 amendments. An ordinance or charter amendment to be
42 voted on in the city shall be presented for voting by ballot
43 title. The ballot title of a measure may differ from its legal
44 title and shall be a clear, concise ~~[statement describing]~~
45 *explanation of* the substance of the measure . ~~[without~~



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~~argument or prejudice.~~ Below the ballot title , *and arguments and rebuttals required by law*, shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his vote, either for or against the ordinance or amendment.

Sec. 14. Section 5.060 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 669, Statutes of Nevada 1971, at page 2053, is hereby amended to read as follows:

Sec. 5.060 Ballots for ordinances and charter amendments. An ordinance or charter amendment to be voted on in the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise ~~statement describing~~ *explanation of* the substance of the measure . ~~without argument or prejudice.~~ Below the ballot title , *and arguments and rebuttals required by law*, shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his vote, either for or against the ordinance or amendment.

Sec. 15. Section 5.060 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1415, is hereby amended to read as follows:

Sec. 5.060 Ballots for ordinances and charter amendments. An ordinance or charter amendment which is to be voted on in the city must be presented for voting by ballot title. The ballot title of a measure may differ from its legal title, but must be a clear and concise ~~statement which describes~~ *explanation of* the substance of the measure . ~~without argument or prejudice.~~ Below the ballot title , *and arguments and rebuttals required by law*, must appear the following question: "Shall the above described (ordinance) (charter amendment) be adopted?" The ballot, voting machine or voting device must be marked in such a way as to indicate clearly in what manner the voter may cast his vote, either for or against the ordinance or charter amendment.



1 **Sec. 16.** Section 5.060 of the Charter of the City of North Las
2 Vegas, being chapter 573, Statutes of Nevada 1971, as amended by
3 chapter 669, Statutes of Nevada 1971, at page 2054, is hereby
4 amended to read as follows:

5 Sec. 5.060 Ballots for ordinances and charter
6 amendments. An ordinance or charter amendment to be
7 voted on in the city shall be presented for voting by ballot
8 title. The ballot title of a measure may differ from its legal
9 title and shall be a clear, concise ~~[statement describing]~~
10 *explanation of* the substance of the measure . ~~[without~~
11 ~~argument or prejudice.]~~ Below the ballot title , *and*
12 *arguments and rebuttals required by law*, shall appear the
13 following question: "Shall the above described (ordinance)
14 (amendment) be adopted?" The ballot or voting machine or
15 device shall be so marked as to indicate clearly in what
16 manner the voter may cast his vote, either for or against the
17 ordinance or amendment.

18 **Sec. 17.** Section 5.060 of the Charter of the City of Reno,
19 being chapter 662, Statutes of Nevada 1971, as amended by chapter
20 669, Statutes of Nevada 1971, at page 2055, is hereby amended to
21 read as follows:

22 Sec. 5.060 Ballots for ordinances and charter
23 amendments. An ordinance or charter amendment to be
24 voted on in the city shall be presented for voting by ballot
25 title. The ballot title of a measure may differ from its legal
26 title and shall be a clear, concise ~~[statement describing]~~
27 *explanation of* the substance of the measure . ~~[without~~
28 ~~argument or prejudice.]~~ Below the ballot title , *and*
29 *arguments and rebuttals required by law*, shall appear the
30 following question: "Shall the above described (ordinance)
31 (amendment) be adopted?" The ballot or voting machine or
32 device shall be so marked as to indicate clearly in what
33 manner the voter may cast his vote, either for or against the
34 ordinance or amendment.

35 **Sec. 18.** Section 5.060 of the Charter of the City of Sparks,
36 being chapter 470, Statutes of Nevada 1975, at page 737, is hereby
37 amended to read as follows:

38 Sec. 5.060 Ballots for ordinances and charter
39 amendments. An ordinance or charter amendment to be
40 voted on in the city shall be presented for voting by ballot
41 title. The ballot title of a measure may differ from its legal
42 title and shall be a clear, concise ~~[statement describing]~~
43 *explanation of* the substance of the measure . ~~[without~~
44 ~~argument or prejudice.]~~ Below the ballot title , *and*
45 *arguments and rebuttals required by law*, shall appear the



1 following question: "Shall the above described (ordinance)
2 (amendment) be adopted?" The ballot or voting machine or
3 device shall be so marked as to indicate clearly in what
4 manner the voter may cast his vote, either for or against the
5 ordinance or amendment.

6 **Sec. 19.** Section 5.050 of the Charter of the City of Wells,
7 being chapter 275, Statutes of Nevada 1971, as amended by chapter
8 669, Statutes of Nevada 1971, at page 2056, is hereby amended to
9 read as follows:

10 Sec. 5.050 Ballots for ordinances and charter
11 amendments. An ordinance or charter amendment to be
12 voted on in the city shall be presented for voting by ballot
13 title. The ballot title of a measure may differ from its legal
14 title and shall be a clear, concise ~~[statement describing]~~
15 *explanation of* the substance of the measure . ~~[without~~
16 ~~argument or prejudice.]~~ Below the ballot title , *and*
17 *arguments and rebuttals required by law*, shall appear the
18 following question: "Shall the above described (ordinance)
19 (amendment) be adopted?" The ballot or voting machine or
20 device shall be so marked as to indicate clearly in what
21 manner the voter may cast his vote, either for or against the
22 ordinance or amendment.

23 **Sec. 20.** Section 5.050 of the Charter of the City of Yerington,
24 being chapter 465, Statutes of Nevada 1971, as amended by chapter
25 669, Statutes of Nevada 1971, at page 2057, is hereby amended to
26 read as follows:

27 Sec. 5.050 Ballots for ordinances and charter
28 amendments. An ordinance or charter amendment to be
29 voted on in the city shall be presented for voting by ballot
30 title. The ballot title of a measure may differ from its legal
31 title and shall be a clear, concise ~~[statement describing]~~
32 *explanation of* the substance of the measure . ~~[without~~
33 ~~argument or prejudice.]~~ Below the ballot title , *and*
34 *arguments and rebuttals required by law*, shall appear the
35 following question: "Shall the above described (ordinance)
36 (amendment) be adopted?" The ballot or voting machine or
37 device shall be so marked as to indicate clearly in what
38 manner the voter may cast his vote, either for or against the
39 ordinance or amendment.

