

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 petitions for initiative or referendum to one subject; requiring a petition for initiative or referendum to include a description of the effect of the initiative or referendum 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 petition for initiative or referendum, the description of the effect if the initiative or referendum 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 or a referendum to be filed not later than 30 days after a copy of the petition is placed on file with the Secretary of State; amending the timeframe for challenging the legal sufficiency of a petition for initiative or referendum; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

Existing law requires that each bill enacted by the Legislature must address only one subject and matters properly connected with the subject. (Nev. Const., Art. 4, § 17) Existing law requires the Secretary of State to adopt regulations prescribing 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 a petition for initiative or referendum, like legislation, to address only one subject and matters necessarily connected with that subject. A petition for initiative or referendum 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 or referendum will have a financial impact on the state or local governments if approved by the voters. If the initiative or referendum 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 or referendum 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. This bill also provides that the legal sufficiency of a petition may be challenged by filing a complaint in district court not later than 7 days, Saturdays, Sundays and holidays excluded, after the petition is filed with the Secretary of State.

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 or referendum must:

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

(b) Set forth, in not more than 200 words, a description of the effect of the initiative or referendum if the initiative or referendum is approved by the voters. The description must appear on each signature page of the petition.

2. For the purposes of paragraph (a) of subsection 1, a petition for initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, if the parts of the proposed initiative or referendum 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 or referendum.



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

2 295.015 ~~{A copy of}~~

3 **1. Before** a petition for initiative ~~{must be placed on file in the~~
4 ~~Office of the Secretary of State before it}~~ **or referendum** may be
5 presented to the registered voters for their signatures ~~{, a copy of~~
6 ~~the petition for initiative or referendum, including the description~~
7 ~~required pursuant to section 1 of this act, must be placed on file~~
8 ~~with the Secretary of State.~~

9 **2. Upon receipt of a petition for initiative or referendum**
10 **placed on file pursuant to subsection 1, the Secretary of State shall**
11 **consult with the Fiscal Analysis Division of the Legislative**
12 **Counsel Bureau to determine if the initiative or referendum may**
13 **have any anticipated financial effect on the State or local**
14 **governments if the initiative or referendum is approved by the**
15 **voters. If the Fiscal Analysis Division determines that the initiative**
16 **or referendum may have an anticipated financial effect on the**
17 **State or local governments if the initiative or referendum is**
18 **approved by the voters, the Division must prepare a fiscal note that**
19 **includes an explanation of any such effect.**

20 **3. Not later than 10 business days after the Secretary of State**
21 **receives a petition for initiative or referendum filed pursuant to**
22 **subsection 1, the Secretary of State shall post a copy of the**
23 **petition, including the description required pursuant to section 1**
24 **of this act and any fiscal note prepared pursuant to subsection 2**
25 **on his Internet website.**

26 **Sec. 3.** NRS 295.045 is hereby amended to read as follows:

27 295.045 1. ~~{A copy of a petition for referendum must be~~
28 ~~placed on file in the Office of the Secretary of State before it may be~~
29 ~~presented to the registered voters for their signatures.~~

30 **—2.} A** petition for referendum must be filed with the Secretary
31 of State not less than 120 days before the date of the next
32 succeeding general election.

33 ~~{3.} 2.~~ The Secretary of State shall certify the questions to the
34 county clerks, and they shall publish them in accordance with the
35 provisions of law requiring county clerks to publish questions and
36 proposed constitutional amendments which are to be submitted for
37 popular vote.

38 ~~{4.} 3.~~ The title of the statute or resolution must be set out on
39 the ballot, and the question printed upon the ballot for the
40 information of the voters must be as follows: "Shall the statute
41 (setting out its title) be approved?"

42 ~~{5.} 4.~~ Where a mechanical voting system is used, the title of
43 the statute must appear on the list of offices and candidates and the
44 statements of measures to be voted on and may be condensed to no
45 more than 25 words.



1 ~~{6-}~~ 5. The votes cast upon the question must be counted and
2 canvassed as the votes for state officers are counted and canvassed.

3 Sec. 4. NRS 295.061 is hereby amended to read as follows:

4 295.061 1. *The description of the effect of the initiative or*
5 *referendum required pursuant to section 1 of this act may be*
6 *challenged by filing a complaint in the First Judicial District*
7 *Court not later than 30 days, Saturdays, Sundays and holidays*
8 *excluded, after a copy of the petition is initially placed on file with*
9 *the Secretary of State pursuant to NRS 295.015. All affidavits and*
10 *documents in support of the challenge must be filed with the*
11 *complaint. The court shall set the matter for hearing not later than*
12 *30 days after the complaint is filed and shall give priority to such a*
13 *complaint over all criminal proceedings.*

14 2. The legal sufficiency of a petition ~~{filed pursuant to NRS~~
15 ~~295.015 to 295.061, inclusive,}~~ *for initiative or referendum* may be
16 challenged by filing a complaint in district court not later than ~~{5}~~ 7
17 days, Saturdays, Sundays and holidays excluded, after the petition is
18 ~~{filed with}~~ *certified as sufficient by* the Secretary of State. All
19 affidavits and documents in support of the challenge must be filed
20 with the complaint. The court shall set the matter for hearing not
21 later than 30 days after the complaint is filed and shall give priority
22 to such a complaint over all other matters pending with the court,
23 except for criminal proceedings.

