

SENATE BILL NO. 224—SENATOR TOWNSEND

MARCH 21, 2005

JOINT SPONSOR: ASSEMBLYWOMAN GANSERT

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to elections.
(BDR 24-698)

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; revising the provision governing eligibility to sign a petition required under the election laws of this State; revising the provision governing the designation of an area at a public building for the gathering of signatures on a petition; requiring committees for a statewide ballot measure to register with the Secretary of State before engaging in certain activities; requiring committees for a statewide ballot measure to submit reports to the Secretary of State on campaign contributions and expenditures and expenses; requiring nonprofit corporations to submit the names, telephone numbers and addresses of their officers to the Secretary of State under certain circumstances; requiring a petition for initiative or referendum to embrace a single subject; providing that the subject of a petition for initiative or referendum must be accurately indicated in the title; requiring a petition for initiative or referendum to have a description of the effect of the initiative or referendum if approved by the voters; requiring the Secretary of State to review the title and description of an initiative or referendum; requiring the Secretary of State to obtain under certain circumstances a fiscal note from the Fiscal Analysis Division of the Legislative Counsel



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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; revising the provisions relating to a petition for initiative or referendum by registered voters of a city or county; providing for the appeal of certain final decisions relating to a petition for an initiative or referendum by filing a complaint in court; and providing other matters properly relating thereto.

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

Section 1. NRS 293.127565 is hereby amended to read as follows:

293.127565 1. At each building that is open to the general public and occupied by the government of this State or a political subdivision of this State or an agency thereof, other than a building of a public elementary or secondary school, an area must be ~~made available~~ *designated* for the use of any person to gather signatures on a petition at any time that the building is open to the public. The area must be reasonable and may be inside or outside of the building. Each public officer or employee in control of the operation of a building governed by this subsection shall ~~designate and approve the area required by this subsection for the building.~~ :

(a) Designate the area at the building for the gathering of signatures; and

(b) On an annual basis, submit to the Secretary of State and the county clerk for the county in which the building is located a notice of the area at the building designated for the gathering of signatures on a petition. The Secretary of State and the county clerks shall make available to the public a list of the areas at public buildings designated for the gathering of signatures on a petition.

2. Before a person may use an area designated pursuant to subsection 1, the person must notify the public officer or employee in control of the operation of the building governed by subsection 1 of the dates and times that the person intends to use the area to gather signatures on a petition. The public officer or employee may not deny the person the use of the area.

3. ~~[A]~~ *Not later than 3 days after the date of the decision that aggrieved the person,* a person aggrieved by a decision made by a



1 public officer or employee pursuant to subsection 1 *or 2* may appeal
2 the decision to the Secretary of State. The Secretary of State shall
3 review the decision to determine whether the public officer or
4 employee ~~[designated a reasonable area as required by]~~ *violated*
5 subsection 1 ~~[~~

6 ~~4. The]~~ *or 2. If the Secretary of State determines a public*
7 *officer or employee violated subsection 1 or 2, the Secretary of*
8 *State may order that the deadline for filing the petition provided*
9 *pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056,*
10 *298.109, 306.035 or 306.110 be extended for a period equal to the*
11 *time that the person was denied the use of a public building for the*
12 *purpose of gathering signatures on a petition.*

13 4. The decision of the Secretary of State is a final decision for
14 the purposes of judicial review. *Not later than 7 days after the date*
15 *of the decision by the Secretary of State, the* decision of the
16 Secretary of State may only be appealed in the First Judicial District
17 Court. *If the First Judicial District Court determines that the*
18 *public officer or employee violated subsection 1 or 2 and that a*
19 *person was denied the use of a public building for the purpose of*
20 *gathering signatures on a petition, the Court shall order that the*
21 *deadline for filing the petition provided pursuant to NRS 293.128,*
22 *293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110*
23 *must be extended for a period equal to the time that the person*
24 *was denied the use of a public building for the purpose of*
25 *gathering signatures on a petition.*

26 5. The Secretary of State may adopt regulations to carry out the
27 provisions of subsection 3.

28 **Sec. 2.** NRS 293.12757 is hereby amended to read as follows:

29 293.12757 A person may sign a petition required under the
30 election laws of this State ~~[on]~~:

31 1. *On* or after the date he is deemed to be registered to vote
32 pursuant to subsection 5 of NRS 293.517 ; or

33 2. *On or after the date the person has completed an*
34 *application to register to vote which is to be mailed to the county*
35 *clerk, if the person is deemed to be registered pursuant to*
36 *subsection 5 of NRS 293.5235 ~~[]~~ not more than 3 working days*
37 *after the date the person signs the petition.*

38 **Sec. 3.** Chapter 294A of NRS is hereby amended by adding
39 thereto the provisions set forth as sections 4 through 13 of this act.

40 **Sec. 4.** 1. *"Committee for a statewide ballot measure"*
41 *means every person who advocates, or group of persons organized*
42 *formally or informally to advocate, the passage or defeat of a*
43 *constitutional amendment or a statewide measure proposed by an*
44 *initiative or a referendum, including, without limitation:*



1 (a) *Circulating a petition for an initiative or a referendum to*
2 *obtain signatures;*

3 (b) *Soliciting or receiving contributions from any other*
4 *person, group or entity for the purpose of advocating the passage*
5 *or defeat of a constitutional amendment or a statewide measure*
6 *proposed by an initiative or a referendum; or*

7 (c) *Making an expenditure designed to advocate the passage or*
8 *defeat of a constitutional amendment or a statewide measure*
9 *proposed by an initiative or a referendum.*

10 2. *“Committee for a statewide ballot measure” does not*
11 *include:*

12 (a) *An individual natural person acting alone and not in*
13 *conjunction with any other person who circulates a petition for an*
14 *initiative or a referendum for the purpose of obtaining signatures*
15 *and who does not solicit or receive contributions or make*
16 *expenditures as described in paragraphs (b) and (c) of*
17 *subsection 1.*

18 (b) *A committee for political action.*

19 (c) *A committee for the recall of a public officer.*

20 **Sec. 5.** 1. *A nonprofit corporation shall, before it engages*
21 *in any of the following activities in this State, submit the names,*
22 *addresses and telephone numbers of its officers to the Secretary of*
23 *State:*

24 (a) *Soliciting or receiving contributions from any other*
25 *person, group or entity;*

26 (b) *Making contributions to candidates or other persons; or*

27 (c) *Making expenditures,*

28 ↪ *designed to affect the outcome of any primary, general or*
29 *special election or question on the ballot.*

30 2. *The Secretary of State shall include on his Internet website*
31 *the information submitted pursuant to subsection 1.*

32 **Sec. 6.** 1. *Each committee for a statewide ballot measure*
33 *shall, before engaging in any activity in this State, register with*
34 *the Secretary of State on forms supplied by him.*

35 2. *The form must require:*

36 (a) *The name, address and telephone number of the*
37 *committee;*

38 (b) *The purpose for which the committee organized;*

39 (c) *The names, addresses and telephone numbers of the*
40 *officers of the committee;*

41 (d) *If the committee is affiliated with any other organizations,*
42 *the name, address and telephone number of each such*
43 *organization;*

44 (e) *The name, address and telephone number of the resident*
45 *agent of the committee; and*



1 (f) Any other information deemed necessary by the Secretary
2 of State.

3 3. A committee for a statewide ballot measure shall file with
4 the Secretary of State an amended form for registration within 30
5 days after any change in the information contained in the form for
6 registration.

7 4. The Secretary of State shall include on his Internet website
8 the information submitted pursuant to subsection 2.

9 Sec. 7. Each committee for a statewide ballot measure shall
10 appoint and keep in this State a resident agent who must be a
11 natural person who resides in this State.

12 Sec. 8. 1. Every committee for a statewide ballot measure
13 shall, not later than:

14 (a) April 15 of the year of the general election in which a
15 constitutional amendment or a statewide measure proposed by an
16 initiative or a referendum for which the committee advocates the
17 passage or defeat may appear on the ballot, for the period from the
18 placement on a ballot of a constitutional amendment or the filing
19 of a copy of a petition for a statewide measure proposed by an
20 initiative or a referendum with the Secretary of State through
21 March 31 of that year;

22 (b) August 15 of the year of the general election in which a
23 constitutional amendment or a statewide measure proposed by an
24 initiative or a referendum for which the committee advocates the
25 passage or defeat may appear on the ballot, for the period from
26 April 1 of that year through July 31 of that year;

27 (c) October 15 of the year of the general election in which a
28 constitutional amendment or a statewide measure proposed by an
29 initiative or a referendum for which the committee advocates the
30 passage or defeat may appear on the ballot, for the period from
31 August 1 of that year through September 30 of that year; and

32 (d) January 15 of the year following the year of the general
33 election in which a constitutional amendment or a statewide
34 measure proposed by an initiative or a referendum for which the
35 committee advocates the passage or defeat may appear on the
36 ballot, for the period from October 1 of the year of the general
37 election through December 31 of the year of the general election,

38 ↪ report each campaign contribution in excess of \$100 received
39 during that period and contributions received during the period
40 from a contributor which cumulatively exceed \$100. The report
41 must be completed on the form designed and provided by the
42 Secretary of State pursuant to section 10 of this act. The form
43 must be signed by a representative of the committee for a statewide
44 ballot measure under penalty of perjury.



2. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

3. The reports required pursuant to this section must be filed with the Secretary of State.

4. A person may mail or transmit his report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

5. If the committee for a statewide ballot measure is advocating passage or defeat of a group of questions, the reports must be itemized by question.

Sec. 9. 1. Every committee for a statewide ballot measure shall, not later than:

(a) April 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from the placement on a ballot of a constitutional amendment or the filing of a copy of a petition for a statewide measure proposed by an initiative or a referendum with the Secretary of State through March 31 of that year;

(b) August 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from April 1 of that year through July 31 of that year;

(c) October 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from August 1 of that year through September 30 of that year; and

(d) January 15 of the year following the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from October 1 of the year of the general election through December 31 of the year of the general election,



1 ↪ report each expenditure made during the period on behalf of or
2 against the constitutional amendment or a statewide measure
3 proposed by an initiative or a referendum in excess of \$100 on the
4 form designed and provided by the Secretary of State pursuant to
5 section 10 of this act and signed by the person or a representative
6 of the group under penalty of perjury.

7 2. Expenditures made within the State or made elsewhere but
8 for use within the State, including expenditures made outside the
9 State for printing, television and radio broadcasting or other
10 production of the media, must be included in the report.

11 3. The reports required pursuant to this section must be filed
12 with the Secretary of State.

13 4. A person may mail or transmit his report to the Secretary
14 of State by regular mail, certified mail, facsimile machine or
15 electronic means. A report shall be deemed to be filed with the
16 Secretary of State:

17 (a) On the date that it was mailed if it was sent by certified
18 mail; or

19 (b) On the date that it was received by the Secretary of State if
20 the report was sent by regular mail, transmitted by facsimile
21 machine or electronic means, or delivered personally.

22 5. If the committee for a statewide ballot measure is
23 advocating passage or defeat of a group of questions, the reports
24 must be itemized by question.

25 **Sec. 10. 1.** The Secretary of State shall design a single form
26 to be used for reports of campaign contributions and expenses or
27 expenditures that are required to be filed by a committee for a
28 statewide ballot measure pursuant to sections 8 and 9 of this act.

29 2. The form designed by the Secretary of State pursuant to
30 this section:

31 (a) Must request information specifically required by statute;
32 and

33 (b) Must include a space to list:

34 (1) The amount of cash on hand at the beginning of the
35 reporting period;

36 (2) The amount of cash on hand at the beginning of the
37 reporting year;

38 (3) The amount of cash on hand at the end of the reporting
39 period; and

40 (4) The amount of cash on hand at the end of the reporting
41 year.

42 3. Upon request, the Secretary of State shall provide a copy of
43 the form designed pursuant to this section to each committee for a
44 statewide ballot measure. An explanation of the applicable
45 provisions of sections 8 and 9 of this act relating to the making,



1 *accepting or reporting of campaign contributions, expenses or*
2 *expenditures and the penalties for a violation of those provisions*
3 *as set forth in NRS 294A.420 must be developed by the Secretary*
4 *of State and provided upon request. The committee for a statewide*
5 *ballot measure shall acknowledge receipt of the material.*

6 **Sec. 11.** NRS 294A.002 is hereby amended to read as follows:

7 294A.002 As used in this chapter, unless the context otherwise
8 requires, the words and terms defined in NRS 294A.004 to
9 294A.009, inclusive, *and section 4 of this act* have the meanings
10 ascribed to them in those sections.

11 **Sec. 12.** NRS 294A.150 is hereby amended to read as follows:

12 294A.150 *Except as otherwise provided in section 8 of this*
13 *act:*

14 1. Every person or group of persons organized formally or
15 informally who advocates the passage or defeat of a question or
16 group of questions on the ballot at a primary election, primary city
17 election, general election or general city election shall, not later than
18 January 15 of each year that the provisions of this subsection apply
19 to the person or group of persons, for the period from January 1 of
20 the previous year through December 31 of the previous year, report
21 each campaign contribution in excess of \$100 received during that
22 period and contributions received during the period from a
23 contributor which cumulatively exceed \$100. The report must be
24 completed on the form designed and provided by the Secretary of
25 State pursuant to NRS 294A.373. The form must be signed by the
26 person or a representative of the group under penalty of perjury. The
27 provisions of this subsection apply to the person or group of
28 persons:

29 (a) Each year in which an election or city election is held for
30 each question for which the person or group advocates passage or
31 defeat; and

32 (b) The year after each year described in paragraph (a).

33 2. If a question is on the ballot at a primary election or primary
34 city election and the general election or general city election
35 immediately following that primary election or primary city election
36 is held on or after January 1 and before the July 1 immediately
37 following that January 1, every person or group of persons
38 organized formally or informally who advocates the passage or
39 defeat of the question or a group of questions that includes the
40 question shall comply with the requirements of this subsection. If a
41 question is on the ballot at a general election or general city election
42 held on or after January 1 and before the July 1 immediately
43 following that January 1, every person or group of persons
44 organized formally or informally who advocates the passage or
45 defeat of the question or a group of questions that includes the



1 question shall comply with the requirements of this subsection. A
2 person or group of persons described in this subsection shall, not
3 later than:

4 (a) Seven days before the primary election or primary city
5 election, for the period from the January 1 immediately preceding
6 the primary election or primary city election through 12 days before
7 the primary election or primary city election;

8 (b) Seven days before the general election or general city
9 election, for the period from 11 days before the primary election or
10 primary city election through 12 days before the general election or
11 general city election; and

12 (c) July 15 of the year of the general election or general city
13 election, for the period from 11 days before the general election or
14 general city election through June 30 of that year,

15 ➔ report each campaign contribution in excess of \$100 received
16 during the period and contributions received during the period from
17 a contributor which cumulatively exceed \$100. The report must be
18 completed on the form designed and provided by the Secretary of
19 State pursuant to NRS 294A.373 and signed by the person or a
20 representative of the group under penalty of perjury.

21 3. The name and address of the contributor and the date on
22 which the contribution was received must be included on the report
23 for each contribution in excess of \$100 and contributions which a
24 contributor has made cumulatively in excess of that amount since
25 the beginning of the current reporting period.

26 4. If a question is on the ballot at a primary election or primary
27 city election and the general election or general city election
28 immediately following that primary election or primary city election
29 is held on or after July 1 and before the January 1 immediately
30 following that July 1, every person or group of persons organized
31 formally or informally who advocates the passage or defeat of the
32 question or a group of questions that includes the question shall
33 comply with the requirements of this subsection. If a question is on
34 the ballot at a general election or general city election held on or
35 after July 1 and before the January 1 immediately following that
36 July 1, every person or group of persons organized formally or
37 informally who advocates the passage or defeat of the question or a
38 group of questions that includes the question shall comply with the
39 requirements of this subsection. A person or group of persons
40 described in this subsection shall, not later than:

41 (a) Seven days before the primary election or primary city
42 election, for the period from the January 1 immediately preceding
43 the primary election or primary city election through 12 days before
44 the primary election or primary city election; and



(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➡ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➡ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

6. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;



(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons is advocating passage or defeat of a group of questions, the reports must be itemized by question.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 13. NRS 294A.220 is hereby amended to read as follows:
294A.220 *Except as otherwise provided in section 9 of this act:*

1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for a question for which the person or group advocates passage or defeat; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately



1 following that January 1, every person or group of persons
2 organized formally or informally who advocates the passage or
3 defeat of the question or a group of questions that includes the
4 question shall comply with the requirements of this subsection. If a
5 question is on the ballot at a general election or general city election
6 held on or after January 1 and before the July 1 immediately
7 following that January 1, every person or group of persons
8 organized formally or informally who advocates the passage or
9 defeat of the question or a group of questions that includes the
10 question shall comply with the requirements of this subsection. A
11 person or group of persons described in this subsection shall, not
12 later than:

13 (a) Seven days before the primary election or primary city
14 election, for the period from the January 1 immediately preceding
15 the primary election or primary city election through 12 days before
16 the primary election or primary city election;

17 (b) Seven days before the general election or general city
18 election, for the period from 11 days before the primary election or
19 primary city election through 12 days before the general election or
20 general city election; and

21 (c) July 15 of the year of the general election or general city
22 election, for the period from 11 days before the general election or
23 general city election through the June 30 immediately preceding that
24 July 15,

25 ➤ report each expenditure made during the period on behalf of or
26 against the question, the group of questions or a question in the
27 group of questions on the ballot in excess of \$100 on the form
28 designed and provided by the Secretary of State pursuant to NRS
29 294A.373 and signed by the person or a representative of the group
30 under penalty of perjury.

31 3. If a question is on the ballot at a primary election or primary
32 city election and the general election or general city election
33 immediately following that primary election or primary city election
34 is held on or after July 1 and before the January 1 immediately
35 following that July 1, every person or group of persons organized
36 formally or informally who advocates the passage or defeat of the
37 question or a group of questions that includes the question shall
38 comply with the requirements of this subsection. If a question is on
39 the ballot at a general election or general city election held on or
40 after July 1 and before the January 1 immediately following that
41 July 1, every person or group of persons organized formally or
42 informally who advocates the passage or defeat of the question or a
43 group of questions that includes the question shall comply with the
44 requirements of this subsection. A person or group of persons
45 described in this subsection shall, not later than:



1 (a) Seven days before the primary election or primary city
2 election, for the period from the January 1 immediately preceding
3 the primary election or primary city election through 12 days before
4 the primary election or primary city election; and

5 (b) Seven days before the general election or general city
6 election, for the period from 11 days before the primary election or
7 primary city election through 12 days before the general election or
8 general city election,

9 ➡ report each expenditure made during the period on behalf of or
10 against the question, the group of questions or a question in the
11 group of questions on the ballot in excess of \$100 on the form
12 designed and provided by the Secretary of State pursuant to NRS
13 294A.373. The form must be signed by the person or a
14 representative of the group under penalty of perjury.

15 4. Except as otherwise provided in subsection 5, every person
16 or group of persons organized formally or informally who advocates
17 the passage or defeat of a question or group of questions on the
18 ballot at a special election shall, not later than:

19 (a) Seven days before the special election, for the period from
20 the date the question qualified for the ballot through 12 days before
21 the special election; and

22 (b) Thirty days after the special election, for the remaining
23 period through the special election,

24 ➡ report each expenditure made during the period on behalf of or
25 against the question, the group of questions or a question in the
26 group of questions on the ballot in excess of \$100 on the form
27 designed and provided by the Secretary of State pursuant to NRS
28 294A.373. The form must be signed by the person or a
29 representative of the group under penalty of perjury.

30 5. Every person or group of persons organized formally or
31 informally who advocates the passage or defeat of a question or
32 group of questions on the ballot at a special election to determine
33 whether a public officer will be recalled shall list each expenditure
34 made during the period on behalf of or against the question, the
35 group of questions or a question in the group of questions on the
36 ballot in excess of \$100 on the form designed and provided by the
37 Secretary of State pursuant to NRS 294A.373 and signed by the
38 person or a representative of the group under penalty of perjury, 30
39 days after:

40 (a) The special election, for the period from the filing of the
41 notice of intent to circulate the petition for recall through the special
42 election; or

43 (b) If the special election is not held because a district court
44 determines that the petition for recall is legally insufficient pursuant
45 to subsection 5 of NRS 306.040, for the period from the filing of the



1 notice of intent to circulate the petition for recall through the date of
2 the district court's decision.

3 6. Expenditures made within the State or made elsewhere but
4 for use within the State, including expenditures made outside the
5 State for printing, television and radio broadcasting or other
6 production of the media, must be included in the report.

7 7. The reports required pursuant to this section must be filed
8 with:

9 (a) If the question is submitted to the voters of one county, the
10 county clerk of that county;

11 (b) If the question is submitted to the voters of one city, the city
12 clerk of that city; or

13 (c) If the question is submitted to the voters of more than one
14 county or city, the Secretary of State.

15 8. If an expenditure is made on behalf of a group of questions,
16 the reports must be itemized by question. A person may mail or
17 transmit his report to the appropriate filing officer by regular mail,
18 certified mail, facsimile machine or electronic means. A report shall
19 be deemed to be filed with the filing officer:

20 (a) On the date that it was mailed if it was sent by certified mail;
21 or

22 (b) On the date that it was received by the filing officer if the
23 report was sent by regular mail, transmitted by facsimile machine or
24 electronic means, or delivered personally.

25 9. Each county clerk or city clerk who receives a report
26 pursuant to this section shall file a copy of the report with the
27 Secretary of State within 10 working days after he receives the
28 report.

29 **Sec. 14.** NRS 294A.230 is hereby amended to read as follows:

30 294A.230 1. Each committee for political action shall, before
31 it engages in any activity in this State, register with the Secretary of
32 State on forms supplied by him.

33 2. The form must require:

34 (a) The name of the committee;

35 (b) The purpose for which it was organized;

36 (c) The names , ~~and~~ addresses *and telephone numbers* of its
37 officers;

38 (d) If the committee for political action is affiliated with any
39 other organizations, the name , ~~and~~ address *and telephone number*
40 of each organization;

41 (e) The name , ~~and~~ address *and telephone number* of its
42 resident agent; and



(f) Any other information deemed necessary by the Secretary of State.

3. A committee for political action shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.

4. *The Secretary of State shall include on his Internet website the information required pursuant to subsection 2.*

Sec. 15. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 and 294A.280 ***and section 9 of this act*** must consist of a list of each expenditure in excess of \$100 that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and
- (j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160.

Sec. 16. NRS 294A.380 is hereby amended to read as follows:

294A.380 1. The Secretary of State may adopt and promulgate regulations, prescribe forms in accordance with the provisions of this chapter and take such other actions as are necessary for the implementation and effective administration of the provisions of this chapter.

2. For the purposes of implementing and administering the provisions of this chapter regulating committees for political action ***and committees for a statewide ballot measure:***



(a) The Secretary of State shall, in determining whether an entity or group is a committee for political action ~~or a committee for a statewide ballot measure~~, consider a group's or entity's division or separation into units, sections or smaller groups only if it appears that such division or separation was for a purpose other than for avoiding the reporting requirements of this chapter.

(b) The Secretary of State shall, in determining whether an entity or group is a committee for political action ~~or a committee for a statewide ballot measure~~, disregard any action taken by a group or entity that would otherwise constitute a committee for political action ~~or a committee for a statewide ballot measure~~ if it appears such action is taken for the purpose of avoiding the reporting requirements of this chapter.

Sec. 17. NRS 294A.382 is hereby amended to read as follows:

294A.382 **1.** The Secretary of State shall not request or require a candidate, person, group of persons, committee or political party to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided pursuant to NRS 294A.373.

2. *The Secretary of State shall not request or require a committee for a statewide ballot measure to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided pursuant to section 10 of this act.*

Sec. 18. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, *and sections 8 and 9 of this act*, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of \$100 and the total campaign expenses of each of the candidates for legislative and judicial offices from whom reports of those contributions and expenses are required.

2. The contributions made to a committee for the recall of a public officer in excess of \$100.

3. The expenditures exceeding \$100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

(e) Committee for a statewide ballot measure.

4. The contributions in excess of \$100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the



1 campaign of the candidate or group who makes an expenditure on
2 behalf of the candidate or group which is not solicited or approved
3 by the candidate or group.

4 (b) A person or group of persons organized formally or
5 informally who advocates the passage or defeat of a question or
6 group of questions on the ballot.

7 (c) A committee for political action, political party or committee
8 sponsored by a political party which makes an expenditure on behalf
9 of a candidate or group of candidates.

10 *(d) A committee for a statewide ballot measure.*

11 **Sec. 19.** NRS 294A.420 is hereby amended to read as follows:

12 294A.420 1. If the Secretary of State receives information
13 that a person or entity that is subject to the provisions of NRS
14 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220,
15 294A.230, 294A.270, 294A.280 or 294A.360 *or section 8 or 9 of*
16 *this act* has not filed a report or form for registration pursuant to the
17 applicable provisions of those sections, the Secretary of State may,
18 after giving notice to that person or entity, cause the appropriate
19 proceedings to be instituted in the First Judicial District Court.

20 2. Except as otherwise provided in this section, a person or
21 entity that violates an applicable provision of NRS 294A.112,
22 294A.120, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200,
23 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300,
24 294A.310, 294A.320 or 294A.360 *or section 8 or 9 of this act* is
25 subject to a civil penalty of not more than \$5,000 for each violation
26 and payment of court costs and attorney's fees. The civil penalty
27 must be recovered in a civil action brought in the name of the State
28 of Nevada by the Secretary of State in the First Judicial District
29 Court and deposited by the Secretary of State for credit to the State
30 General Fund in the bank designated by the State Treasurer.

31 3. If a civil penalty is imposed because a person or entity has
32 reported its contributions, expenses or expenditures after the date
33 the report is due, except as otherwise provided in this subsection, the
34 amount of the civil penalty is:

35 (a) If the report is not more than 7 days late, \$25 for each day
36 the report is late.

37 (b) If the report is more than 7 days late but not more than 15
38 days late, \$50 for each day the report is late.

39 (c) If the report is more than 15 days late, \$100 for each day the
40 report is late.

41 ➡ A civil penalty imposed pursuant to this subsection against a
42 public officer who by law is not entitled to receive compensation for
43 his office or a candidate for such an office must not exceed a total of
44 \$100 if the public officer or candidate received no contributions and
45 made no expenditures during the relevant reporting periods.



4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

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

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

Sec. 20. Chapter 295 of NRS is hereby amended by adding thereto the provisions set forth as sections 21 and 22 of this act.

Sec. 21. 1. Each petition for initiative must:

(a) Embrace but one subject and matters necessarily connected therewith and pertaining thereto. The subject must be clearly indicated in the title. In all cases where the subject of the act or resolution is not so expressed in the title, the act or resolution is void as to the matter not expressed in the title.

(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. Each petition for referendum must:

(a) Embrace but one subject and matters necessarily connected therewith and pertaining thereto. The subject must be clearly indicated in the title. In all cases where the subject of the statute or resolution is not so expressed in the title, the statute or resolution is void as to the matter not expressed in the title.

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

3. For the purposes of paragraph (a) of subsection 1 and paragraph (a) of subsection 2, 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.

Sec. 22. 1. After a petition for initiative or referendum has been deemed to have qualified pursuant to the provisions of NRS 293.1278 or 293.1279, the Secretary of State shall submit to the Chairman of the Legislative Commission a written notification of the qualification of the initiative or referendum.



1 2. *The Chairman of the Legislative Commission shall*
2 *schedule a meeting of the Legislative Commission to conduct a*
3 *public hearing on the proposed initiative or referendum.*

4 3. *The Secretary of State may use the results of the public*
5 *hearing on an initiative or referendum to assist him in preparing*
6 *the condensation and explanation of the initiative or referendum*
7 *pursuant to subsection 5 of NRS 293.250.*

8 **Sec. 23.** NRS 295.015 is hereby amended to read as follows:

9 295.015 1. A copy of a petition for initiative *or referendum*
10 must be placed on file in the Office of the Secretary of State before
11 it may be presented to the registered voters for their signatures.

12 2. *Upon receipt of a copy of a petition for initiative or*
13 *referendum pursuant to subsection 1, the Secretary of State shall:*

14 (a) *Determine the number of signatures of registered voters*
15 *required to file the petition;*

16 (b) *Inform the person placing the copy of the petition on file of*
17 *the number of signatures of registered voters required to file the*
18 *petition;*

19 (c) *Review the title of the petition to determine if the title*
20 *satisfies the requirements of section 21 of this act and shall reject*
21 *each title that does not satisfy the requirements of section 21 of*
22 *this act;*

23 (d) *Review the description of the effect of the initiative or*
24 *referendum to determine if the description satisfies the*
25 *requirements of section 21 of this act and shall reject each*
26 *description that does not satisfy the requirements of section 21 of*
27 *this act;*

28 (e) *Consult with the Fiscal Analysis Division of the Legislative*
29 *Counsel Bureau to determine if the initiative or referendum may*
30 *have any anticipated financial effect on the State or local*
31 *governments if the initiative or referendum is approved by the*
32 *voters and if the Fiscal Analysis Division determines that the*
33 *initiative or referendum may have an anticipated financial effect*
34 *on the State or local governments if the initiative or referendum is*
35 *approved by the voters, the Division must prepare a fiscal note that*
36 *includes an explanation of any such effect; and*

37 (f) *Not later than 10 business days after the Secretary of State*
38 *receives the petition filed pursuant to subsection 1, post a copy of*
39 *the petition, including the description required pursuant to section*
40 *21 of this act and any fiscal note prepared pursuant to paragraph*
41 *(e), on his Internet website.*

42 3. *The decision of the Secretary of State to reject a title or a*
43 *description pursuant to subsection 2 is a final decision for the*
44 *purposes of judicial review. Not later than 10 days after the*
45 *Secretary of State rejects the title or the description pursuant to*



1 *subsection 2, the person filing the copy of the petition for initiative*
2 *or referendum pursuant to subsection 1 may appeal that rejection*
3 *to the First Judicial District Court. The Court shall set the matter*
4 *for hearing not later than 3 days after the complaint is filed and*
5 *shall give priority to such a complaint over all other matters*
6 *pending with the Court, except for criminal proceedings.*

7 **Sec. 24.** NRS 295.045 is hereby amended to read as follows:

8 295.045 1. ~~[A copy of a petition for referendum must be~~
9 ~~placed on file in the Office of the Secretary of State before it may be~~
10 ~~presented to the registered voters for their signatures.~~

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

14 ~~[3.]~~ 2. The Secretary of State shall certify the questions to the
15 county clerks, and they shall publish them in accordance with the
16 provisions of law requiring county clerks to publish questions and
17 proposed constitutional amendments which are to be submitted for
18 popular vote.

19 ~~[4.]~~ 3. The title of the statute or resolution must be set out on
20 the ballot, and the question printed upon the ballot for the
21 information of the voters must be as follows: "Shall the statute
22 (setting out its title) be approved?"

23 ~~[5.]~~ 4. Where a mechanical voting system is used, the title of
24 the statute must appear on the list of offices and candidates and the
25 statements of measures to be voted on and may be condensed to no
26 more than 25 words.

27 ~~[6.]~~ 5. The votes cast upon the question must be counted and
28 canvassed as the votes for state officers are counted and canvassed.

29 **Sec. 25.** NRS 295.061 is hereby amended to read as follows:

30 295.061 1. *The description of the effect of an initiative or*
31 *referendum required pursuant to section 21 of this act may be*
32 *challenged by filing a complaint in the First Judicial District*
33 *Court not later than 30 days, Saturdays, Sundays and holidays*
34 *excluded, after a copy of the petition is initially placed on file with*
35 *the Secretary of State pursuant to NRS 295.015. All affidavits and*
36 *documents in support of the challenge must be filed with the*
37 *complaint. The court shall set the matter for hearing not later than*
38 *30 days after the complaint is filed and shall give priority to such a*
39 *complaint over all criminal proceedings.*

40 2. The legal sufficiency of a petition ~~[filed pursuant to NRS~~
41 ~~295.015 to 295.061, inclusive,]~~ *for initiative or referendum* may be
42 challenged by filing a complaint in ~~[district court]~~ *the First Judicial*
43 *District Court* not later than ~~[5]~~ 30 days, Saturdays, Sundays and
44 holidays excluded, after *a copy of* the petition is ~~[filed]~~ *initially*
45 *placed on file* with the Secretary of State. All affidavits and



1 documents in support of the challenge must be filed with the
2 complaint. The court shall set the matter for hearing not later than
3 30 days after the complaint is filed and shall give priority to such a
4 complaint over all other matters pending with the court, except for
5 criminal proceedings.

6 **Sec. 26.** NRS 295.085 is hereby amended to read as follows:

7 295.085 The registered voters of a county may:

8 1. Propose ordinances to the board and, if the board fails to
9 adopt an ordinance so proposed without change in substance, to
10 adopt or reject it at a ~~primary or~~ general election.

11 2. Require reconsideration by the board of any adopted
12 ordinance and, if the board fails to repeal an ordinance so
13 reconsidered, to approve or reject it at a ~~primary or~~ general
14 election.

15 **Sec. 27.** NRS 295.095 is hereby amended to read as follows:

16 295.095 1. Any ~~five~~ 10 registered voters of the county may
17 commence initiative or referendum proceedings by filing with the
18 county clerk an affidavit stating they will constitute the petitioners'
19 committee and be responsible for circulating the petition and filing
20 it in proper form, stating their names and addresses and specifying
21 the address to which all notices to the committee are to be sent, and
22 setting out in full the proposed initiative ordinance or citing the
23 ordinance sought to be reconsidered.

24 2. Initiative petitions must be signed by a number of registered
25 voters of the county equal to 15 percent or more of the number of
26 voters who voted at the last preceding general election in the county.

27 3. Referendum petitions must be signed by a number of
28 registered voters of the county equal to 10 percent or more of the
29 number of voters who voted at the last preceding general election in
30 the county.

31 4. A petition must be submitted to the county clerk for
32 verification, pursuant to NRS 295.250 to 295.290, inclusive, not
33 later than:

34 (a) One hundred and ~~eighty~~ fifty days after the date that the
35 affidavit required by subsection 1 is filed with the county clerk; or

36 (b) One hundred and ~~thirty~~ forty-five days before the election,
37 ➤ whichever is earlier.

38 5. A petition may consist of more than one document, but all
39 documents of a petition must be uniform in size and style, numbered
40 and assembled as one instrument for submission. Each signature
41 must be executed in ink or indelible pencil and followed by the
42 address of the person signing and the date on which he signed the
43 petition. All signatures on a petition must be obtained within
44 the period specified in subsection 4. Each document must contain,



1 or have attached thereto throughout its circulation, the full text of
2 the ordinance proposed or sought to be reconsidered.

3 6. Each document of a petition must have attached to it when
4 submitted an affidavit executed by the circulator thereof stating:

5 (a) That he personally circulated the document;

6 (b) The number of signatures thereon;

7 (c) That all the signatures were affixed in his presence;

8 (d) That he believes them to be genuine signatures of the
9 persons whose names they purport to be; and

10 (e) That each signer had an opportunity before signing to read
11 the full text of the ordinance proposed or sought to be reconsidered.

12 7. The county clerk shall issue a receipt to any person who
13 submits a petition pursuant to this section. The receipt must set forth
14 the number of:

15 (a) Documents included in the petition;

16 (b) Pages in each document; and

17 (c) Signatures that the person declares are included in the
18 petition.

19 **Sec. 28.** NRS 295.105 is hereby amended to read as follows:

20 295.105 1. Within 20 days after the petition is submitted to
21 the county clerk pursuant to NRS 295.095, the county clerk shall
22 complete a certificate as to its sufficiency.

23 2. If a petition is certified sufficient, or if a petition is certified
24 insufficient and the petitioners' committee does not elect to request
25 board review under subsection 3 within the time required, the
26 county clerk shall promptly present his certificate to the board and
27 the certificate is a final determination as to the sufficiency of the
28 petition.

29 3. If a petition has been certified insufficient, the committee
30 may, within 2 days after receiving a copy of the certificate, file a
31 request that it be reviewed by the board. The board shall review the
32 certificate at its next meeting following the filing of the request and
33 approve or disapprove it, and the determination of the board is a
34 final determination as to the sufficiency of the petition.

35 4. A final determination as to the sufficiency of a petition is
36 subject to judicial review. *If the final determination is challenged*
37 *by filing a complaint in district court, the court shall set the matter*
38 *for hearing not later than 3 days after the complaint is filed and*
39 *shall give priority to such a complaint over all other matters*
40 *pending with the court, except for criminal proceedings.* A final
41 determination of insufficiency, even if sustained upon judicial
42 review, does not prejudice the filing of a new petition for the same
43 purpose.



Sec. 29. NRS 295.115 is hereby amended to read as follows:

295.115 1. When an initiative or referendum petition has been finally determined sufficient, the board shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If, within 30 days after the date the petition was finally determined sufficient, the board fails to adopt the proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, the board shall submit the proposed or referred ordinance to the registered voters of the county.

2. The vote of the county on the proposed or referred ordinance must be held at the next ~~[primary or]~~ general election. Copies of the proposed or referred ordinance must be made available at the polls.

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

Sec. 30. NRS 295.121 is hereby amended to read as follows:

295.121 1. In a county whose population is 40,000 or more, for each initiative, referendum or other question to be placed on the ballot by:

(a) The board, including, without limitation, pursuant to NRS 293.482, 295.115 or 295.160;

(b) The governing body of a school district, public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the county; or

(c) A metropolitan police committee on fiscal affairs authorized by law to submit questions to some or all of the qualified electors or registered voters of the county,

the board shall, in consultation with the county clerk pursuant to subsection 5, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the county clerk pursuant to subsection 5, the board is unable to appoint three persons who are willing to serve on a committee, the board may appoint fewer than three persons to that committee, but the board must appoint at least one person to each committee appointed pursuant to this section.



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

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

(b) Members of the committee serve without compensation.

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

4. The county clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The county clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

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

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

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

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

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

6. If the board of a county whose population is 40,000 or more fails to appoint a committee as required pursuant to this section, the county clerk shall ~~appoint the committee.~~, *in consultation with the district attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the county clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.*

7. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;



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

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

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

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

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

(1) The fiscal impact of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the county clerk not later than the date prescribed by the county clerk pursuant to subsection 8.

8. The county clerk of a county whose population is 40,000 or more shall provide, by rule or regulation:

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

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

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the county clerk:

(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, referendum or other question 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 county clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the district attorney. The district attorney 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 district attorney shall issue his decision rejecting or accepting the statement. The decision of the district attorney is a final decision for the purposes of judicial review. *If the decision of the district attorney is*



challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 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.

10. The county clerk shall place in the sample ballot provided to the registered voters of the county each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The county clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a county whose population is less than 40,000:

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

(b) If the board appoints committees pursuant to this section, the county clerk shall provide for rules or regulations pursuant to subsection 8.

12. Except as otherwise provided in this subsection, if a question is to be placed on the ballot by an entity described in paragraph (b) or (c) of subsection 1, the entity must provide a copy and explanation of the question to the county clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the county clerk is governed by subsection 2 of NRS 293.481.

13. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.

Sec. 31. NRS 295.140 is hereby amended to read as follows:

295.140 1. Whenever 10 percent or more of the registered voters of any county of this State, as shown by the number of registered voters who voted at the last preceding general election, express their wish that any act or resolution enacted by the Legislature, and pertaining to that county only, be submitted to the vote of the people, they shall submit to the county clerk a petition, which must contain the names and residence addresses of at least 10 percent of the registered voters of that county, demanding that a referendum vote be had by the people of the county at the next ~~primary or~~ general election upon the act or resolution on which the referendum is demanded.

2. A petition must be submitted to the county clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than 130 days before the time set for the next succeeding general election.

3. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered



1 and assembled as one instrument for submission. Each signature
2 must be executed in ink or indelible pencil and followed by the
3 address of the person signing and the date on which he signed the
4 petition. Each document must contain, or have attached thereto
5 throughout its circulation, the full text of the act or resolution on
6 which the referendum is demanded.

7 4. Each document of a petition must have attached to it when
8 submitted an affidavit executed by the circulator thereof stating:

- 9 (a) That he personally circulated the document;
10 (b) The number of signatures thereon;
11 (c) That all the signatures were affixed in his presence;
12 (d) That he believes them to be genuine signatures of the
13 persons whose names they purport to be; and
14 (e) That each signer had an opportunity before signing to read
15 the full text of the act or resolution on which the referendum is
16 demanded.

17 5. The county clerk shall issue a receipt to any person who
18 submits a petition pursuant to this section. The receipt must set forth
19 the number of:

- 20 (a) Documents included in the petition;
21 (b) Pages in each document; and
22 (c) Signatures that the person declares are included in the
23 petition.

24 6. Within 20 days after a petition is submitted, the county clerk
25 shall complete a certificate as to its sufficiency. Unless a request for
26 review is filed pursuant to subsection 7, the certificate is a final
27 determination as to the sufficiency of the petition.

28 7. If a petition is certified insufficient, the person who
29 submitted the petition may, within 2 days after receiving a copy of
30 the certificate, file a request that it be reviewed by the board of
31 county commissioners. The board shall review the certificate at its
32 next meeting following the filing of the request and approve or
33 disapprove it, and the determination of the board is a final
34 determination as to the sufficiency of the petition.

35 8. A final determination as to the sufficiency of a petition is
36 subject to judicial review. *If the final determination is challenged*
37 *by filing a complaint in district court, the court shall set the matter*
38 *for hearing not later than 3 days after the complaint is filed and*
39 *shall give priority to such a complaint over all other matters*
40 *pending with the court, except for criminal proceedings.* A final
41 determination of insufficiency, even if sustained upon judicial
42 review, does not prejudice the filing of a new petition for the same
43 purpose.



Sec. 32. NRS 295.160 is hereby amended to read as follows:

295.160 1. If the petition is determined to be sufficient, the county clerk shall, at the next ~~primary or~~ general election, submit the act or resolution, by appropriate questions on the ballot, for the approval or disapproval of the people of that county.

2. The county clerk shall publish those questions in accordance with the provisions of law requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

Sec. 33. NRS 295.200 is hereby amended to read as follows:

295.200 The registered voters of a city may:

1. Propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without change in substance, adopt or reject it at the next ~~primary or~~ general city election or ~~primary or~~ general election.

2. Require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, approve or reject it at the next ~~primary or~~ general city election or ~~primary or~~ general election.

Sec. 34. NRS 295.205 is hereby amended to read as follows:

295.205 1. Any ~~five~~ **10** registered voters of the city may commence initiative or referendum proceedings by filing with the city clerk an affidavit:

(a) Stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form;

(b) Stating their names and addresses;

(c) Specifying the address to which all notices to the committee are to be sent; and

(d) Setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the city equal to 15 percent or more of the number of voters who voted at the last preceding city election.

3. Referendum petitions must be signed by a number of registered voters of the city equal to 10 percent or more of the number of voters who voted at the last preceding city election.

4. A petition must be submitted to the city clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than:

(a) One hundred and ~~eighty~~ **fifty** days after the date that the affidavit required by subsection 1 is filed with the city clerk; or

(b) One hundred and ~~thirty~~ **forty-five** days before the election, whichever is earlier.

5. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered



1 and assembled as one instrument for submission. Each signature
2 must be executed in ink or indelible pencil and followed by the
3 address of the person signing and the date on which he signed
4 the petition. All signatures on a petition must be obtained within the
5 period specified in subsection 4. Each document must contain, or
6 have attached thereto throughout its circulation, the full text of the
7 ordinance proposed or sought to be reconsidered.

8 6. Each document of a petition must have attached to it when
9 submitted an affidavit executed by the circulator thereof stating:

- 10 (a) That he personally circulated the document;
11 (b) The number of signatures thereon;
12 (c) That all the signatures were affixed in his presence;
13 (d) That he believes them to be genuine signatures of the
14 persons whose names they purport to be; and
15 (e) That each signer had an opportunity before signing to read
16 the full text of the ordinance proposed or sought to be reconsidered.

17 7. The city clerk shall issue a receipt to any person who
18 submits a petition pursuant to this section. The receipt must set forth
19 the number of:

- 20 (a) Documents included in the petition;
21 (b) Pages in each document; and
22 (c) Signatures that the person declares are included in the
23 petition.

24 **Sec. 35.** NRS 295.210 is hereby amended to read as follows:

25 295.210 1. Within 20 days after the petition is submitted to
26 the city clerk pursuant to NRS 295.205, the city clerk shall complete
27 a certificate as to its sufficiency.

28 2. If a petition is certified sufficient, or if a petition is certified
29 insufficient and the petitioners' committee does not elect to request
30 council review under subsection 3 within the time required, the city
31 clerk must promptly present his certificate to the council and the
32 certificate is a final determination as to the sufficiency of the
33 petition.

34 3. If a petition has been certified insufficient, the committee
35 may, within 2 days after receiving the copy of the certificate, file a
36 request that it be reviewed by the council. The council shall review
37 the certificate at its next meeting following the filing of the request
38 and approve or disapprove it, and the council's determination is a
39 final determination as to the sufficiency of the petition.

40 4. A final determination as to the sufficiency of a petition is
41 subject to judicial review. *If the final determination is challenged*
42 *by filing a complaint in district court, the court shall set the matter*
43 *for hearing not later than 3 days after the complaint is filed and*
44 *shall give priority to such a complaint over all other matters*
45 *pending with the court, except for criminal proceedings.* A final



determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 36. NRS 295.215 is hereby amended to read as follows:

295.215 1. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If, within 30 days after the date the petition was finally determined sufficient, the council fails to adopt the proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, the council shall submit the proposed or referred ordinance to the registered voters of the city.

2. The vote of the city on the proposed or referred ordinance must be held at the next ~~{primary-or}~~ general city election ~~{or primary}~~ or general election. Copies of the proposed or referred ordinance must be made available at the polls.

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

Sec. 37. NRS 295.217 is hereby amended to read as follows:

295.217 1. In a city whose population is 10,000 or more, for each initiative, referendum or other question to be placed on the ballot by the:

(a) Council, including, without limitation, pursuant to NRS 293.482 or 295.215; or

(b) Governing body of a public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the city,

➔ the council shall, in consultation pursuant to subsection 5 with the city clerk or other city officer authorized to perform the duties of the city clerk, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the city clerk pursuant to subsection 5, the council is unable to appoint three persons willing to serve on a committee, the council may appoint fewer than three persons to that



1 committee, but the council must appoint at least one person to each
2 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, referendum or
7 other question and the committee that opposes approval by the
8 voters of that initiative, referendum or other question.

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

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

13 4. The city clerk may establish and maintain a list of the
14 persons who have expressed an interest in serving on a committee
15 appointed pursuant to this section. The city clerk, after exercising
16 due diligence to locate persons who favor approval by the voters of
17 an initiative, referendum or other question to be placed on the ballot
18 or who oppose approval by the voters of an initiative, referendum or
19 other question to be placed on the ballot, may use the names on a list
20 established pursuant to this subsection to:

21 (a) Make recommendations pursuant to subsection 5; and

22 (b) Appoint members to a committee pursuant to subsection 6.

23 5. Before the council appoints a committee pursuant to this
24 section, the city clerk shall:

25 (a) Recommend to the council persons to be appointed to the
26 committee; and

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

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

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

33 6. If the council of a city whose population is 10,000 or more
34 fails to appoint a committee as required pursuant to this section, the
35 city clerk shall ~~appoint the committee.~~, *in consultation with the*
36 *city attorney, prepare an argument advocating approval by the*
37 *voters of the initiative, referendum or other question and an*
38 *argument opposing approval by the voters of the initiative,*
39 *referendum or other question. Each argument prepared by the city*
40 *clerk must satisfy the requirements of paragraph (f) of subsection*
41 *7 and any rules or regulations adopted by the county clerk*
42 *pursuant to subsection 8. The county clerk shall not prepare the*
43 *rebuttal of the arguments required pursuant to paragraph (e) of*
44 *subsection 7.*

45 7. A committee appointed pursuant to this section:



- 1 (a) Shall elect a chairman for the committee;
- 2 (b) Shall meet and conduct its affairs as necessary to fulfill the
- 3 requirements of this section;
- 4 (c) May seek and consider comments from the general public;
- 5 (d) Shall prepare an argument either advocating or opposing
- 6 approval by the voters of the initiative, referendum or other
- 7 question, based on whether the members were appointed to advocate
- 8 or oppose approval by the voters of the initiative, referendum or
- 9 other question;
- 10 (e) Shall prepare a rebuttal to the argument prepared by the other
- 11 committee appointed pursuant to this section;
- 12 (f) Shall address in the argument and rebuttal prepared pursuant
- 13 to paragraphs (d) and (e):
- 14 (1) The fiscal impact of the initiative, referendum or other
- 15 question;
- 16 (2) The environmental impact of the initiative, referendum or
- 17 other question; and
- 18 (3) The impact of the initiative, referendum or other question
- 19 on the public health, safety and welfare; and
- 20 (g) Shall submit the argument and rebuttal prepared pursuant to
- 21 paragraphs (d), (e) and (f) to the city clerk not later than the date
- 22 prescribed by the city clerk pursuant to subsection 8.
- 23 8. The city clerk of a city whose population is 10,000 or more
- 24 shall provide, by rule or regulation:
- 25 (a) The maximum permissible length of an argument or rebuttal
- 26 prepared pursuant to this section; and
- 27 (b) The date by which an argument or rebuttal prepared pursuant
- 28 to this section must be submitted by the committee to the city clerk.
- 29 9. Upon receipt of an argument or rebuttal prepared pursuant to
- 30 this section, the city clerk:
- 31 (a) May consult with persons who are generally recognized by a
- 32 national or statewide organization as having expertise in the field or
- 33 area to which the initiative, referendum or other question pertains;
- 34 and
- 35 (b) Shall reject each statement in the argument or rebuttal that he
- 36 believes is libelous or factually inaccurate.
- 37 ➤ Not later than 5 days after the city clerk rejects a statement
- 38 pursuant to this subsection, the committee may appeal that rejection
- 39 to the city attorney or other city officer appointed to hear the appeal
- 40 by the city council. The city attorney or other city officer appointed
- 41 to hear the appeal shall review the statement and the reasons for its
- 42 rejection and may receive evidence, documentary or testimonial, to
- 43 aid him in his decision. Not later than 3 business days after the
- 44 appeal by the committee, the city attorney or other city officer
- 45 appointed to hear the appeal shall issue his decision rejecting or



1 accepting the statement. The decision of the city attorney or other
2 city officer appointed to hear the appeal is a final decision for the
3 purposes of judicial review. *If the decision of the city attorney or*
4 *other city officer appointed to hear the appeal is challenged by*
5 *filing a complaint in district court, the court shall set the matter*
6 *for hearing not later than 3 days after the complaint is filed and*
7 *shall give priority to such a complaint over all other matters*
8 *pending with the court, except for criminal proceedings.*

9 10. The city clerk shall place in the sample ballot provided to
10 the registered voters of the city each argument and rebuttal prepared
11 pursuant to this section, containing all statements that were not
12 rejected pursuant to subsection 9. The city clerk may revise the
13 language submitted by the committee so that it is clear, concise and
14 suitable for incorporation in the sample ballot, but shall not alter the
15 meaning or effect without the consent of the committee.

16 11. In a city whose population is less than 10,000:

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 8.

21 12. If a question is to be placed on the ballot by an entity
22 described in paragraph (b) of subsection 1, the entity must provide a
23 copy and explanation of the question to the city clerk at least 30
24 days earlier than the date required for the submission of such
25 documents pursuant to subsection 1 of NRS 293.481. This
26 subsection does not apply to a question if the date that the question
27 must be submitted to the city clerk is governed by subsection 2 of
28 NRS 293.481.



