

ASSEMBLY BILL NO. 344—ASSEMBLYMAN GUSTAVSON

MARCH 13, 2009

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

SUMMARY—Makes various changes to the provisions governing
petitions for initiative and referendum.
(BDR 24-737)

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; eliminating requirements that various
petitions for initiative and referendum be accompanied by
an affidavit of the person who circulated the petition
attesting to various facts about the circulation and
signature-gathering process; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill eliminates the requirement that when a petition for initiative or
2 referendum concerning state, county or municipal legislation is submitted for
3 signature verification, it must include an affidavit of the circulator stating that he
4 personally circulated the document, that all the signatures were affixed in his
5 presence and that each signer had an opportunity before signing to read the full text
6 of the measure, and declaring the number of signatures thereon. (NRS 295.0575,
7 295.095, 295.140, 295.205) This requirement is not the provision that was held
8 unconstitutional by the Nevada Supreme Court in 2004. (*Secretary of State v. Give*
9 *Nevada a Raise, Inc.*, 120 Nev. 481 (2004))

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

- 1 **Section 1.** NRS 295.0575 is hereby amended to read as
2 follows:
3 295.0575 A petition for a constitutional amendment or a
4 petition for a statewide measure proposed by an initiative or
5 referendum may consist of more than one document. ~~Each~~



~~document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:~~
~~1. That he personally circulated the document;~~
~~2. The number of signatures thereon;~~
~~3. That all the signatures were affixed in his presence; and~~
~~4. That each signer had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.]~~

Sec. 2. 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. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1, the county clerk shall consult with the board to determine if the initiative or referendum may have any anticipated financial effect on the local government if the initiative or referendum is approved by the voters. If the board determines that the initiative or referendum may have an anticipated financial effect on the local government if the initiative or referendum is approved by the voters, the board must prepare a description of the anticipated financial effect and the county clerk shall post a copy of this information on his Internet website, if he maintains one.

5. 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.

6. 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



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1 printed given name followed by the surname of the person signing
2 and be followed by the address of the person signing and the date on
3 which he signed the petition. All signatures on a petition must be
4 obtained within the period specified in subsection 5. Each document
5 must contain, or have attached thereto throughout its circulation, the
6 full text of the ordinance proposed or sought to be reconsidered.

7 ~~7. 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; and~~

12 ~~—(d) That each signer had an opportunity before signing to read~~
13 ~~the full text of the ordinance proposed or sought to be reconsidered.~~

14 ~~—8.]~~ The county clerk shall issue a receipt to any person who
15 submits a petition pursuant to this section. The receipt must set forth
16 the number of:

17 (a) Documents included in the petition;

18 (b) Pages in each document; and

19 (c) Signatures that the person declares are included in the
20 petition.

21 **Sec. 3.** NRS 295.140 is hereby amended to read as follows:

22 295.140 1. Whenever 10 percent or more of the registered
23 voters of any county of this State, as shown by the number of
24 registered voters who voted at the last preceding general election,
25 express their wish that any act or resolution enacted by the
26 Legislature, and pertaining to that county only, be submitted to the
27 vote of the people, they shall submit to the county clerk a petition,
28 which must contain the names and residence addresses of at least 10
29 percent of the registered voters of that county, demanding that a
30 referendum vote be had by the people of the county at the next
31 general election upon the act or resolution on which the referendum
32 is demanded.

33 2. A petition must be submitted to the county clerk for
34 verification, pursuant to NRS 295.250 to 295.290, inclusive, not
35 later than 130 days before the time set for the next succeeding
36 general election.

37 3. A petition may consist of more than one document, but all
38 documents of a petition must be uniform in size and style, numbered
39 and assembled as one instrument for submission. Each signature
40 must be executed in ink or indelible pencil, be preceded by the
41 printed given name followed by the surname of the person signing
42 and be followed by the address of the person signing and the date on
43 which he signed the petition. Each document must contain, or have
44 attached thereto throughout its circulation, the full text of the act or
45 resolution on which the referendum is demanded.



1 4. ~~Each document of a petition must have attached to it when~~
2 ~~submitted an affidavit executed by the circulator thereof stating:~~
3 ~~—(a) That he personally circulated the document;~~
4 ~~—(b) The number of signatures thereon;~~
5 ~~—(c) That all the signatures were affixed in his presence;~~
6 ~~—(d) That he believes them to be genuine signatures of the~~
7 ~~persons whose names they purport to be; and~~
8 ~~—(e) That each signer had an opportunity before signing to read~~
9 ~~the full text of the act or resolution on which the referendum is~~
10 ~~demanded.~~

11 ~~5.]~~ The county clerk shall issue a receipt to any person who
12 submits a petition pursuant to this section. The receipt must set forth
13 the number of:

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

18 ~~[6.]~~ 5. Within 20 days after a petition is submitted, the county
19 clerk shall complete a certificate as to its sufficiency. Unless a
20 request for review is filed pursuant to subsection ~~[7.]~~ 6, the
21 certificate is a final determination as to the sufficiency of the
22 petition.

23 ~~[7.]~~ 6. If a petition is certified insufficient, the person who
24 submitted the petition may, within 2 days after receiving a copy of
25 the certificate, file a request that it be reviewed by the board of
26 county commissioners. The board shall review the certificate at its
27 next meeting following the filing of the request and approve or
28 disapprove it, and the determination of the board is a final
29 determination as to the sufficiency of the petition.

30 ~~[8.]~~ 7. A final determination as to the sufficiency of a petition
31 is subject to judicial review. If the final determination is challenged
32 by filing a complaint in district court, the court shall set the matter
33 for hearing not later than 3 days after the complaint is filed and shall
34 give priority to such a complaint over all other matters pending with
35 the court, except for criminal proceedings. A final determination of
36 insufficiency, even if sustained upon judicial review, does not
37 prejudice the filing of a new petition for the same purpose.

38 **Sec. 4.** NRS 295.150 is hereby amended to read as follows:

39 295.150 ~~[1.]~~ The names of the registered voters petitioning
40 need not be all upon one petition, but may be contained on one or
41 more petitions . ~~[.] but each petition shall be verified by at least one~~
42 ~~of the voters who has signed such petition.~~

43 ~~2. The voter making the verification shall swear, on~~
44 ~~information and belief, that the persons signing the petition are~~



~~registered voters of the county and state, and that such signatures are genuine and were executed in his presence.]~~

Sec. 5. 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. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1, the city clerk shall consult with the council to determine if the initiative or referendum may have any anticipated financial effect on the local government if the initiative or referendum is approved by the voters. If the council determines that the initiative or referendum may have an anticipated financial effect on the local government if the initiative or referendum is approved by the voters, the council must prepare a description of the anticipated financial effect and the city clerk shall post a copy of this information on his Internet website, if he maintains one.

5. 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.

6. 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 5. Each document



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- 1 must contain, or have attached thereto throughout its circulation, the
2 full text of the ordinance proposed or sought to be reconsidered.
- 3 7. ~~Each document of a petition must have attached to it when~~
4 ~~submitted an affidavit executed by the circulator thereof stating:~~
5 ~~—(a) That he personally circulated the document;~~
6 ~~—(b) The number of signatures thereon;~~
7 ~~—(c) That all the signatures were affixed in his presence;~~
8 ~~—(d) That each signer had an opportunity before signing to read~~
9 ~~the full text of the ordinance proposed or sought to be reconsidered.~~
10 ~~8.]~~ The city clerk shall issue a receipt to any person who
11 submits a petition pursuant to this section. The receipt must set forth
12 the number of:
13 (a) Documents included in the petition;
14 (b) Pages in each document; and
15 (c) Signatures that the person declares are included in the
16 petition.

