

Amendment No. 217

Senate Amendment to Senate Bill No. 325

(BDR 24-953)

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	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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 underlining* is newly added transitory language.

SJA/HAC



Date: 4/14/2013

S.B. No. 325—Revises provisions relating to elections. (BDR 24-953)



SENATE BILL NO. 325—SENATOR SPEARMAN

MARCH 18, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections. (BDR 24-953)

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 an explanation of an advisory question placed on the ballot by the governing body of a county or city to be written in easily understood language; requiring that every initiative, referendum or question placed on the ballot include a digest; eliminating certain obsolete provisions; requiring the governing bodies of certain counties and cities to appoint committees to prepare arguments for and against approval of advisory questions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, for every constitutional amendment or other statewide measure submitted to a vote of the people, a condensation and explanation of the measure to be prepared for inclusion with the ballot. The condensation and explanation must be written in easily understood language and be of reasonable length. (NRS 218D.810, 293.250) **Sections 1 and 6** of this bill require the explanation to also include a digest that provides a concise and clear summary of any existing laws directly related to the measure and a summary of how the measure adds to, changes or repeals such existing laws. **If a constitutional amendment or statewide measure creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement indicating so.**

Existing law authorizes the governing body of a political subdivision to submit a ballot question to the voters of the political subdivision and the governing body of a city or county to submit an advisory question to the voters of the city or county. In both cases, the governing body must provide an explanation of the question. (NRS 293.481, 293.482) **Sections 2 and 3** of this bill require the explanation to be written in easily understood language and to include a digest. The digest must include a clear and concise summary of any existing laws directly related to the question and a summary of how the question adds to, changes or repeals such existing laws. **If a question regarding a measure creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement indicating so.**

Under existing law, if an initiative, referendum or other question is placed on the ballot in a county whose population is 45,000 or more (currently Carson City and Clark, Elko, Douglas, Lyon and Washoe Counties) by the board of county commissioners of the county or by the governing body of certain entities within the county, the board of county commissioners must appoint a committee of persons who favor approval of the measure and a committee of persons who oppose approval of the measure to prepare arguments advocating or opposing, respectively, approval of the measure for inclusion in the sample ballot. (NRS

27 295.121) Existing law imposes an identical requirement on the city council of any city whose
28 population is 15,000 or more (currently Boulder City, Carson City, Elko, Fernley, Henderson,
29 Las Vegas, Mesquite, North Las Vegas, Reno and Sparks). (NRS 295.217) **Sections 4 and 5**
30 of this bill: (1) apply these requirements to all counties and cities; and (2) clarify that the
31 requirement to appoint such committees applies when the question on the ballot is an advisory
32 question. **Sections 2-3.6 of this bill eliminate obsolete provisions regarding the provision**
33 **by the governing body of certain political subdivisions, public or quasi-public**
34 **corporations or certain other local agencies, of arguments for and against questions on**
35 **the ballot.**

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

1 **Section 1.** NRS 293.250 is hereby amended to read as follows:

2 293.250 1. Except as otherwise provided in chapter 293D of NRS, the
3 Secretary of State shall, in a manner consistent with the election laws of this State,
4 prescribe:

5 (a) The form of all ballots, absent ballots, diagrams, sample ballots,
6 certificates, notices, declarations, applications to register to vote, lists, applications,
7 registers, rosters, statements and abstracts required by the election laws of this
8 State.

9 (b) The procedures to be followed and the requirements of a system established
10 pursuant to NRS 293.506 for using a computer to register voters and to keep
11 records of registration.

12 2. Except as otherwise provided in chapter 293D of NRS, the Secretary of
13 State shall prescribe with respect to the matter to be printed on every kind of ballot:

14 (a) The placement and listing of all offices, candidates and measures upon
15 which voting is statewide, which must be uniform throughout the State.

16 (b) The listing of all other candidates required to file with the Secretary of
17 State, and the order of listing all offices, candidates and measures upon which
18 voting is not statewide, from which each county or city clerk shall prepare
19 appropriate ballot forms for use in any election in his or her county.

20 3. The Secretary of State shall place the condensation of each proposed
21 constitutional amendment or statewide measure near the spaces or devices for
22 indicating the voter's choice.

23 4. The fiscal note for, explanation of, arguments for and against, and rebuttals
24 to such arguments of each proposed constitutional amendment or statewide measure
25 must be included on all sample ballots.

26 5. The condensations and explanations for constitutional amendments and
27 statewide measures proposed by initiative or referendum must be prepared by the
28 Secretary of State, upon consultation with the Attorney General. The arguments and
29 rebuttals for or against constitutional amendments and statewide measures proposed
30 by initiative or referendum must be prepared in the manner set forth in NRS
31 293.252. The fiscal notes for constitutional amendments and statewide measures
32 proposed by initiative or referendum must be prepared by the Secretary of State,
33 upon consultation with the Fiscal Analysis Division of the Legislative Counsel
34 Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes
35 must be in easily understood language and of reasonable length, and whenever
36 feasible must be completed by August 1 of the year in which the general election is
37 to be held. ***The explanations must include a digest. The digest must include a***
38 ***concise and clear summary of any existing laws directly related to the***
39 ***constitutional amendment or statewide measure and a summary of how the***

constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 2. NRS 293.481 is hereby amended to read as follows:

293.481 1. Except as otherwise provided in subsection ~~12~~ 3, every governing body of a political subdivision, public or quasi-public corporation, or other local agency authorized by law to submit questions to the qualified electors or registered voters of a designated territory, when the governing body decides to submit a question:

(a) At a general election, shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election:

(1) A copy of the question, including an explanation of the question; and

(2) ~~Except as otherwise provided in NRS 295.121 or 295.217, arguments~~
~~for and against the question; and~~ ~~that are prepared pursuant to NRS 295.121 or 295.217, as applicable; and~~

~~(3)~~ A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

(b) At a primary election, shall provide to each county clerk within the designated territory on or before the second Friday after the first Monday in March preceding the election:

(1) A copy of the question, including an explanation of the question; and

(2) ~~Arguments for and against the question; and~~

~~(3)~~ A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

(c) At any election other than a primary or general election at which the county clerk gives notice of the election or otherwise performs duties in connection therewith other than the registration of electors and the making of records of registered voters available for the election, shall provide to each county clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question; and

(2) ~~Arguments for and against the question; and~~

~~(3)~~ A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

(d) At any city election at which the city clerk gives notice of the election or otherwise performs duties in connection therewith, shall provide to the city clerk at least 60 days before the election:

(1) A copy of the question, including an explanation of the question; and

(2) ~~Arguments for and against the question; and~~

1 ~~— (3)~~ A description of the anticipated financial effect on the local
2 government which, if the question is an advisory question that proposes a bond, tax,
3 fee or expense, must be prepared in accordance with subsection 4 of NRS 293.482.

4 2. *An explanation of a question required to be provided to a county clerk*
5 *pursuant to subsection 1 must be written in easily understood language and*
6 *include a digest. The digest must include a concise and clear summary of any*
7 *existing laws directly related to the measure proposed by the question and a*
8 *summary of how the measure proposed by the question adds to, changes or*
9 *repeals such existing laws. For a measure that creates, generates, increases or*
10 *decreases any public revenue in any form, the first paragraph of the digest must*
11 *include a statement that the measure creates, generates, increases or decreases,*
12 *as applicable, public revenue.*

13 3. A question may be submitted after the dates specified in subsection 1 if the
14 question is expressly privileged or required to be submitted pursuant to the
15 provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to
16 the provisions of chapter 295 of NRS or any other statute except NRS 293.482,
17 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the
18 governing body to issue bonds upon the approval of the voters.

19 ~~†~~ 4. A question that is submitted pursuant to subsection 1 may be
20 withdrawn if the governing body provides notification to each of the county or city
21 clerks within the designated territory of its decision to withdraw the particular
22 question on or before the same dates specified for submission pursuant to paragraph
23 (a), (b), (c) or (d) of subsection 1, as appropriate.

24 ~~†~~ 5. A county or city clerk:

25 (a) Shall assign a unique identification number to a question submitted
26 pursuant to this section; and

27 (b) May charge any political subdivision, public or quasi-public corporation, or
28 other local agency which submits a question a reasonable fee sufficient to pay for
29 the increased costs incurred in including the question, explanation, arguments and
30 description of the anticipated financial effect on the ballot.

31 **Sec. 3.** NRS 293.482 is hereby amended to read as follows:

32 293.482 1. The governing body of a county or city may, at any general
33 election or general city election, ask the advice of the registered voters within its
34 jurisdiction on any question which it has under consideration. No other political
35 subdivision, public or quasi-public corporation, or other local agency may ask the
36 advice of the registered voters within its jurisdiction on any question which it has
37 under consideration.

38 2. To place an advisory question on the ballot at a general election or general
39 city election, the governing body of a county or city must:

40 (a) Adopt a resolution that:

41 (1) Sets forth:

42 (I) The question, in language indicating clearly that the question is
43 advisory only. ~~†~~

44 (II) *An explanation of the question ~~†~~ that is written in easily*
45 *understood language and includes a digest. The digest must include a concise*
46 *and clear summary of any existing laws related to the measure proposed by the*
47 *question and a summary of how the measure proposed by the question adds to,*
48 *changes or repeals such existing laws. For a measure that creates, generates,*
49 *increases or decreases any public revenue in any form, the first paragraph of the*
50 *digest must include a statement that the measure creates, generates, increases or*
51 *decreases, as applicable, public revenue.*

(III) ~~{Except as otherwise provided in NRS 295.121 and 295.217, arguments} {Arguments for and against the question} {; and} {that are prepared pursuant to NRS 295.121 or 295.217, as applicable.}~~

(IV) A description of the anticipated financial effect on the local government which, if the question is an advisory question that proposes a bond, tax, fee or expense, must be prepared by the governing body in accordance with subsection 4. ~~{; and}~~

(2) States that the result of the voting on the question does not place any legal requirement on the governing body, any member of the governing body or any officer of the political subdivision. ~~{; and}~~

(b) Comply with the requirements of paragraph (a) or (d) of subsection 1 of NRS 293.481.

3. A governing body may, at any general election, ask the advice of the registered voters of part of its territory if:

(a) The advisory question to be submitted affects only that part of its territory; and

(b) The resolution adopted pursuant to subsection 2 sets forth the boundaries of the area in which the advice of the registered voters will be asked.

4. With respect to a description of the anticipated financial effect that is required in connection with an advisory question:

(a) If, in the advisory question, the governing body seeks advice on whether bonds should be issued, the description must include any information that is required by law to be included on the sample ballot pursuant to the provisions of law that govern the procedure for issuance of the applicable type of bond.

(b) If, in the advisory question, the governing body seeks advice on whether a limitation upon revenue from taxes ad valorem should be exceeded, the description must include any information that is required by law to be included on the sample ballot pursuant to the provisions of law that govern the procedure for exceeding that limitation.

(c) If, in the advisory question, the governing body seeks advice on whether a tax other than a property tax described in paragraph (b) should be levied, the description must:

(1) Identify the average annual cost that is expected to be incurred by the affected taxpayers if the tax were to be levied;

(2) Specify the period over which the tax is proposed to be levied;

(3) Disclose whether, in connection with the levy of the tax, revenue bonds are to be sold which will be backed by the full faith and credit of the assessed value of the applicable local government; and

(4) If applicable, specify whether, in connection with or following the levy of the tax, additional expenses are expected to be incurred to pay for the operation or maintenance of any program or service to be provided from the proceeds of the tax or to pay for the operation or maintenance of any building, equipment, facility, machinery, property, structure, vehicle or other thing of value to be purchased, improved or repaired with the proceeds of the tax.

(d) If, in the advisory question, the governing body seeks advice on whether a fee should be imposed, the description must:

(1) Identify the average annual cost that is expected to be incurred by the affected users if the fee were to be imposed;

(2) Specify the period over which the fee is proposed to be imposed; and

(3) If applicable, specify whether, in connection with or following the imposition of the fee, additional expenses are expected to be incurred to pay for the program or service to be provided from the proceeds of the fee or to pay for the operation or maintenance of any building, equipment, facility, machinery, property,

1 structure, vehicle or other thing of value to be purchased, improved or repaired with
2 the proceeds of the fee.

3 (e) If, in the advisory question, the governing body seeks advice on whether
4 the applicable local government should incur an expense, the description must:

5 (1) Identify the source of revenue that will be used to pay the expense;

6 (2) Disclose whether it is expected that the incurring of the expense will
7 require the levy or imposition of a new tax or fee or the increase of an existing tax
8 or fee; and

9 (3) If a tax or fee is proposed to be levied or imposed or increased to pay
10 the expense, contain the information required pursuant to paragraph (c) or (d), as
11 applicable.

12 5. On the sample ballot for the general election or general city election, each
13 advisory question must appear:

14 (a) With a title in substantially the following form: "Advisory Ballot Question
15 No."; and

16 (b) With its explanation, arguments and description of the anticipated financial
17 effect.

18 6. The Committee on Local Government Finance shall prepare sample
19 advisory ballot questions to demonstrate, for each situation enumerated in
20 paragraphs (a) to (e), inclusive, of subsection 4, examples of the manner in which
21 descriptions of the anticipated financial effect should be prepared.

22 **Sec. 3.3. NRS 293.565 is hereby amended to read as follows:**

23 293.565 1. Except as otherwise provided in subsection 3, sample ballots
24 must include:

25 (a) If applicable, the statement required by NRS 293.267;

26 (b) The fiscal note or description of anticipated financial effect, as provided
27 pursuant to NRS 218D.810, 293.250, 293.481, 293.482, 295.015 or 295.095 for
28 each proposed constitutional amendment, statewide measure, measure to be voted
29 upon only by a special district or political subdivision and advisory question;

30 (c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481,
31 293.482 or 295.121, of each proposed constitutional amendment, statewide
32 measure, measure to be voted upon only by a special district or political subdivision
33 and advisory question;

34 (d) Arguments for and against each proposed constitutional amendment,
35 statewide measure, measure to be voted upon only by a special district or political
36 subdivision and advisory question, and rebuttals to each argument, as provided
37 pursuant to NRS 218D.810, 293.250, 293.252, ~~293.481, 293.482~~ or 295.121; and

38 (e) The full text of each proposed constitutional amendment.

39 2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent"
40 must appear on the ballot next to the name of the candidate who is the incumbent,
41 the word "Incumbent" must appear on the sample ballot next to the name of the
42 candidate who is the incumbent.

43 3. Sample ballots that are mailed to registered voters may be printed without
44 the full text of each proposed constitutional amendment if:

45 (a) The cost of printing the sample ballots would be significantly reduced if the
46 full text of each proposed constitutional amendment were not included;

47 (b) The county clerk ensures that a sample ballot that includes the full text of
48 each proposed constitutional amendment is provided at no charge to each registered
49 voter who requests such a sample ballot; and

50 (c) The sample ballots provided to each polling place include the full text of
51 each proposed constitutional amendment.

52 4. Before the period for early voting for any election begins, the county clerk
53 shall cause to be mailed to each registered voter in the county a sample ballot for

his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

5. Except as otherwise provided in subsection 6, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

6. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

7. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

8. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots mailed to that person from the county are in large type.

9. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

10. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 3.6. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. Before the period for early voting for any election begins, the city clerk shall cause to be mailed to each registered voter in the city a sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

2. Except as otherwise provided in subsection 4, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS ~~293.481, 293.482,~~ 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

4. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

5. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

6. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots mailed to that person from the city are in large type.

7. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

8. The cost of mailing sample ballots for a city election must be borne by the city holding the election.

Sec. 4. NRS 295.121 is hereby amended to read as follows:

295.121 1. ~~In a county whose population is 45,000 or more, for~~ **For** each initiative, referendum, **advisory question** or other question to be placed on the ballot by:

(a) The board, including, without limitation, pursuant to NRS 293.482, 295.115 or 295.160;

(b) The governing body of a school district, public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the county; or

(c) A metropolitan police committee on fiscal affairs authorized by law to submit questions to some or all of the qualified electors or registered voters of the county,

the board shall, in consultation with the county clerk pursuant to subsection 5, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the county clerk pursuant to subsection 5, the board is unable to appoint three persons who are willing to serve on a committee, the board may appoint fewer than three persons to that committee, but the board must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The county clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The county clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the board appoints a committee pursuant to this section, the county clerk shall:

(a) Recommend to the board persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the board ~~of a county whose population is 45,000 or more~~ fails to appoint a committee as required pursuant to this section, the county clerk shall, in consultation with the district attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the county clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.

7. A committee appointed pursuant to this section:

(a) Shall elect a chair for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The anticipated financial effect of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the county clerk not later than the date prescribed by the county clerk pursuant to subsection 8.

8. The county clerk ~~for a county whose population is 45,000 or more~~ shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the county clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the county clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that the county clerk believes is libelous or factually inaccurate.

➤ The decision of the county clerk to reject a statement pursuant to this subsection is a final decision for purposes of judicial review. Not later than 5 days after the county clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection by filing a complaint in district court. The court shall set the matter for hearing not later than 3 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.

10. The county clerk shall place in the sample ballot provided to the registered voters of the county each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The county clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. ~~In a county whose population is less than 45,000:~~

~~—(a) The board may appoint committees pursuant to this section.~~

~~—(b) If the board appoints committees pursuant to this section, the county clerk shall provide for rules or regulations pursuant to subsection 8.~~

~~—12.1~~ Except as otherwise provided in this subsection, if a question is to be placed on the ballot by an entity described in paragraph (b) or (c) of subsection 1, the entity must provide a copy and explanation of the question to the county clerk at

1 least 30 days earlier than the date required for the submission of such documents
2 pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a
3 question if the date that the question must be submitted to the county clerk is
4 governed by subsection ~~12~~ 3 of NRS 293.481.

5 ~~12~~ 12. The provisions of chapter 241 of NRS do not apply to any
6 consultations, deliberations, hearings or meetings conducted pursuant to this
7 section.

8 **Sec. 5.** NRS 295.217 is hereby amended to read as follows:

9 295.217 1. ~~In a city whose population is 15,000 or more, for~~ For each
10 initiative, referendum, *advisory question* or other question to be placed on the
11 ballot by the:

12 (a) Council, including, without limitation, pursuant to NRS 293.482 or
13 295.215; or

14 (b) Governing body of a public library or water district authorized by law to
15 submit questions to some or all of the qualified electors or registered voters of the
16 city,

17 the council shall, in consultation pursuant to subsection 5 with the city clerk or
18 other city officer authorized to perform the duties of the city clerk, appoint two
19 committees. Except as otherwise provided in subsection 2, one committee must be
20 composed of three persons who favor approval by the voters of the initiative,
21 referendum or other question and the other committee must be composed of three
22 persons who oppose approval by the voters of the initiative, referendum or other
23 question.

24 2. If, after consulting with the city clerk pursuant to subsection 5, the council
25 is unable to appoint three persons willing to serve on a committee, the council may
26 appoint fewer than three persons to that committee, but the council must appoint at
27 least one person to each committee appointed pursuant to this section.

28 3. With respect to a committee appointed pursuant to this section:

29 (a) A person may not serve simultaneously on the committee that favors
30 approval by the voters of an initiative, referendum or other question and the
31 committee that opposes approval by the voters of that initiative, referendum or
32 other question.

33 (b) Members of the committee serve without compensation.

34 (c) The term of office for each member commences upon appointment and
35 expires upon the publication of the sample ballot containing the initiative,
36 referendum or other question.

37 4. The city clerk may establish and maintain a list of the persons who have
38 expressed an interest in serving on a committee appointed pursuant to this section.
39 The city clerk, after exercising due diligence to locate persons who favor approval
40 by the voters of an initiative, referendum or other question to be placed on the
41 ballot or who oppose approval by the voters of an initiative, referendum or other
42 question to be placed on the ballot, may use the names on a list established pursuant
43 to this subsection to:

44 (a) Make recommendations pursuant to subsection 5; and

45 (b) Appoint members to a committee pursuant to subsection 6.

46 5. Before the council appoints a committee pursuant to this section, the city
47 clerk shall:

48 (a) Recommend to the council persons to be appointed to the committee; and

49 (b) Consider recommending pursuant to paragraph (a):

50 (1) Any person who has expressed an interest in serving on the committee;
51 and

52 (2) A person who is a member of an organization that has expressed an
53 interest in having a member of the organization serve on the committee.

6. If the council ~~for a city whose population is 15,000 or more~~ fails to appoint a committee as required pursuant to this section, the city clerk shall, in consultation with the city attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the city clerk pursuant to subsection 8. The city clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.

7. A committee appointed pursuant to this section:

(a) Shall elect a chair for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The anticipated financial effect of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the city clerk not later than the date prescribed by the city clerk pursuant to subsection 8.

8. The city clerk ~~for a city whose population is 15,000 or more~~ shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the city clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the city clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that the city clerk believes is libelous or factually inaccurate.

➤ The decision of the city clerk to reject a statement pursuant to this subsection is a final decision for purposes of judicial review. Not later than 5 days after the city clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection by filing a complaint in district court. The court shall set the matter for hearing not later than 3 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.

10. The city clerk shall place in the sample ballot provided to the registered voters of the city each argument and rebuttal prepared pursuant to this section,

1 containing all statements that were not rejected pursuant to subsection 9. The city
2 clerk may revise the language submitted by the committee so that it is clear, concise
3 and suitable for incorporation in the sample ballot, but shall not alter the meaning
4 or effect without the consent of the committee.

5 11. ~~In a city whose population is less than 15,000:~~

6 ~~—(a) The council may appoint committees pursuant to this section.~~

7 ~~—(b) If the council appoints committees pursuant to this section, the city clerk~~
8 ~~shall provide for rules or regulations pursuant to subsection 8.~~

9 ~~12.~~ If a question is to be placed on the ballot by an entity described in
10 paragraph (b) of subsection 1, the entity must provide a copy and explanation of the
11 question to the city clerk at least 30 days earlier than the date required for the
12 submission of such documents pursuant to subsection 1 of NRS 293.481. This
13 subsection does not apply to a question if the date that the question must be
14 submitted to the city clerk is governed by subsection ~~12~~ 3 of NRS 293.481.

15 **Sec. 6.** NRS 218D.810 is hereby amended to read as follows:

16 218D.810 1. As used in this section, “first committee of reference” means
17 the committee to which a bill or joint resolution was first referred in the House in
18 which it was introduced.

19 2. Upon request from the first committee of reference, the Legal, Research
20 and Fiscal Analysis Divisions shall prepare, for any proposed constitutional
21 amendment or statewide measure which, if approved by the Legislature, would be
22 submitted to a vote of the people:

23 (a) A condensation of the proposal into a question to be placed on the ballot;

24 (b) An explanation of the proposal, including arguments for and against the
25 proposal;

26 (c) If the Legislature rejects a statewide measure proposed by initiative,
27 proposes a different measure on the same subject which the Governor approves and
28 includes the measure on the ballot with the statewide measure proposed by
29 initiative, rebuttals to each argument for and against the proposal; and

30 (d) A fiscal note for the proposal, including an explanation of any anticipated
31 financial effects on state and local governments.

32 3. The condensation, explanation, arguments, rebuttals and fiscal note must be
33 of reasonable length and written in easily understood language. *The explanation*
34 *must include a digest. The digest must include a concise and clear summary of*
35 *any existing laws directly relating to the constitutional amendment or statewide*
36 *measure and a summary of how the constitutional amendment or statewide*
37 *measure adds to, changes or repeals such existing laws. For a constitutional*
38 *amendment or statewide measure that creates, generates, increases or decreases*
39 *any public revenue in any form, the first paragraph of the digest must include a*
40 *statement that the constitutional amendment or statewide measure creates,*
41 *generates, increases or decreases, as applicable, public revenue.*

42 4. After the bill or joint resolution has been approved by both Houses, the first
43 committee of reference shall request the preparation of the condensation,
44 explanation, arguments, rebuttals and fiscal note, if it has not already done so, and
45 shall review the draft and approve such changes as it deems necessary.

46 5. The first committee of reference shall submit the condensation,
47 explanation, arguments, rebuttals and fiscal note, in the form of a simple resolution,
48 to the members of the House in which the proposed constitutional amendment or
49 statewide measure was introduced. After that resolution is approved, it must be
50 entered in the journal in its entirety and the enrolled resolution delivered to the
51 Secretary of State to accompany the bill or joint resolution to which it relates.

52 6. If the Legislature adjourns before the procedures set forth in subsections 4
53 and 5 have been completed, the Legislative Commission shall review, revise and

1 approve the condensation, explanation, arguments, rebuttals and fiscal note for
2 delivery to the Secretary of State on or before July 1 of the year in which the
3 general election is to be held.

4 7. In the case of a joint resolution which proposes a constitutional
5 amendment, the condensation, explanation, arguments, rebuttals and fiscal note
6 must be treated in the same manner when the proposal is before the Legislature for
7 its second approval as when the proposal was first approved.

8 8. The Legislative Counsel Bureau shall distribute copies of the
9 condensations, explanations, arguments, rebuttals and fiscal notes to Legislators,
10 public libraries, newspapers and broadcasters.

11 **Sec. 7.** This act becomes effective on July 1, 2013.