

SENATE BILL NO. 230—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

MARCH 7, 2007

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes concerning a petition for initiative or referendum. (BDR 24-180)

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 that a person signing a petition for an initiative or a referendum print his given name followed by his surname on the petition before his signature; revising the time for submitting certain documents circulated with certain petitions; revising the time for performing certain actions concerning an initiative or referendum; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to adopt regulations for the format of signatures on a petition for an initiative or referendum. (NRS 295.055) **Section 1** of this bill provides that the format for the signatures must require a person who signs a petition for an initiative or referendum to print his given name followed by his surname on the petition before his signature.

Existing law requires that the signature of a person on a petition for an initiative or referendum for a city or county must be followed by the address of the person signing and the date on which the petition was signed. (NRS 295.095, 295.140, 295.205) **Sections 4-6** of this bill require that, in addition to the address of the person signing a petition for an initiative or referendum for a city or county and the date on which the petition was signed, the signature of the person signing the petition must be preceded by the printed given name followed by the surname of the person signing the petition.

Section 2 of this bill revises the deadline for the submission of the signed documents circulated with a petition for initiative that proposes an amendment to the Constitution from the third Tuesday in June to the third Tuesday in May.

Section 3 of this bill revises from 30 business days to 15 business days the time for: (1) filing a challenge to the description of the effect of an initiative or referendum; (2) setting a date for a hearing on such a challenge; and (3) setting a



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20 date for a hearing on a challenge to the legal sufficiency of a petition for initiative
21 or referendum.

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

- 1 **Section 1.** NRS 295.055 is hereby amended to read as follows:
2 295.055 1. The Secretary of State shall by regulation specify:
3 (a) The format for the signatures on a petition for an initiative or
4 referendum and make free specimens of the format available upon
5 request. *The regulations must ensure that the format includes,*
6 *without limitation, that:*
7 *(1) In addition to signing the petition, a person who signs a*
8 *petition shall print his given name followed by his surname on the*
9 *petition before his signature.*
10 *(2) Each signature must be dated.*
11 (b) The manner of fastening together several sheets circulated by
12 one person to constitute a single document.
13 2. Each document of the petition must bear the name of a
14 county, and only registered voters of that county may sign the
15 document.
16 3. A person who signs a petition may request that the county
17 clerk remove his name from it by transmitting his request in writing
18 to the county clerk at any time before the petition is filed with the
19 county clerk.
20 **Sec. 2.** NRS 295.056 is hereby amended to read as follows:
21 295.056 1. Before a petition for initiative or referendum is
22 filed with the Secretary of State, the petitioners must submit to each
23 county clerk for verification pursuant to NRS 293.1276 to 293.1279,
24 inclusive, the document or documents which were circulated for
25 signature within his county. The clerks shall give the person
26 submitting a document or documents a receipt stating the number of
27 documents and pages and the person's statement of the number of
28 signatures contained therein.
29 2. If a petition for initiative proposes a statute or an amendment
30 to a statute, the document or documents must be submitted not later
31 than the second Tuesday in November of an even-numbered year.
32 3. If a petition for initiative proposes an amendment to the
33 Constitution, the document or documents must be submitted not
34 later than the third Tuesday in ~~June~~ *May* of an even-numbered
35 year.
36 4. If the petition is for referendum, the document or documents
37 must be submitted not later than the third Tuesday in May of an
38 even-numbered year.



5. All documents which are submitted to a county clerk for verification must be submitted at the same time.

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

295.061 1. The description of the effect of an initiative or referendum required pursuant to NRS 295.009 may be challenged by filing a complaint in the First Judicial District Court not later than ~~30~~ 15 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is initially placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than ~~30~~ 15 days after the complaint is filed and shall give priority to such a complaint over all criminal proceedings.

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

Sec. 4. NRS 295.095 is hereby amended to read as follows:

295.095 1. Any five registered voters of the county may commence initiative or referendum proceedings by filing with the county clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and 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 county equal to 15 percent or more of the number of voters who voted at the last preceding general election in the county.

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

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

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

(b) One hundred and thirty days before the election,

↳ whichever is earlier.



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5. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil, *be preceded by the printed given name followed by the surname of the person signing* and *be* followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection 4. Each document must contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

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

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

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

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

Sec. 5. 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 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 and assembled as one instrument for submission. Each signature



1 must be executed in ink or indelible pencil , *be preceded by the*
2 *printed given name followed by the surname of the person signing*
3 and *be* followed by the address of the person signing and the date on
4 which he signed the petition. Each document must contain, or have
5 attached thereto throughout its circulation, the full text of the act or
6 resolution on 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 by
37 filing a complaint in district court, the court shall set the matter for
38 hearing not later than 3 days after the complaint is filed and shall
39 give priority to such a complaint over all other matters pending with
40 the court, except for criminal proceedings. A final determination of
41 insufficiency, even if sustained upon judicial review, does not
42 prejudice the filing of a new petition for the same purpose.



Sec. 6. NRS 295.205 is hereby amended to read as follows:

295.205 1. Any five 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 days after the date that the affidavit required by subsection 1 is filed with the city clerk; or

(b) One hundred and thirty 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 and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil, *be preceded by the printed given name followed by the surname of the person signing* and *be* followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection 4. Each document must contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

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

(a) That he personally circulated the document;

(b) The number of signatures thereon;

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

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

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



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- 1 7. The city clerk shall issue a receipt to any person who
- 2 submits a petition pursuant to this section. The receipt must set forth
- 3 the number of:
- 4 (a) Documents included in the petition;
- 5 (b) Pages in each document; and
- 6 (c) Signatures that the person declares are included in the
- 7 petition.

