

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; revising the reporting requirements for contributions and expenditures for certain persons or groups of persons who advocate the passage or defeat of ballot questions; 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, 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 provide that the \$10,000 threshold applies to both persons or groups of persons initiating or circulating petitions and 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; (2) any signatures that were collected on the original petition before it was amended are not valid; and (3) the revised petition must be submitted not later than the third Tuesday in May of an even-numbered year.

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. (Deleted by amendment.)

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 who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions;* 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 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.

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 each question for which the person or group advocates passage or defeat ; ~~{for each year in which a}~~

(2) *A person or group of persons receives or expends money in excess of \$10,000 to advocate 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; or*

(3) *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).

~~{2-}~~ 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 *and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions* 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 *and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions* 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 June 30 of that year,

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

~~[3-]~~ 4. 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.

~~[4-]~~ 5. 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



1 organized formally or informally who advocates the passage or
2 defeat of the question or a group of questions that includes the
3 question *and who receives or expends money in an amount in*
4 *excess of \$10,000 to advocate the passage or defeat of such*
5 *question or group of questions* shall comply with the requirements
6 of this subsection. If a question is on the ballot at a general election
7 or general city election held on or after July 1 and before the
8 January 1 immediately following that July 1, every person or group
9 of persons organized formally or informally who advocates the
10 passage or defeat of the question or a group of questions that
11 includes the question *and who receives or expends money in an*
12 *amount in excess of \$10,000 to advocate the passage or defeat of*
13 *such question or group of questions* shall comply with the
14 requirements of this subsection. Every person or group of persons
15 who initiates or circulates a petition for a constitutional amendment
16 or a petition for a statewide measure proposed by an initiative or a
17 referendum and who receives or expends money in an amount in
18 excess of \$10,000 to support such initiation or circulation shall
19 comply with the requirements of this subsection. A person or group
20 of persons described in this subsection shall, not later than:

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

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

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

35 ~~15.1~~ 6. Except as otherwise provided in subsection ~~16.1~~ 7, every
36 person or group of persons organized formally or informally who
37 advocates the passage or defeat of a question or group of questions
38 on the ballot at a special election *and who receives or expends*
39 *money in an amount in excess of \$10,000 to advocate the passage*
40 *or defeat of such question or group of questions* shall, not later
41 than:

42 (a) Seven days before the special election, for the period from
43 the date that the question qualified for the ballot through 12 days
44 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.

~~16-1~~ 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 *and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions* 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.

~~17-1~~ 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.

~~18-1~~ 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.

~~19-1~~ 10. If the person or group of persons is advocating passage or defeat of a group of questions or is receiving or expending money



1 to support a group of petitions for constitutional amendments, a
2 group of petitions for statewide measures proposed by initiative or
3 referendum or a group of petitions for both constitutional
4 amendments and statewide measures proposed by initiative or
5 referendum, the reports must be itemized by question or petition.

6 ~~10.1~~ **11.** Each county clerk or city clerk who receives a report
7 pursuant to this section shall file a copy of the report with the
8 Secretary of State within 10 working days after he receives the
9 report.

10 **Sec. 3.** NRS 294A.220 is hereby amended to read as follows:

11 294A.220 1. Every ~~person~~ :

12 **(a) Person** or group of persons organized formally or informally
13 who advocates the passage or defeat of a question or group of
14 questions on the ballot at a primary election, primary city election,
15 general election or general city election *and who receives or*
16 *expends money in an amount in excess of \$10,000 to advocate the*
17 *passage or defeat of such question or group of questions;* and
18 ~~every person~~

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

24 ➔ shall, not later than January 15 of each year that the provisions of
25 this subsection apply to the person or group of persons, for the
26 period from January 1 of the previous year through December 31 of
27 the previous year, report each expenditure made during the period
28 on behalf of or against the question, the group of questions or a
29 question in the group of questions on the ballot in excess of \$100 on
30 the form designed and provided by the Secretary of State pursuant to
31 NRS 294A.373. The form must be signed by the person or a
32 representative of the group under penalty of perjury.

33 **2.** The provisions of ~~this~~ subsection **1** apply to the person or
34 group of persons:

35 (a) Each year in which ~~an~~ :

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

39 **(2) A person or group of persons receives or expends**
40 *money in excess of \$10,000 to advocate the passage or defeat of a*
41 *question or group of questions on the ballot at a primary election,*
42 *primary city election, general election or general city election; or*

43 **(3) A** person or group of persons receives or expends money
44 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).

~~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 *and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions* 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 *and who receives or expends money in an amount in excess of \$10,000 to advocate the passage or defeat of such question or group of questions* 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



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

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

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

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

36 ~~[4.]~~ 5. Except as otherwise provided in subsection ~~[5.]~~ 6, every
37 person or group of persons organized formally or informally who
38 advocates the passage or defeat of a question or group of questions
39 on the ballot at a special election shall, not later than:

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

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



1 ↪ report each expenditure made during the period on behalf of or
2 against the question, the group of questions or a question in the
3 group of questions on the ballot in excess of \$100 on the form
4 designed and provided by the Secretary of State pursuant to NRS
5 294A.373. The form must be signed by the person or a
6 representative of the group under penalty of perjury.

7 ~~15-1~~ 6. Every person or group of persons organized formally or
8 informally who advocates the passage or defeat of a question or
9 group of questions on the ballot at a special election to determine
10 whether a public officer will be recalled *and who receives or*
11 *expends money in an amount in excess of \$10,000 to advocate the*
12 *passage or defeat of such question or group of questions* shall list
13 each expenditure made during the period on behalf of or against the
14 question, the group of questions or a question in the group of
15 questions on the ballot in excess of \$100 on the form designed and
16 provided by the Secretary of State pursuant to NRS 294A.373 and
17 signed by the person or a representative of the group under penalty
18 of perjury, 30 days after:

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

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

27 ~~16-1~~ 7. Expenditures made within the State or made elsewhere
28 but for use within the State, including expenditures made outside the
29 State for printing, television and radio broadcasting or other
30 production of the media, must be included in the report.

31 ~~17-1~~ 8. The reports required pursuant to this section must be
32 filed with:

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

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

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

39 ~~18-1~~ 9. If an expenditure is made on behalf of a group of
40 questions or a group of petitions for constitutional amendments, a
41 group of petitions for statewide measures proposed by initiative or
42 referendum or a group of petitions for both constitutional
43 amendments and statewide measures proposed by initiative or
44 referendum, the reports must be itemized by question or petition. A
45 person may mail or transmit his report to the appropriate filing



1 officer by regular mail, certified mail, facsimile machine or
2 electronic means. A report shall be deemed to be filed with the filing
3 officer:

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

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

9 ~~19.1~~ 10. Each county clerk or city clerk who receives a report
10 pursuant to this section shall file a copy of the report with the
11 Secretary of State within 10 working days after he receives the
12 report.

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

14 295.015 1. Before a petition for initiative or referendum may
15 be presented to the registered voters for their signatures, a copy of
16 the petition for initiative or referendum, including the description
17 required pursuant to NRS 295.009, must be placed on file with the
18 Secretary of State.

19 2. *If a petition for initiative or referendum or a description of*
20 *the effect of an initiative or referendum required pursuant to NRS*
21 *295.009 is amended after the petition is placed on file with the*
22 *Secretary of State pursuant to subsection 1:*

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

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

28 (c) *The requirements for submission of the petition to each*
29 *county clerk set forth in NRS 295.056 apply to the revised petition.*

30 3. Upon receipt of a petition for initiative or referendum placed
31 on file pursuant to subsection 1 ~~13.1~~ or 2, the Secretary of State shall
32 consult with the Fiscal Analysis Division of the Legislative Counsel
33 Bureau to determine if the initiative or referendum may have any
34 anticipated financial effect on the State or local governments if the
35 initiative or referendum is approved by the voters. If the Fiscal
36 Analysis Division determines that the initiative or referendum may
37 have an anticipated financial effect on the State or local
38 governments if the initiative or referendum is approved by the
39 voters, the Division must prepare a fiscal note that includes an
40 explanation of any such effect.

41 ~~13.1~~ 4. Not later than 10 business days after the Secretary of
42 State receives a petition for initiative or referendum filed pursuant to
43 subsection 1 ~~13.1~~ or 2, the Secretary of State shall post a copy of the
44 petition, including the description required pursuant to NRS 295.009



1 and any fiscal note prepared pursuant to subsection ~~2~~ 3, on his
2 Internet website.

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

4 295.061 1. ~~The~~ *Except as otherwise provided in subsection*
5 *3, whether an initiative or referendum embraces but one subject*
6 *and matters necessarily connected therewith and pertaining*
7 *thereto, and the* description of the effect of an initiative or
8 referendum required pursuant to NRS 295.009 , may be challenged
9 by filing a complaint in the First Judicial District Court not later
10 than 30 days, Saturdays, Sundays and holidays excluded, after a
11 copy of the petition is ~~initially~~ placed on file with the Secretary of
12 State pursuant to NRS 295.015. All affidavits and documents in
13 support of the challenge must be filed with the complaint. The court
14 shall set the matter for hearing not later than 30 days after the
15 complaint is filed and shall give priority to such a complaint over all
16 criminal proceedings.

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

26 *3. If a description of the effect of an initiative or referendum*
27 *required pursuant to NRS 295.009 is challenged successfully*
28 *pursuant to subsection 1 and such description is amended in*
29 *compliance with the order of the court, the amended description*
30 *may not be challenged.*

