

SENATE BILL NO. 222—SENATOR CEGAVSKE

MARCH 21, 2005

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises various provisions relating to elections.  
(BDR 24-297)

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; requiring each polling place to post a notice that the full text of each proposed constitutional amendment and statewide measure is available at the polling place; providing for the appointment of a committee to prepare arguments for and against a constitutional amendment or statewide measure proposed by the Legislature; requiring sample ballots to inform registered voters how to obtain the full text of each proposed constitutional amendment and statewide measure; requiring a certain acknowledgment of a registered voter in order for his signature to be counted in determining the sufficiency of an initiative or referendum petition; requiring the Secretary of State to determine the requirements for requesting the county clerk to remove a name from an initiative or referendum petition; requiring a petition for initiative or referendum to embrace a single subject; requiring an explanation of the effect of an initiative or referendum be made available to each voter before he signs a petition for initiative or referendum; providing for a person to challenge the accuracy of an explanation of an initiative or referendum; 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



the form of an initiative or referendum petition and the requirements concerning signatures on the petition. A copy of the 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)

This bill requires an initiative or referendum petition to address only one subject which must be clearly indicated in the title.

Existing law allows a county clerk to provide a sample ballot without the full text of a proposed constitutional amendment under certain conditions. (NRS 293.565)

This bill requires the county clerk, when the full text of a proposed constitutional amendment or statewide measure is not contained in the sample ballot mailed to voters to explain on the sample ballot how the full text may be obtained. The county clerk must also ensure that the full text is available at each polling place.

This bill requires a person who intends to circulate an initiative or referendum petition to write an explanation of the proposed effect of the initiative or referendum and to make the explanation available to each voter before the voter signs the petition. This bill authorizes a person to challenge the accuracy of the explanation by filing a complaint in the First Judicial District Court.

This bill prohibits a county clerk from counting a voter's signature on an initiative or referendum petition if the voter did not separately acknowledge that the explanation of the effect of the petition was made available to him before he signed the petition.

Existing law requires the Legislative Counsel Bureau to prepare arguments for and against any constitutional amendment or statewide measure proposed by the Legislature. (NRS 218.443)

This bill requires the Secretary of State to appoint a committee to prepare the arguments for and against any constitutional amendment or statewide measure proposed by the Legislature.

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

**Section 1.** Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

*At each polling place, the county clerk shall post in a conspicuous place, in at least 16-point type, a notice informing the voters that the full text of each proposed constitutional amendment and statewide measure is available at the polling place.*

**Sec. 2.** NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, he shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in his county.



2. If more than 500 names have been signed on the documents submitted to him, a county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, he shall ensure that every application in the file is examined, including any application in his possession which may not yet be entered into his records. The county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his determination.

4. Except as otherwise provided in subsection 6, upon completing the examination, the county clerk shall immediately attach to the documents a certificate , properly dated, showing the result of his examination and *shall* transmit the documents with the certificate to the Secretary of State. A copy of this certificate must be filed in the *county* clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS ~~[295.055 or 306.015.]~~ *306.015 or section 13 of this act.*

5. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

6. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

7. The Secretary of State may by regulation establish further procedures for carrying out the provisions of this section.

**Sec. 3.** NRS 293.1278 is hereby amended to read as follows:

293.1278 1. If the certificates received by the Secretary of State from all the county clerks establish that the number of valid



1 signatures is less than 90 percent of the required number of  
2 registered voters, the petition shall be deemed to have failed to  
3 qualify, and the Secretary of State shall immediately so notify the  
4 petitioners and the county clerks.

5 2. If those certificates establish that the number of valid  
6 signatures is equal to or more than the sum of 100 percent of the  
7 number of registered voters needed to make the petition sufficient  
8 plus the total number of requests to remove a name received by the  
9 county clerks pursuant to NRS ~~[295.055 or 306.015.]~~ *306.015 or*  
10 *section 13 of this act*, the petition shall be deemed to qualify as of  
11 the date of receipt by the Secretary of State of those certificates, and  
12 the Secretary of State shall immediately so notify the petitioners and  
13 the county clerks.

14 3. If the certificates establish that the petitioners have 100  
15 percent or more of the number of registered voters needed to make  
16 the petition sufficient but the petition fails to qualify pursuant to  
17 subsection 2, each county clerk who received a request to remove a  
18 name pursuant to NRS ~~[295.055 or]~~ 306.015 *or section 13 of this*  
19 *act* shall remove each name as requested, amend the certificate and  
20 transmit the amended certificate to the Secretary of State. If the  
21 amended certificates establish that the petitioners have 100 percent  
22 or more of the number of registered voters needed to make the  
23 petition sufficient, the petition shall be deemed to qualify as of the  
24 date of receipt by the Secretary of State of the amended certificates,  
25 and the Secretary of State shall immediately so notify the petitioners  
26 and the county clerks.

27 **Sec. 4.** NRS 293.1279 is hereby amended to read as follows:

28 293.1279 1. If the statistical sampling shows that the number  
29 of valid signatures filed is 90 percent or more, but less than the sum  
30 of 100 percent of the number of signatures of registered voters  
31 needed to declare the petition sufficient plus the total number of  
32 requests to remove a name received by the county clerks pursuant to  
33 NRS ~~[295.055 or 306.015.]~~ *306.015 or section 13 of this act*, the  
34 Secretary of State shall order the county clerks to examine  
35 the signatures for verification. The county clerks shall examine the  
36 signatures for verification until they determine that 100 percent of  
37 the number of signatures of registered voters needed to declare the  
38 petition sufficient are valid. If the county clerks received a request  
39 to remove a name pursuant to NRS ~~[295.055 or 306.015.]~~ *306.015*  
40 *or section 13 of this act*, the county clerks may not determine that  
41 100 percent of the number of signatures of registered voters needed  
42 to declare the petition sufficient are valid until they have removed  
43 each name as requested pursuant to NRS ~~[295.055 or 306.015.]~~  
44 *306.015 or section 13 of this act.*



2. If the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS ~~[295.055 or 306.015,]~~ *306.015 or section 13 of this act*, the Secretary of State may order the county clerk in that county to examine every signature for verification. If the county clerk received a request to remove a name pursuant to NRS ~~[295.055 or 306.015,]~~ *306.015 or section 13 of this act*, the county clerk may not determine that 100 percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until he has removed each name as requested pursuant to NRS ~~[295.055 or 306.015,]~~ *306.015 or section 13 of this act*.

3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt of such an order, the county clerk shall determine from the records of registration what number of registered voters have signed the petition. If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition, the county clerk must use the statewide voter registration list. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk shall immediately attach to the documents of the petition an amended certificate, properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the Secretary of State. A copy of the amended certificate must be filed in the county clerk's office.

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which he receives certificates from the county



1 clerks showing the petition to be signed by the requisite number of  
2 voters of the State.

3 7. If the amended certificates received from all county clerks  
4 by the Secretary of State establish that the petition is still  
5 insufficient, he shall immediately so notify the petitioners and the  
6 county clerks. If the petition is a petition to recall a county, district  
7 or municipal officer, the Secretary of State shall also notify the  
8 officer with whom the petition is to be filed.

9 **Sec. 5.** NRS 293.12795 is hereby amended to read as follows:

10 293.12795 1. If an appeal is based upon the results of the  
11 verification of signatures on a petition performed pursuant to NRS  
12 293.1277 or 293.1279, the Secretary of State shall:

13 (a) If he finds for the appellant, order the county clerk to  
14 recertify the petition, including as verified signatures all contested  
15 signatures which the Secretary of State determines are valid. If the  
16 county clerk has not yet removed each name as requested pursuant  
17 to NRS ~~295.055 or 306.015,~~ *306.015 or section 13 of this act,* the  
18 county clerk shall do so before recertifying the petition.

19 (b) If he does not find for the appellant, notify the appellant and  
20 the county clerk that the petition remains insufficient.

21 2. If the Secretary of State is unable to make a decision on the  
22 appeal based upon the documents submitted to him, the Secretary of  
23 State may order the county clerk to reverify the signatures.

24 3. The decision of the Secretary of State is a final decision for  
25 the purposes of judicial review. The decision of the Secretary of  
26 State may only be appealed in the first judicial district court.

27 **Sec. 6.** NRS 293.250 is hereby amended to read as follows:

28 293.250 1. The Secretary of State shall, in a manner  
29 consistent with the election laws of this State, prescribe:

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

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

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

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

41 (b) The listing of all other candidates required to file with him,  
42 and the order of listing all offices, candidates and measures upon  
43 which voting is not statewide, from which each county or city clerk  
44 shall prepare appropriate ballot forms for use in any election in his  
45 county.



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

4       4. The fiscal note for, explanation of, arguments for and  
5 against, and rebuttals to such arguments of each proposed  
6 constitutional amendment or statewide measure must be included on  
7 all sample ballots.

8       5. The condensations and explanations for constitutional  
9 amendments and statewide measures proposed by initiative or  
10 referendum must be prepared by the Secretary of State, upon  
11 consultation with the Attorney General. The arguments and rebuttals  
12 for or against constitutional amendments and statewide measures  
13 proposed by *the Legislature*, initiative or referendum must be  
14 prepared in the manner set forth in NRS 293.252. The fiscal notes  
15 for constitutional amendments and statewide measures proposed by  
16 initiative or referendum must be prepared by the Secretary of State,  
17 upon consultation with the Fiscal Analysis Division of the  
18 Legislative Counsel Bureau. The condensations, explanations,  
19 arguments, rebuttals and fiscal notes must be in easily understood  
20 language and of reasonable length, and whenever feasible must be  
21 completed by August 1 of the year in which the general election is  
22 to be held.

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

26       7. A county clerk:

27       (a) May divide paper ballots into two sheets in a manner which  
28 provides a clear understanding and grouping of all measures and  
29 candidates.

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

32       **Sec. 7.** NRS 293.252 is hereby amended to read as follows:

33       293.252 1. For each constitutional amendment or statewide  
34 measure proposed by *the Legislature*, initiative or referendum to be  
35 placed on the ballot by the Secretary of State, the Secretary of State  
36 shall, pursuant to subsection 4, appoint two committees. Except as  
37 otherwise provided in subsection 2, one committee must be  
38 composed of three persons who favor approval by the voters of the  
39 ~~initiative or referendum~~ *constitutional amendment or statewide*  
40 *measure* and the other committee must be composed of three  
41 persons who oppose approval by the voters of the ~~initiative or~~  
42 ~~referendum.~~ *constitutional amendment or statewide measure.*

43       2. If the Secretary of State is unable to appoint three persons  
44 who are willing to serve on a committee, he may appoint fewer than





1 three persons to that committee, but he must appoint at least one  
2 person to each committee appointed pursuant to this section.

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

5 (a) A person may not serve simultaneously on the committee  
6 that favors approval by the voters of ~~[an initiative or referendum]~~  
7 *the constitutional amendment or statewide measure* and the  
8 committee that opposes approval by the voters of that ~~[initiative or~~  
9 ~~referendum.]~~ *constitutional amendment or statewide measure.*

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

11 (c) The term of office for each member commences upon  
12 appointment and expires upon the publication of the sample ballot  
13 containing the ~~[initiative or referendum.]~~ *constitutional amendment*  
14 *or statewide measure.*

15 4. The Secretary of State shall consider appointing to a  
16 committee pursuant to this section:

17 (a) Any person who has expressed an interest in serving on the  
18 committee; and

19 (b) A person who is a member of an organization that has  
20 expressed an interest in having a member of the organization serve  
21 on the committee.

22 5. A committee appointed pursuant to this section:

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

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

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

27 (d) Shall, based on whether the members were appointed to  
28 advocate or oppose approval by the voters of the ~~[initiative or~~  
29 ~~referendum.]~~ *constitutional amendment or statewide measure,*  
30 prepare an argument either advocating or opposing approval by the  
31 voters of the ~~[initiative or referendum.]~~ *constitutional amendment*  
32 *or statewide measure;*

33 (e) Shall prepare a rebuttal to the argument prepared by the other  
34 committee appointed pursuant to this section;

35 (f) Shall address in the argument and rebuttal prepared pursuant  
36 to paragraphs (d) and (e):

37 (1) The fiscal impact of the ~~[initiative or referendum.]~~  
38 *constitutional amendment or statewide measure;*

39 (2) The environmental impact of the ~~[initiative or~~  
40 ~~referendum.]~~ *constitutional amendment or statewide measure;* and

41 (3) The impact of the ~~[initiative or referendum]~~  
42 *constitutional amendment or statewide measure* on the public  
43 health, safety and welfare; and





(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the Secretary of State not later than the date prescribed by the Secretary of State pursuant to subsection 6.

6. The Secretary of State shall provide, by rule or regulation:

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

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

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

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

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

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

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

**Sec. 8.** NRS 293.565 is hereby amended to read as follows:

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

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note, as provided pursuant to NRS 218.443, 293.250, 293.481 or 293.482, for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218.443, 293.250, 293.481, 293.482 or 295.121, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;



(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218.443, 293.250, 293.252, 293.481, 293.482 or 295.121; ~~{and}~~

(e) *The names of the persons who drafted the arguments described in paragraph (d) and, if applicable, the names of any organizations that such persons are members of, employed by or otherwise affiliated with, that may have a direct interest in whether the proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision or, advisory question is approved by the voters; and*

(f) The full text of each proposed constitutional amendment ~~{}~~ *and statewide measure.*

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

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment *and statewide measure* were not included; *and*

(b) The county clerk ensures that ~~{a}~~ :

(1) A sample ballot that includes the full text of each proposed constitutional amendment *and statewide measure* is provided at no charge to each registered voter who requests such a sample ballot; ~~{and}~~

~~—(c)—~~ (2) The sample ballots *inform registered voters how to obtain the full text of each proposed constitutional amendment and statewide measure; and*

(3) *The full text of each proposed constitutional amendment and statewide measure will be* provided to each polling place . ~~{include the full text of each proposed constitutional amendment.}~~

3. Before the period for early voting, but not later than 10 days before any election, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

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

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



1 NOTICE: THE LOCATION OF YOUR POLLING PLACE  
2 HAS CHANGED SINCE THE LAST ELECTION  
3

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

- 6 (a) Be printed in at least 12-point type; and  
7 (b) Include on the front page, in a separate box created by bold  
8 lines, a notice printed in at least 20-point bold type that states:  
9

10 NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
11 LARGE TYPE, CALL (Insert appropriate telephone number)  
12

13 5. A portion of a sample ballot that contains a facsimile of the  
14 display area of a voting device may include material in less than  
15 12-point type to the extent necessary to make the facsimile fit on the  
16 pages of the sample ballot.

17 6. The sample ballot mailed to a person who requests a sample  
18 ballot in large type by exercising the option provided pursuant to  
19 NRS 293.508, or in any other manner, must be printed in at least  
20 14-point type, or larger when practicable.

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

24 8. The county clerk shall include in each sample ballot a  
25 statement indicating that the county clerk will, upon request of a  
26 voter who is elderly or disabled, make reasonable accommodations  
27 to allow the voter to vote at his polling place and *will* provide  
28 reasonable assistance to the voter in casting his vote, including,  
29 without limitation, providing appropriate materials to assist the  
30 voter. In addition, if the county clerk has provided pursuant to  
31 subsection 4 of NRS 293.2955 for the placement at centralized  
32 voting locations of specially equipped voting devices for use by  
33 voters who are elderly or disabled, the county clerk shall include in  
34 the sample ballot a statement indicating:

- 35 (a) The addresses of such centralized voting locations;  
36 (b) The types of specially equipped voting devices available at  
37 such centralized voting locations; and  
38 (c) That a voter who is elderly or disabled may cast his ballot at  
39 such a centralized voting location rather than at his regularly  
40 designated polling place.

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



1     **Sec. 9.** Chapter 295 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 10 to 13, inclusive, of this  
3 act.

4     **Sec. 10.** *Each petition for initiative must:*

5     1. *Embrace but one subject and matters necessarily*  
6 *connected therewith and pertaining thereto. The subject must be*  
7 *clearly indicated in the title. In all cases where the subject of the*  
8 *act or resolution is not so expressed in the title, the act or*  
9 *resolution shall be void as to the matter not expressed in the title.*

10    2. *Include the full text of the measure proposed and the*  
11 *following enacting clause:*

12  
13     **THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS**  
14     **FOLLOWS:**

15     **Sec. 11.** *Each petition for referendum must:*

16     1. *Embrace but one subject and matters necessarily*  
17 *connected therewith and pertaining thereto. The subject must be*  
18 *clearly indicated in the title. In all cases where the subject of the*  
19 *statute or resolution is not so expressed in the title, the statute or*  
20 *resolution shall be void as to the matter not expressed in the title.*

21    2. *Include the full text of the measure proposed and the*  
22 *following enacting clause:*

23  
24     **WE, THE UNDERSIGNED REGISTERED VOTERS OF THE**  
25     **STATE OF NEVADA, PROPOSE THAT THE FOLLOWING**  
26 **(statute/resolution) BE SUBMITTED TO THE PEOPLE OF THE**  
27 **STATE OF NEVADA FOR THEIR APPROVAL:**

28     **Sec. 12.** 1. *An explanation of the effect of an initiative or*  
29 *referendum if the initiative or referendum is approved by the*  
30 *registered voters must be made available to each voter before he*  
31 *signs the petition for initiative or referendum.*

32    2. *A petition for initiative or referendum must contain a box*  
33 *next to each signature line on the petition for each voter to initial*  
34 *indicating that the explanation required pursuant to subsection 1*  
35 *was made available to the voter before he signed the petition.*

36    3. *The explanation required pursuant to subsection 1 must be*  
37 *prepared by the person who intends to circulate the petition for*  
38 *initiative or referendum and must be written in plain English.*

39    4. *The signature of a registered voter may not be counted*  
40 *toward the required number of signatures of registered voters*  
41 *needed to declare a petition for initiative or referendum sufficient*  
42 *if the registered voter did not acknowledge on the petition by*  
43 *writing his initials in the box required pursuant to subsection 2*  
44 *that the explanation required pursuant to subsection 1 was made*  
45 *available to him before he signed the petition.*



1     **Sec. 13. 1.** *A person who signs a petition for initiative or*  
2 *referendum may request that the county clerk remove his name*  
3 *from the petition by transmitting his request in writing to the*  
4 *county clerk, on a form provided by the Secretary of State, at any*  
5 *time before the petition is filed with the county clerk.*

6     **2.** *The Secretary of State shall by regulation specify the*  
7 *requirements for a person to request that the county clerk remove*  
8 *his name from a petition. The Secretary of State shall post such*  
9 *requirements on his Internet website.*

10    **Sec. 14.** NRS 295.015 is hereby amended to read as follows:

11    295.015 1. A copy of a petition for initiative *or referendum,*  
12 *and the explanation of the effect of the initiative or referendum if*  
13 *the initiative or referendum is approved by the registered voters*  
14 *required pursuant to section 12 of this act,* must be placed on file  
15 in the Office of the Secretary of State before it may be presented to  
16 the registered voters for their signatures.

17    **2.** *Upon receipt of a copy of a petition for initiative or*  
18 *referendum and the explanation submitted pursuant to subsection*  
19 *1, the Secretary of State shall post the petition, and the*  
20 *explanation required pursuant to section 12 of this act, on his*  
21 *Internet website.*

22    **3.** *Any person may challenge the accuracy of an explanation*  
23 *required pursuant to section 12 of this act by filing a complaint in*  
24 *the First Judicial District Court not later than 15 days, Saturdays,*  
25 *Sundays and holidays excluded, after the petition is placed on file*  
26 *with the Secretary of State pursuant to subsection 1. All affidavits*  
27 *and documents in support of the challenge must be filed with the*  
28 *complaint. The court shall set the matter for hearing not later than*  
29 *15 days, Saturdays, Sundays and holidays excluded, after the*  
30 *complaint is filed, if practicable, and shall give priority to such a*  
31 *complaint over all other matters pending with the court, except for*  
32 *criminal proceedings.*

33    **Sec. 15.** NRS 295.045 is hereby amended to read as follows:

34    295.045 1. ~~[A copy of a petition for referendum must be~~  
35 ~~placed on file in the Office of the Secretary of State before it may be~~  
36 ~~presented to the registered voters for their signatures.~~

37    ~~—2.]~~ A petition for referendum must be filed with the Secretary  
38 of State not less than 120 days before the date of the next  
39 succeeding general election.

40    ~~[3.]~~ **2.** The Secretary of State shall certify the questions to the  
41 county clerks, and they shall publish them in accordance with the  
42 provisions of law requiring county clerks to publish questions and  
43 proposed constitutional amendments which are to be submitted for  
44 popular vote.



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

~~[5.]~~ 4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to ~~[no]~~ *not* more than 25 words.

~~[6.]~~ 5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

**Sec. 16.** NRS 295.055 is hereby amended to read as follows:

295.055 1. The Secretary of State shall by regulation specify:

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

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

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

~~[3.—A person who signs a petition may request that the county clerk remove his name from it by transmitting his request in writing to the county clerk at any time before the petition is filed with the county clerk.]~~

**Sec. 17.** NRS 295.061 is hereby amended to read as follows:

295.061 The legal sufficiency of a petition filed pursuant to NRS 295.015 to 295.061, inclusive, *and sections 10 to 13, inclusive, of this act* 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. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

**Sec. 18.** NRS 205.125 is hereby amended to read as follows:

205.125 1. Every person who ~~[shall willfully sign]~~ *willfully:*

(a) *Signs* the name *or initials* of another person or of a fictitious person to ~~[or]~~ *a petition;*

(b) *Signs his own name or initials to a petition, or withdraws his name from a petition,* for any consideration, gratuity or reward ~~[shall sign his own name to or withdraw his name from any referendum or other petition circulated in pursuance of any law of this State or any municipal ordinance; or in signing] ;~~



(c) *Signs* his name to ~~[such petition shall willfully subscribe to any]~~ *a petition knowing that the petition contains a* false statement concerning his age, citizenship, residence or other qualifications to sign the ~~[same;]~~ *petition;* or

(d) *Files a petition* knowing that ~~[any such]~~ *the* petition contains any ~~[such]~~ false or wrongful signature, *initials* or statement ~~[shall file the same, or put the same off with intent that it should be filed, as a true and genuine petition, shall be]~~ *prohibited pursuant to the provisions of paragraph (a), (b) or (c),*

*is* guilty of a misdemeanor.

2. *As used in subsection 1, "petition" means any petition that is circulated pursuant to any law of this State or any municipal ordinance.*

**Sec. 19.** NRS 218.443 is hereby amended to read as follows:

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

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

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

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

~~—(c) If the Legislature rejects a statewide measure proposed by initiative, proposes a different measure on the same subject which the Governor approves and includes the measure on the ballot with the statewide measure proposed by initiative, rebuttals to each argument for and against the proposal; and~~

~~—(d)] ; and~~

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

3. The condensation, explanation ~~[, arguments, rebuttals]~~ and fiscal note must be of reasonable length and written in easily understood language.

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





1        5. The first committee of reference shall submit the  
2 condensation, explanation ~~[, arguments, rebuttals]~~ and fiscal note, in  
3 the form of a simple resolution, to the members of the house in  
4 which the proposed constitutional amendment or statewide measure  
5 was introduced. After that resolution is approved, it must be entered  
6 in the journal in its entirety and the enrolled resolution delivered to  
7 the Secretary of State to accompany the bill or joint resolution to  
8 which it relates.

9        6. If the Legislature adjourns before the procedures set forth in  
10 subsections 4 and 5 have been completed, the Legislative  
11 Commission shall review, revise and approve the condensation,  
12 explanation ~~[, arguments, rebuttals]~~ and fiscal note for delivery to  
13 the Secretary of State on or before July 1 of the year in which the  
14 general election is to be held.

15        7. In the case of a joint resolution which proposes a  
16 constitutional amendment, the condensation, explanation ~~[,~~  
17 ~~arguments, rebuttals]~~ and fiscal note must be treated in the same  
18 manner when the proposal is before the Legislature for its second  
19 approval as when the proposal was first approved.

20        8. The Legislative Counsel Bureau shall distribute copies of the  
21 condensations, explanations ~~[, arguments, rebuttals]~~ and fiscal notes  
22 to members of the Legislature, public libraries, newspapers and  
23 broadcasters.

24        **Sec. 20.** This act becomes effective:

25        1. Upon passage and approval for the purpose of adopting  
26 regulations and performing any other preparatory administrative  
27 tasks that are necessary to carry out the provisions of this act; and

28        2. On October 1, 2005, for all other purposes.

