

SENATE BILL NO. 19—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE WASHOE COUNTY SCHOOL DISTRICT)

PREFILED DECEMBER 20, 2014

Referred to Committee on Legislative Operations and Elections

SUMMARY—Authorizes the board of trustees of a school district to place an advisory question on the ballot at a general election. (BDR 24-477)

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; authorizing the board of trustees of a school district to place one advisory question on the ballot at a general election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the governing body of a county or city to submit an
2 advisory question to the voters of the county or city. (NRS 295.230) **Section 3** of
3 this bill authorizes the board of trustees of a school district to submit one advisory
4 question to the voters within its jurisdiction at a general election. **Sections 1 and 2**
5 of this bill make conforming changes.
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 293.481 is hereby amended to read as follows:
2 293.481 1. Except as otherwise provided in subsection 3,
3 every governing body of a political subdivision, public or quasi-
4 public corporation, or other local agency authorized by law to
5 submit questions to the qualified electors or registered voters of a
6 designated territory, when the governing body decides to submit a
7 question:



* S B 1 9 R 1 *

(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) 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~~ 5 of NRS 295.230.

(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) 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~~ 5 of NRS 295.230.

(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) 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~~ 5 of NRS 295.230.

(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) 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~~ 5 of NRS 295.230.

2. An explanation of a question required to be provided to a county clerk pursuant to subsection 1 must be written in easily understood language and include a digest. The digest must include a concise and clear summary of any existing laws directly related to the measure proposed by the question and a summary of how the measure proposed by the question adds to, changes or repeals such



existing laws. For a 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 measure creates, generates, increases or decreases, as applicable, public revenue.

3. A question may be submitted after the dates specified in subsection 1 if the question is expressly privileged or required to be submitted pursuant to the provisions of Article 19 of the Constitution of the State of Nevada, or pursuant to the provisions of chapter 295 of NRS or any other statute except NRS 295.230, 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that authorizes the governing body to issue bonds upon the approval of the voters.

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

5. A county or city clerk:

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

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

Sec. 2. NRS 295.121 is hereby amended to read as follows:

295.121 1. 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 295.115, 295.160 or 295.230;

(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) *The governing body of a school district, including, without limitation, pursuant to NRS 295.230; or*

(d) 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



1 persons who oppose approval by the voters of the initiative,
2 referendum or other question.

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

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

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

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

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

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

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

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

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

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

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

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

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

38 6. If the board fails to appoint a committee as required pursuant
39 to this section, the county clerk shall, in consultation with the
40 district attorney, prepare an argument advocating approval by the
41 voters of the initiative, referendum or other question and an
42 argument opposing approval by the voters of the initiative,
43 referendum or other question. Each argument prepared by the
44 county clerk must satisfy the requirements of paragraph (f) of
45 subsection 7 and any rules or regulations adopted by the county



1 clerk pursuant to subsection 8. The county clerk shall not prepare
2 the rebuttal of the arguments required pursuant to paragraph (e) of
3 subsection 7.

4 7. A committee appointed pursuant to this section:

5 (a) Shall elect a chair for the committee;

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

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

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

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

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

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

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

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

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

27 8. The county clerk shall provide, by rule or regulation:

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

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

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

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

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

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



1 for hearing not later than 3 days after the complaint is filed and shall
2 give priority to such a complaint over all other matters pending with
3 the court, except for criminal proceedings.

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

11 11. Except as otherwise provided in this subsection, if a
12 question is to be placed on the ballot by an entity described in
13 paragraph (b) , ~~for~~ (c) *or (d)* of subsection 1, the entity must
14 provide a copy and explanation of the question to the county clerk at
15 least 30 days earlier than the date required for the submission of
16 such documents pursuant to subsection 1 of NRS 293.481. This
17 subsection does not apply to a question if the date that the question
18 must be submitted to the county clerk is governed by subsection 3 of
19 NRS 293.481.

20 12. The provisions of chapter 241 of NRS do not apply to any
21 consultations, deliberations, hearings or meetings conducted
22 pursuant to this section.

23 **Sec. 3.** NRS 295.230 is hereby amended to read as follows:

24 295.230 1. The governing body of a county or city may, at
25 any general election or general city election, ask the advice of the
26 registered voters within its jurisdiction on any question which it has
27 under consideration. ~~No~~ *Except as otherwise provided in*
28 *subsection 2, no* other political subdivision, public or quasi-public
29 corporation, or other local agency may ask the advice of the
30 registered voters within its jurisdiction on any question which it has
31 under consideration.

32 2. *The governing body of a school district may, at any general*
33 *election, ask the advice of the registered voters within its*
34 *jurisdiction on one question which it has under consideration.*

35 3. To place an advisory question on the ballot ~~at a general~~
36 ~~election or general city election,~~ *pursuant to subsection 1 or 2,* the
37 governing body of a county , ~~for~~ city *or school district, as*
38 *applicable,* must:

39 (a) Adopt a resolution that:

40 (1) Sets forth:

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

43 (II) An explanation of the question that is written in easily
44 understood language and includes a digest. The digest must include
45 a concise and clear summary of any existing laws related to the



measure proposed by the question and a summary of how the measure proposed by the question adds to, changes or repeals such existing laws. For a 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 measure creates, generates, increases or decreases, as applicable, public revenue.

(III) 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 *of the county, city or school district, as applicable*, in accordance with subsection ~~f4.1~~ 5.

(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~~ *local government*.

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

~~f3.1~~ 4. 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 ~~f2.1~~ 3 sets forth the boundaries of the area in which the advice of the registered voters will be asked.

~~f4.1~~ 5. 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, structure, vehicle or other thing of value to be purchased, improved or repaired with the proceeds of the fee.

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

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

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

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

~~15.1~~ **6.** On the sample ballot for the general election or general city election, each advisory question must appear:

(a) With a title in substantially the following form: “Advisory Ballot Question No.”; and

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

~~16.1~~ **7.** The Committee on Local Government Finance shall prepare sample advisory ballot questions to demonstrate, for each situation enumerated in paragraphs (a) to (e), inclusive, of



1 subsection ~~4.~~ 5, examples of the manner in which descriptions of
2 the anticipated financial effect should be prepared.

3 **Sec. 4.** This act becomes effective on July 1, 2015.

