

ASSEMBLY BILL NO. 185—ASSEMBLYMEN GANSERT, HETTRICK, MCCLEARY, ATKINSON, CARPENTER, CHRISTENSEN, GOICOECHEA, GRADY, HARDY, HOLCOMB, MABEY, MARVEL, SHERER AND SIBLEY

MARCH 9, 2005

JOINT SPONSOR: SENATOR BEERS

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Revises provisions governing petitions for initiative and referendum. (BDR 24-711)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to elections; limiting initiative petitions to one subject; requiring an initiative petition to include a description of the effect of the initiative if approved by the voters; requiring the Secretary of State to obtain under certain circumstances a fiscal note from the Fiscal Analysis Division of the Legislative Counsel Bureau; requiring the Secretary of State to post a copy of the initiative petition, the description of the effect if the initiative is approved by the voters and any fiscal note on his Internet website; requiring a challenge to the description of the effect of an initiative to be filed not later than 30 days after a copy of the petition is placed on file with the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires that each bill enacted by the Legislature must address
- 2 only one subject and matters properly connected with the subject. (Nev. Const., Art.
- 3 4, § 17) Existing law requires the Secretary of State to adopt regulations prescribing
- 4 the form of an initiative petition and the requirements concerning the signatures on



the petition. A copy of an initiative petition must be filed in the Office of the Secretary of State before it is presented to the voters for their signatures. (NRS 295.015-295.061) Existing law provides that the legal sufficiency of a petition for referendum or initiative may be challenged by filing a complaint in district court not later than 5 days, Saturdays, Sundays and holidays excluded, after the petition is filed with the Secretary of State. (NRS 295.061)

This bill requires an initiative petition, like legislation, to address only one subject and matters necessarily connected with that subject. An initiative petition must include an explanation of the effect of the petition if approved by the voters.

This bill requires the Secretary of State to consult with the Fiscal Analysis Division of the Legislative Counsel Bureau in order to determine whether the initiative will have a financial impact on the state or local governments if approved by the voters. If the initiative will have a financial impact on the state or local governments if approved by the voters, the Fiscal Analysis Division must prepare a fiscal note.

This bill provides that the description of a petition for initiative may be challenged by filing a complaint in the First Judicial District Court not later than 30 days after a copy of the petition is placed on file with the Secretary of State prior to the petition being distributed for signatures.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 295 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each petition for initiative must:

(a) Embrace but one subject and matters necessarily connected therewith and pertaining thereto; and

(b) Set forth, in not more than 200 words, an accurate description of the effect of the initiative if it is approved by the voters. The description must appear at the top of each signature page of the petition.

2. For the purposes of paragraph (a) of subsection 1, a petition for initiative embraces but one subject and matters necessarily connected therewith and pertaining thereto, if the parts of the proposed initiative are functionally related and germane to each other in a way that provides sufficient notice of the general subject of, and of the interests likely to be affected by, the proposed initiative.

Sec. 2. NRS 295.015 is hereby amended to read as follows:

295.015 ~~[A copy of]~~

1. Before a petition for initiative ~~[must be placed on file in the Office of the Secretary of State before it]~~ may be presented to the registered voters for their signatures ~~[;]~~, ***a copy of the petition for initiative, including the description required pursuant to section 2 of this act, must be placed on file with the Secretary of State.***

2. Upon receipt of a petition for initiative placed on file pursuant to subsection 1, the Secretary of State shall consult with



1 *the Fiscal Analysis Division of the Legislative Counsel Bureau to*
2 *determine if the initiative may have any anticipated financial*
3 *effect on the State or local governments if the initiative is*
4 *approved by the voters. If the Fiscal Analysis Division determines*
5 *that the initiative may have an anticipated financial effect on the*
6 *State or local governments if the initiative is approved by the*
7 *voters, the Division must prepare a fiscal note that includes an*
8 *explanation of any such effect.*

9 3. Not later than 10 business days after the Secretary of State
10 receives a petition for initiative filed pursuant to subsection 1, the
11 Secretary of State shall post a copy of the petition, including the
12 description required pursuant to section 1 of this act and any
13 fiscal note prepared pursuant to subsection 2 on his Internet
14 website.

15 **Sec. 3.** NRS 295.061 is hereby amended to read as follows:

16 295.061 1. *The description of the effect of the initiative*
17 *required pursuant to section 2 of this act may be challenged by*
18 *filing a complaint in the First Judicial District Court not later*
19 *than 30 days, Saturdays, Sundays and holidays excluded, after a*
20 *copy of the petition is initially placed on file with the Secretary of*
21 *State pursuant to NRS 295.015. All affidavits and documents in*
22 *support of the challenge must be filed with the complaint. The*
23 *court shall set the matter for hearing not later than 30 days after*
24 *the complaint is filed and shall give priority to such a complaint*
25 *over all criminal proceedings.*

26 2. The legal sufficiency of a petition ~~filed pursuant to NRS~~
27 ~~295.015 to 295.061, inclusive,~~ *for initiative or referendum* may be
28 challenged by filing a complaint in district court not later than 5
29 days, Saturdays, Sundays and holidays excluded, after the petition is
30 filed with the Secretary of State. All affidavits and documents in
31 support of the challenge must be filed with the complaint. The court
32 shall set the matter for hearing not later than 30 days after the
33 complaint is filed and shall give priority to such a complaint over all
34 other matters pending with the court, except for criminal
35 proceedings.



