

ASSEMBLY BILL NO. 606—COMMITTEE ON ELECTIONS,
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS

MARCH 26, 2007

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

SUMMARY—Revises provisions relating to petitions for statewide
initiatives and referenda. (BDR 24-1395)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to elections; requiring certain persons or groups of persons advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum to register with the Secretary of State; prohibiting the compensation of persons who gather signatures on certain petitions on the basis of the number of signatures gathered; requiring persons who gather signatures on certain petitions to be residents of this State; requiring the Secretary of State to make public certain information; amending provisions relating to legal challenges to certain petitions; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Chapter 294A of NRS governs campaign practices. **Section 2** of this bill
2 requires certain persons or groups of persons advocating the passage or defeat of a
3 statewide initiative or referendum to register with the Secretary of State. **Section 3**
4 of this bill prohibits the compensation of persons who gather signatures on
5 statewide initiative and referendum petitions on a per-signature basis. **Section 4** of
6 this bill requires each person gathering signatures on a petition to be a resident of
7 Nevada. **Section 5** of this bill provides that a person or group of persons required to
8 register with the Secretary of State pursuant to **section 3** who fail to so register or
9 who compensate a signature gatherer in violation of **section 3** is subject to a civil
10 penalty.

11 Chapter 295 of NRS governs petitions for statewide and local initiatives and
12 referenda. **Section 7** of this bill requires the Secretary of State to make public
13 certain information regarding petition signatures. **Section 8** of this bill provides that



the use of an intentional misrepresentation or other fraudulent means to obtain signatures on petitions or forging signatures on petitions is prohibited and provides that the consequence of such behavior is the invalidation of signatures collected by the person found to have committed such behavior or the invalidation of all signatures collected on behalf of the group found to have committed such behavior.

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 the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum shall register, before engaging in any such advocacy in this State, with the Secretary of State on forms supplied by the Secretary of State.

2. The form must require:

(a) The name of the person or group;

(b) The purpose for which the person or group is organized;

(c) The names and addresses of any officers of the person or group; and

(d) If the person or group is affiliated with or is retained by any other person or group for the purpose of advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum, the name and address of each such other person or group.

Sec. 3. A person or group of persons organized formally or informally who compensates in any way a person who gathers signatures on a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum shall not compensate such a person on the basis of the number of signatures gathered.

Sec. 4. Each person who gathers signatures on a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum must be a resident of this State.

Sec. 5. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 or section 2 of this act has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State



1 may, after giving notice to that person or entity, cause the
2 appropriate proceedings to be instituted in the First Judicial District
3 Court.

4 2. Except as otherwise provided in this section, a person or
5 entity that violates an applicable provision of NRS 294A.112,
6 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160,
7 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280,
8 294A.300, 294A.310, 294A.320 or 294A.360 *or section 2 or 3 of*
9 *this act* is subject to a civil penalty of not more than \$5,000 for each
10 violation and payment of court costs and attorney's fees. The civil
11 penalty must be recovered in a civil action brought in the name of
12 the State of Nevada by the Secretary of State in the First Judicial
13 District Court and deposited by the Secretary of State for credit to
14 the State General Fund in the bank designated by the State
15 Treasurer.

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

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

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

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

26 ➤ A civil penalty imposed pursuant to this subsection against a
27 public officer who by law is not entitled to receive compensation for
28 his office or a candidate for such an office must not exceed a total of
29 \$100 if the public officer or candidate received no contributions and
30 made no expenditures during the relevant reporting periods.

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

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

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

40 **Sec. 6.** Chapter 295 of NRS is hereby amended by adding
41 thereto the provisions set forth as sections 7 and 8 of this act.

42 **Sec. 7.** *After a petition for a constitutional amendment or a*
43 *petition for a statewide measure proposed by an initiative or*
44 *referendum is submitted for signature verification to the county*
45 *clerk, the county clerk shall make true and correct copies of all the*



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documents of the petition and signatures thereon and shall make such copies and signatures available to the public for a period of not less than 14 days.

Sec. 8. 1. A person or group of persons who is required to register pursuant to section 2 of this act or a person who circulates a petition to collect signatures in support thereof on behalf of such a person or group of persons shall not:

(a) Intentionally misrepresent the contents of a petition or the effect that such a petition would have if enacted into law or otherwise engage in any fraudulent behavior to induce another person to sign a petition; or

(b) Forge signatures on such a petition.

2. If the Secretary of State receives information indicating that a person or group has violated the provisions of subsection 1, the Secretary of State may, after giving notice to that person and the person or group who is required to register with the Secretary of State pursuant to section 2 of this act, cause the appropriate proceedings to be instituted in the First Judicial District Court.

3. If the First Judicial District Court determines that the person or group violated the provisions of subsection 1, the First Judicial District Court shall disqualify all the signatures that were collected by that person or all the signatures collected on behalf of the group, unless the person or group who is required to register with the Secretary of State pursuant to section 2 of this act proves by clear and convincing evidence that each person who signed the documents of the petition circulated by that person or group intended to sign and support the petition despite the misrepresentations or other fraudulent behavior.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

