

SENATE BILL NO. 170—SENATOR HORSFORD

FEBRUARY 17, 2011

JOINT SPONSOR: ASSEMBLYMAN OCEGUERA

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing petitions for initiative or referendum. (BDR 24-537)

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; requiring the formation of a petitioners' committee before commencing proceedings for statewide initiative or referendum; authorizing the withdrawal of a petition for statewide initiative or referendum in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the registered voters of each county and municipality to propose local, special and municipal legislation by initiative or referendum. (Nev. Const. Art. 19, § 4) Before circulating a county or municipal petition for initiative or referendum, five registered voters of the county or city, as applicable, must form a petitioners' committee and file certain information with the county clerk or city clerk, as appropriate. (NRS 295.095, 295.205) A petition for county or municipal initiative or referendum may be withdrawn by four of the five members of the petitioners' committee. (NRS 295.115, 295.215)

Existing law authorizes the people of the State of Nevada to propose constitutional amendments and statewide measures by initiative or referendum. (Nev. Const. Art. 19, §§ 1, 2) Similar to the requirements relating to county and municipal initiative or referendum, **section 1** of this bill requires the formation of a petitioners' committee consisting of any five registered voters of this State before the commencement of statewide initiative or referendum proceedings. **Section 1** also authorizes four of the five members of the petitioners' committee to withdraw a petition for statewide initiative or referendum.



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

Section 1. NRS 295.015 is hereby amended to read as follows:
295.015 1. *Any five registered voters of the State may commence initiative or referendum proceedings by filing with the Secretary of State 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.*

2. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, *the petitioners' committee must place* a copy of the petition for initiative or referendum, including the description required pursuant to NRS 295.009, ~~{must be placed}~~ on file with the Secretary of State.

~~{2-}~~ 3. If a petition for initiative or referendum or a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is amended after the petition is placed on file with the Secretary of State pursuant to subsection ~~{4-}~~ 2:

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

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

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

~~{3-}~~ 4. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection ~~{1-or 2-}~~ 2 or 3:

(a) The Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect.

(b) The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.

~~{4-}~~ 5. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to



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1 subsection ~~1 or 2,~~ 2 or 3, the Secretary of State shall post a copy of
2 the petition, including the description required pursuant to NRS
3 295.009, any fiscal note prepared pursuant to subsection ~~13,~~ 4 and
4 any suggestions made by the Legislative Counsel pursuant to
5 subsection ~~13,~~ 4, on the Secretary of State's Internet website.

6 **6. A petition may be withdrawn:**

7 (a) *If the petition is for an initiative that proposes an*
8 *amendment to the Constitution of this State, at any time before the*
9 *absent ballots for the first general election at which the question*
10 *of approval or disapproval of the amendment will be voted upon*
11 *are prepared and distributed to registered voters who reside*
12 *outside the State pursuant to NRS 293.309 by filing with the*
13 *Secretary of State a request for withdrawal signed by at least four*
14 *members of the petitioners' committee. Upon the filing of that*
15 *request, the petition has no further effect and all proceedings*
16 *thereon must be terminated.*

17 (b) *If the petition is for an initiative that proposes a statute or*
18 *an amendment to a statute, and except as otherwise provided in*
19 *this paragraph, at any time before the absent ballots for the*
20 *general election at which the question of approval or disapproval*
21 *of the statute or amendment will be voted upon are prepared and*
22 *distributed to registered voters who reside outside the State*
23 *pursuant to NRS 293.309 by filing with the Secretary of State a*
24 *request for withdrawal signed by at least four members of the*
25 *petitioners' committee. Upon the filing of that request, the petition*
26 *has no further effect and all proceedings thereon must be*
27 *terminated. A petition for an initiative that proposes a statute or an*
28 *amendment to a statute may not be withdrawn pursuant to this*
29 *paragraph if the proposed statute or amendment to a statute is*
30 *enacted by the Legislature and approved by the Governor.*

31 (c) *If the petition is for a referendum, at any time before the*
32 *absent ballots for the general election at which the question of*
33 *approval or disapproval of the referendum will be voted upon are*
34 *prepared and distributed to registered voters who reside outside*
35 *the State pursuant to NRS 293.309 by filing with the Secretary of*
36 *State a request for withdrawal signed by at least four members of*
37 *the petitioners' committee. Upon the filing of that request, the*
38 *petition has no further effect and all proceedings thereon must be*
39 *terminated.*

40 **Sec. 2.** NRS 295.056 is hereby amended to read as follows:

41 295.056 1. Before a petition for initiative or referendum is
42 filed with the Secretary of State, the ~~petitioners'~~ **petitioners'**
43 **committee** must submit to each county clerk for verification
44 pursuant to NRS 293.1276 to 293.1279, inclusive, the document or
45 documents which were circulated for signature within the clerk's



1 county. The clerks shall give the person submitting a document or
2 documents a receipt stating the number of documents and pages and
3 the person's statement of the number of signatures contained
4 therein.

5 2. If a petition for initiative proposes a statute or an amendment
6 to a statute, the document or documents must be submitted not later
7 than the second Tuesday in November of an even-numbered year.

8 3. If a petition for initiative proposes an amendment to the
9 Constitution, the document or documents must be submitted not
10 later than the third Tuesday in May of an even-numbered year.

11 4. If the petition is for referendum, the document or documents
12 must be submitted not later than the third Tuesday in May of an
13 even-numbered year.

14 5. All documents which are submitted to a county clerk for
15 verification must be submitted at the same time. If documents
16 concerning the same petition are submitted for verification to more
17 than one county clerk, the documents must be submitted to each
18 county clerk on the same day. At the time that the petition is
19 submitted to a county clerk for verification, the ~~petitioners~~
20 **petitioners' committee** may designate a contact person who is
21 authorized ~~by the petitioners~~ to address questions or issues relating
22 to the petition.

23 **Sec. 3.** 1. The amendatory provisions of this act apply to a
24 petition for initiative or referendum which was placed on file with
25 the Secretary of State pursuant to NRS 295.015 before the effective
26 date of this act.

27 2. The person who placed the petition for initiative or
28 referendum on file with the Secretary of State pursuant to subsection
29 1 of NRS 295.015 before the effective date of this act must, not later
30 than 90 days after the effective date of this act, submit to the
31 Secretary of State a list of the five persons who compose the
32 petitioners' committee and the information about the petitioners'
33 committee required by NRS 295.015, as amended by section 1 of
34 this act.

35 **Sec. 4.** This act becomes effective upon passage and approval.

