

ASSEMBLY BILL NO. 322—ASSEMBLYWOMAN GANSERT

MARCH 15, 2007

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

SUMMARY—Revises certain provisions governing elections.
(BDR 24-408)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 persons or groups who advocate the passage or defeat of ballot questions to register with the Secretary of State; clarifying the application to certain groups of certain reporting requirements for contributions and expenditures; making various changes relating to elections and petitions for initiative or referendum; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, committees for political action and nonprofit corporations are required to register with and submit certain information to the Secretary of State before engaging in certain activities related to elections. (NRS 294A.230, 294A.375) **Section 1** of this bill requires persons and groups of persons who advocate the passage or defeat of ballot questions to register with and submit certain information to the Secretary of State before engaging in such activity.

Under existing law, persons and groups of persons who either advocate the passage or defeat of ballot questions, or who initiate or circulate petitions for constitutional amendments or statewide measures and who receive money in excess of \$10,000 to support such initiation or circulation, are required to report certain campaign contributions and expenditures. (NRS 294A.150, 294A.220) **Sections 2 and 3** of this bill clarify that the \$10,000 threshold applies only to persons or groups of persons initiating or circulating petitions, and not to persons or groups of persons advocating the passage or defeat of ballot questions.

Section 4 of this bill provides that if a petition for initiative or referendum is amended after it is placed on file with the Secretary of State: (1) an amended copy of the petition must be placed on file with the Secretary of State; and (2) any signatures that were collected on the original petition before it was amended are not valid.



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Section 5 of this bill provides that a petition may be challenged in the First Judicial District Court on the basis that the petition violates the single subject rule, not later than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is placed on file with the Secretary of State. **Section 5** also provides that a description of the effect of an initiative or referendum that is successfully challenged and amended in compliance with a court order may not be further challenged.

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

Section 1. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

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, before it engages in any such activity, register with the Secretary of State on forms supplied by him.

2. The form must require:

(a) The names, addresses and phone numbers of the person or group of persons; and

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

3. The person or persons 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. 2. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every ~~person~~:

(a) 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 ; and ~~every person~~

(b) Person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such initiation or circulation ,

↪ 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 campaign contribution in excess of \$100 received during that period and contributions received during



1 the period from a contributor which cumulatively exceed \$100. The
2 report must be completed on the form designed and provided by the
3 Secretary of State pursuant to NRS 294A.373. The form must be
4 signed by the person or a representative of the group under penalty
5 of perjury.

6 2. The provisions of ~~[this]~~ subsection 1 apply to the person or
7 group of persons:

8 (a) Each year in which ~~[an]~~ :

9 (1) An election or city election is held for each question for
10 which the person or group advocates passage or defeat ; or ~~[each~~
11 ~~year in which a]~~

12 (2) A person or group receives or expends money in excess
13 of \$10,000 to support the initiation or circulation of a petition for a
14 constitutional amendment or a petition for a statewide measure
15 proposed by an initiative or a referendum; and

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

17 ~~[2-]~~ 3. If a question is on the ballot at a primary election or
18 primary city election and the general election or general city
19 election immediately following that primary election or primary city
20 election is held on or after January 1 and before the July 1
21 immediately following that January 1, every person or group of
22 persons organized formally or informally who advocates the passage
23 or defeat of the question or a group of questions that includes the
24 question shall comply with the requirements of this subsection. If a
25 question is on the ballot at a general election or general city election
26 held on or after January 1 and before the July 1 immediately
27 following that January 1, every person or group of persons
28 organized formally or informally who advocates the passage or
29 defeat of the question or a group of questions that includes the
30 question shall comply with the requirements of this subsection. A
31 person or group of persons described in this subsection shall, not
32 later than:

33 (a) Seven days before the primary election or primary city
34 election, for the period from the January 1 immediately preceding
35 the primary election or primary city election through 12 days before
36 the primary election or primary city election;

37 (b) Seven days before the general election or general city
38 election, for the period from 11 days before the primary election or
39 primary city election through 12 days before the general election or
40 general city election; and

41 (c) July 15 of the year of the general election or general city
42 election, for the period from 11 days before the general election or
43 general city election through June 30 of that year,

44 ➔ report each campaign contribution in excess of \$100 received
45 during the period and contributions received during the period from



1 a contributor which cumulatively exceed \$100. The report must be
2 completed on the form designed and provided by the Secretary of
3 State pursuant to NRS 294A.373 and signed by the person or a
4 representative of the group under penalty of perjury.

5 ~~[3-]~~ 4. The name and address of the contributor and the date on
6 which the contribution was received must be included on the report
7 for each contribution in excess of \$100 and contributions which a
8 contributor has made cumulatively in excess of that amount since
9 the beginning of the current reporting period.

10 ~~[4-]~~ 5. If a question is on the ballot at a primary election or
11 primary city election and the general election or general city
12 election immediately following that primary election or primary city
13 election is held on or after July 1 and before the January 1
14 immediately following that July 1, every person or group of persons
15 organized formally or informally who advocates the passage or
16 defeat of the question or a group of questions that includes the
17 question shall comply with the requirements of this subsection. If a
18 question is on the ballot at a general election or general city election
19 held on or after July 1 and before the January 1 immediately
20 following that July 1, every person or group of persons organized
21 formally or informally who advocates the passage or defeat of the
22 question or a group of questions that includes the question shall
23 comply with the requirements of this subsection. Every person or
24 group of persons who initiates or circulates a petition for a
25 constitutional amendment or a petition for a statewide measure
26 proposed by an initiative or a referendum and who receives or
27 expends money in an amount in excess of \$10,000 to support such
28 initiation or circulation shall comply with the requirements of this
29 subsection. A person or group of persons described in this
30 subsection shall, not later than:

31 (a) Seven days before the primary election or primary city
32 election, for the period from the January 1 immediately preceding
33 the primary election or primary city election through 12 days before
34 the primary election or primary city election; and

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

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



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~~[5-]~~ 6. Except as otherwise provided in subsection ~~[6-]~~ 7, 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-]~~ 7. 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-]~~ 8. 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-]~~ 9. 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-]~~ 10. If the person or group of persons is advocating passage or defeat of a group of questions or is receiving or expending money to support a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum, the reports must be itemized by question or petition.

~~[10-]~~ 11. 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. 3. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every ~~[person]~~ :

(a) **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 ; and ~~[every person]~~

(b) **Person** or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such initiation or circulation ,

↪ 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.

2. The provisions of ~~[this]~~ subsection 1 apply to the person or group of persons:

(a) Each year in which ~~[an]~~ :

(1) **An** election or city election is held for a question for which the person or group advocates passage or defeat ; or ~~[each year in which a]~~

(2) **A** person or group of persons receives or expends money in excess of \$10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum; and

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



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

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

(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; and

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

→ 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 and signed by the person or a representative of the group under penalty of perjury.

~~13-1~~ 4. 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 July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized



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1 formally or informally who advocates the passage or defeat of the
2 question or a group of questions that includes the question shall
3 comply with the requirements of this subsection. Every person or
4 group of persons who initiates or circulates a petition for a
5 constitutional amendment or a petition for a statewide measure
6 proposed by an initiative or a referendum and who receives or
7 expends money in an amount in excess of \$10,000 to support such
8 initiation or circulation shall comply with the requirements of this
9 subsection. A person or group of persons described in this
10 subsection shall, not later than:

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

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

19 ➔ report each expenditure made during the period on behalf of or
20 against the question, the group of questions or a question in the
21 group of questions on the ballot in excess of \$100 on the form
22 designed and provided by the Secretary of State pursuant to NRS
23 294A.373. The form must be signed by the person or a
24 representative of the group under penalty of perjury.

25 ~~[4.]~~ 5. Except as otherwise provided in subsection ~~[5.]~~ 6, every
26 person or group of persons organized formally or informally who
27 advocates the passage or defeat of a question or group of questions
28 on the ballot at a special election shall, not later than:

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

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

34 ➔ report each expenditure made during the period on behalf of or
35 against the question, the group of questions or a question in the
36 group of questions on the ballot in excess of \$100 on the form
37 designed and provided by the Secretary of State pursuant to NRS
38 294A.373. The form must be signed by the person or a
39 representative of the group under penalty of perjury.

40 ~~[5.]~~ 6. Every person or group of persons organized formally or
41 informally who advocates the passage or defeat of a question or
42 group of questions on the ballot at a special election to determine
43 whether a public officer will be recalled shall list each expenditure
44 made during the period on behalf of or against the question, the
45 group of questions or a question in the group of questions on the



1 ballot in excess of \$100 on the form designed and provided by the
2 Secretary of State pursuant to NRS 294A.373 and signed by the
3 person or a representative of the group under penalty of perjury, 30
4 days after:

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

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

13 ~~[6-]~~ 7. Expenditures made within the State or made elsewhere
14 but for use within the State, including expenditures made outside the
15 State for printing, television and radio broadcasting or other
16 production of the media, must be included in the report.

17 ~~[7-]~~ 8. The reports required pursuant to this section must be
18 filed with:

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

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

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

25 ~~[8-]~~ 9. If an expenditure is made on behalf of a group of
26 questions or a group of petitions for constitutional amendments, a
27 group of petitions for statewide measures proposed by initiative or
28 referendum or a group of petitions for both constitutional
29 amendments and statewide measures proposed by initiative or
30 referendum, the reports must be itemized by question or petition. A
31 person may mail or transmit his report to the appropriate filing
32 officer by regular mail, certified mail, facsimile machine or
33 electronic means. A report shall be deemed to be filed with the filing
34 officer:

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

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

40 ~~[9-]~~ 10. Each county clerk or city clerk who receives a report
41 pursuant to this section shall file a copy of the report with the
42 Secretary of State within 10 working days after he receives the
43 report.



Sec. 4. NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, a copy of the petition for initiative or referendum, including the description required pursuant to NRS 295.009, must be placed on file with the Secretary of State.

2. *Except as otherwise provided in subsection 3, if a petition for initiative or referendum or a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is amended after the petition is placed on file with the Secretary of State pursuant to subsection 1:*

(a) *The revised petition must be placed on file with the Secretary of State before it is presented to the registered voters for their signatures; and*

(b) *Any signatures that were collected on the original petition before it was amended are not valid.*

3. *A revised petition is not required to be filed with the Secretary of State if a petition for initiative or referendum or a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is amended by a court pursuant to NRS 295.061. Any signatures that were collected on the original petition are not valid.*

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

~~3~~ 5. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1 ~~1~~ *or 2*, the Secretary of State shall post a copy of the petition, including the description required pursuant to NRS 295.009 and any fiscal note prepared pursuant to subsection ~~2~~ *3*, on his Internet website.

Sec. 5. NRS 295.061 is hereby amended to read as follows:

295.061 1. ~~The~~ *Except as otherwise provided in subsection 3, whether an initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, and the* description of the effect of an initiative or referendum required pursuant to NRS 295.009 , may be challenged



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1 by filing a complaint in the First Judicial District Court not later
2 than 30 days, Saturdays, Sundays and holidays excluded, after a
3 copy of the petition is ~~initially~~ placed on file with the Secretary of
4 State pursuant to NRS 295.015. All affidavits and documents in
5 support of the challenge must be filed with the complaint. The court
6 shall set the matter for hearing not later than 30 days after the
7 complaint is filed and shall give priority to such a complaint over all
8 criminal proceedings.

9 2. The legal sufficiency of a petition for initiative or
10 referendum may be challenged by filing a complaint in district court
11 not later than 7 days, Saturdays, Sundays and holidays excluded,
12 after the petition is certified as sufficient by the Secretary of State.
13 All affidavits and documents in support of the challenge must be
14 filed with the complaint. The court shall set the matter for hearing
15 not later than 30 days after the complaint is filed and shall give
16 priority to such a complaint over all other matters pending with the
17 court, except for criminal proceedings.

18 *3. If a description of the effect of an initiative or referendum*
19 *required pursuant to NRS 295.009 is challenged successfully*
20 *pursuant to subsection 1 and such description is amended in*
21 *compliance with the order of the court, the amended description*
22 *may not be challenged.*

