

Amendment No. 519

Senate Amendment to Senate Bill No. 489 (BDR 24-178)

Proposed by: Senate Committee on Legislative Operations and Elections**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

SJA/BJE



Date: 4/21/2007

S.B. No. 489—Prohibits threatening or intimidating persons who are gathering signatures on petitions. (BDR 24-178)



SENATE BILL NO. 489—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

MARCH 26, 2007

Referred to Committee on Legislative Operations and Elections

SUMMARY—Prohibits threatening or intimidating persons who are gathering signatures on petitions. (BDR 24-178)

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; prohibiting a person from threatening or intimidating a person who is gathering signatures on a petition; ~~requiring complaints to be made within 3 days after the alleged violation; requiring the Secretary of State or the First Judicial District Court~~ **providing for causes of action relating to a violation; authorizing the district court** to extend the period for gathering signatures on a petition upon finding a violation; ~~providing for the payment of reasonable fees and costs to a complaining party;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Title 24 of NRS requires persons seeking to place items on election ballots to first gather a certain number of signatures in support of the placement of the issue on the ballot. This bill prohibits a person from threatening or intimidating a person gathering such signatures with the intent or effect of preventing or discouraging the signature gathering. ~~[This bill also requires a person alleging a violation to file a complaint within 3 days after the alleged violation.]~~

This bill ~~requires the Secretary of State or the First Judicial District Court~~ **provides for causes of action by a person aggrieved by a violation of this bill for an injunction to prevent further violations, to request an extension of the period for gathering signatures on a petition and to recover damages from the person alleged to have violated the provisions of this bill. This bill also authorizes the district court** to extend the period of gathering signatures on a petition upon finding a violation of the provisions of this bill. ~~[This bill also provides for the appeal of decisions by the Secretary of State to the First Judicial District Court. Finally, this bill holds a person who threatens or intimidates a signature gatherer liable to the complaining party for the payment of reasonable fees and costs.]~~

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not threaten or intimidate, through words or contact and with the intent or the effect of preventing ~~for discouraging~~ the gathering of signatures on a petition, any person lawfully attempting to gather signatures on a petition.

~~2. A person circulating a petition may allege a violation of subsection 1 to the Secretary of State not later than 3 working days after the alleged violation.~~

~~3. If the Secretary of State determines that a violation of subsection 1 has prevented or discouraged a person from gathering signatures on a petition, the Secretary of State shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.100, 306.035 or 306.110 must be extended for a period of not more than 5 days.~~

~~4. The decision of the Secretary of State is a final decision for the purposes of judicial review. Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State may only be appealed in the First Judicial District Court. If the First Judicial District Court determines that a person was prevented or discouraged from gathering signatures by a violation of subsection 1, the Court shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.100, 306.035 or 306.110 must be extended for a period of not more than 5 days.~~

~~5. A person found to have violated subsection 1 pursuant to subsection 2 or 3 is liable to the complaining party for reasonable attorney's fees, costs and any other monetary damages determined by the Secretary of State or the First Judicial District Court.~~

2. A person aggrieved by a violation of subsection 1 may bring an action in district court:

(a) To request an extension of the deadline for filing a petition;

(b) To request an injunction restraining any person alleged in the complaint to have violated subsection 1 from further violating subsection 1; and

(c) To recover from any person alleged in the complaint to have violated subsection 1 any damages, including, without limitation, attorney's fees and costs.

3. A district court may:

(a) Expedite any hearing on any action brought pursuant to paragraph (a) or (b) of subsection 2; and

(b) Upon a determination that a violation of subsection 1 prevented or is likely to prevent the complainant from collecting the number of signatures required for the petition to be eligible to be placed on a ballot, order an extension of the time allowed for the gathering of signatures for the petition.