

SENATE BILL NO. 256—SENATOR KIECKHEFER

MARCH 16, 2021

Referred to Committee on Legislative Operations and Elections

**SUMMARY**—Requires the Secretary of State to establish a system for the electronic circulation and signing of petitions for initiative or referendum. (BDR 24-126)

**FISCAL NOTE:** Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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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 Secretary of State to establish a system for electronically circulating and signing a petition for initiative or referendum; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, a petition for initiative or referendum must be circulated  
2 and signed in person. (NRS 295.0575, 295.095, 295.140, 295.205) **Section 7** of this  
3 bill requires the Secretary of State to establish a system for petitions for initiative or  
4 referendum by which: (1) a person may circulate electronically a petition for  
5 initiative or referendum; and (2) a registered voter may sign such a petition using  
6 his or her digital or electronic signature. **Section 7** also requires the Secretary of  
7 State to prescribe the method by which a digital or electronic signature must be  
8 verified. **Sections 8-14** of this bill make conforming changes to reflect that petitions  
9 for initiative or referendum may be circulated and signed electronically.

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

1 **Section 1.** NRS 293.1277 is hereby amended to read as  
2 follows:  
3 293.1277 1. If the Secretary of State finds that the total  
4 number of signatures submitted to all the county clerks is 100  
5 percent or more of the number of registered voters needed to declare  
6 the petition sufficient, the Secretary of State shall immediately so  
7 notify the county clerks. After the notification, each of the county  
8 clerks shall determine the number of registered voters who have



\* S B 2 5 6 \*

1 signed the documents submitted in the county clerk's county and, in  
2 the case of a petition for initiative or referendum proposing a  
3 constitutional amendment or statewide measure, shall tally the  
4 number of signatures for each petition district contained or fully  
5 contained within the county clerk's county. This determination must  
6 be completed within 9 days, excluding Saturdays, Sundays and  
7 holidays, after the notification pursuant to this subsection regarding  
8 a petition containing signatures which are required to be verified  
9 pursuant to NRS 293.128, 295.056, 298.109 or 306.110, within 20  
10 days, excluding Saturdays, Sundays and holidays, after the  
11 notification pursuant to this subsection regarding a petition  
12 containing signatures which are required to be verified pursuant to  
13 NRS 306.035, and within 3 days, excluding Saturdays, Sundays and  
14 holidays, after the notification pursuant to this subsection regarding  
15 a petition containing signatures which are required to be verified  
16 pursuant to NRS 293.172 or 293.200. For the purpose of verification  
17 pursuant to this section, the county clerk shall not include in his or  
18 her tally of total signatures any signature included in the incorrect  
19 petition district.

20 2. Except as otherwise provided in subsections 3 and 4, if more  
21 than 500 names have been signed on the documents submitted to a  
22 county clerk, the county clerk shall examine the signatures by  
23 sampling them at random for verification. The random sample of  
24 signatures to be verified must be drawn in such a manner that every  
25 signature which has been submitted to the county clerk is given an  
26 equal opportunity to be included in the sample. The sample must  
27 include an examination of:

28 (a) Except as otherwise provided in paragraph (b), at least 500  
29 or 5 percent of the signatures, whichever is greater.

30 (b) If the petition is for the recall of a public officer who holds a  
31 statewide office, at least 25 percent of the signatures.

32 ➡ If documents were submitted to the county clerk for more than  
33 one petition district wholly contained within that county, a separate  
34 random sample must be performed for each petition district.

35 3. If a petition district comprises more than one county and the  
36 petition is for an initiative or referendum proposing a constitutional  
37 amendment or a statewide measure, and if more than 500 names  
38 have been signed on the documents submitted for that petition  
39 district, the appropriate county clerks shall examine the signatures  
40 by sampling them at random for verification. The random sample of  
41 signatures to be verified must be drawn in such a manner that every  
42 signature which has been submitted to the county clerks within the  
43 petition district is given an equal opportunity to be included in the  
44 sample. The sample must include an examination of at least 500 or 5  
45 percent of the signatures presented in the petition district, whichever



1 is greater. The Secretary of State shall determine the number of  
2 signatures that must be verified by each county clerk within the  
3 petition district.

4 4. If a petition is for the recall of a public officer who does not  
5 hold a statewide office, each county clerk:

6 (a) Shall not examine the signatures by sampling them at  
7 random for verification;

8 (b) Shall examine for verification every signature on the  
9 documents submitted to the county clerk; and

10 (c) When determining the total number of valid signatures on  
11 the documents, shall remove each name of a registered voter who  
12 submitted a request to have his or her name removed from the  
13 petition pursuant to NRS 306.015.

14 5. In determining from the records of registration the number  
15 of registered voters who signed the documents, the county clerk may  
16 use the signatures contained in the file of applications to register to  
17 vote. If the county clerk uses that file, the county clerk shall ensure  
18 that every application in the file is examined, including any  
19 application in his or her possession which may not yet be entered  
20 into the county clerk's records. Except as otherwise provided in  
21 subsection 6, the county clerk shall rely only on the appearance of  
22 the signature and the address and date included with each signature  
23 in making his or her determination.

24 6. If:

25 (a) Pursuant to NRS 293.506, a county clerk establishes a  
26 system to allow persons to register to vote by computer;

27 (b) A person registers to vote using the system established by  
28 the Secretary of State pursuant to NRS 293.671;

29 (c) A person registers to vote pursuant to NRS 293D.230 and  
30 signs his or her application to register to vote using a digital  
31 signature or an electronic signature; ~~for~~

32 (d) A person registers to vote pursuant to NRS 293.5742 ~~H~~; or

33 *(e) A person signs a petition for initiative or referendum using*  
34 *a digital signature or electronic signature,*

35 *the county clerk may rely on such other indicia as prescribed by*  
36 *the Secretary of State in making his or her determination.*

37 7. In the case of a petition for initiative or referendum  
38 proposing a constitutional amendment or statewide measure, when  
39 the county clerk is determining the number of registered voters who  
40 signed the documents from each petition district contained fully or  
41 partially within the county clerk's county, he or she must use the  
42 statewide voter registration list available pursuant to NRS 293.675.

43 8. Except as otherwise provided in subsection 10, upon  
44 completing the examination, the county clerk shall immediately  
45 attach to the documents a certificate properly dated, showing the



1 result of the examination, including the tally of signatures by  
2 petition district, if required, and transmit the documents with the  
3 certificate to the Secretary of State. In the case of a petition for  
4 initiative or referendum proposing a constitutional amendment or  
5 statewide measure, if a petition district comprises more than one  
6 county, the appropriate county clerks shall comply with the  
7 regulations adopted by the Secretary of State pursuant to this section  
8 to complete the certificate. A copy of this certificate must be filed in  
9 the clerk's office. When the county clerk transmits the certificate to  
10 the Secretary of State, the county clerk shall notify the Secretary of  
11 State of the number of requests to remove a name received by the  
12 county clerk pursuant to NRS 295.055 or pursuant to NRS 306.015  
13 for a petition to recall a public officer who holds a statewide office,  
14 if applicable.

15 9. A person who submits a petition to the county clerk which is  
16 required to be verified pursuant to NRS 293.128, 293.172, 293.200,  
17 295.056, 298.109, 306.035 or 306.110 must be allowed to witness  
18 the verification of the signatures. A public officer who is the subject  
19 of a recall petition must also be allowed to witness the verification  
20 of the signatures on the petition.

21 10. For any petition containing signatures which are required to  
22 be verified pursuant to the provisions of NRS 293.200, 306.035 or  
23 306.110 for any county, district or municipal office within one  
24 county, the county clerk shall not transmit to the Secretary of State  
25 the documents containing the signatures of the registered voters.

26 11. The Secretary of State shall by regulation establish further  
27 procedures for carrying out the provisions of this section.

28 **Sec. 2.** Chapter 295 of NRS is hereby amended by adding  
29 thereto the provisions set forth as sections 3 to 7, inclusive, of this  
30 act.

31 **Sec. 3.** *As used in this chapter, unless the context otherwise*  
32 *requires, the words and terms defined in sections 4, 5 and 6 of this*  
33 *act, have the meanings ascribed to them in those sections.*

34 **Sec. 4.** *"Digital signature" has the meaning ascribed to it in*  
35 *NRS 720.060.*

36 **Sec. 5.** *"Electronic signature" has the meaning ascribed to it*  
37 *in NRS 719.100.*

38 **Sec. 6.** *"Signature" includes a digital signature and an*  
39 *electronic signature.*

40 **Sec. 7. 1.** *The Secretary of State shall establish a system for*  
41 *petitions for initiative and referendum described in this chapter by*  
42 *which:*

43 *(a) A person may circulate electronically a petition for*  
44 *initiative or referendum; and*



(b) A registered voter may sign a petition for initiative or referendum using his or her digital signature or electronic signature.

2. The Secretary of State shall prescribe by regulation the method by which a digital signature or electronic signature on a petition for initiative or referendum must be verified.

**Sec. 8.** NRS 295.055 is hereby amended to read as follows:

295.055 1. The Secretary of State shall by regulation specify:

(a) The *in-person and digital or electronic* format for the signatures on a petition for ~~an~~ initiative or referendum and make free specimens of the format available upon request. The regulations must ensure that the format includes, without limitation, that:

(1) In addition to signing the petition, a person who signs a petition:

(I) Shall print *or type* the person's given name followed by the person's surname on the petition before the person's signature; and

(II) Must indicate the petition district in which the person resides, if known.

(2) Each signature must be dated.

(b) The manner of fastening together several sheets circulated by one person to constitute a single document.

2. The registered voter may consult the list of the registered voters in this State posted on the website maintained by the Secretary of State pursuant to subsection 1 of NRS 293.4687 to determine the petition district in which the registered voter resides. The registered voter may rely on the information contained in the list when the registered voter indicates the appropriate petition district, unless the registered voter believes that the information is inaccurate.

3. Each document of the petition must bear the name of a petition district, and only registered voters of that petition district may sign the document.

4. A person who signs a petition may request that the county clerk remove the person's name from the petition by transmitting a request in writing to the county clerk at any time before the petition is filed with the county clerk.

**Sec. 9.** NRS 295.0575 is hereby amended to read as follows:

295.0575 A petition for a constitutional amendment or a petition for a statewide measure proposed by ~~an~~ initiative or 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 the circulator personally *or electronically, as applicable*, circulated the document.



2. The contact information of the circulator, including, without limitation, the street address of the residence where the circulator actually resides, unless a street address has not been assigned. If a street address has not been assigned, the document must contain the mailing address of the circulator.

3. That the circulator is 18 years of age or older.

4. The number of signatures thereon.

5. That all the signatures were affixed in the circulator's presence ~~in~~ *or electronically, as applicable.*

6. 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. 10.** 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 the county clerk's Internet website, if the county clerk 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 ~~or~~ *or electronically*, be preceded by the printed *or typed* 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 the person signed the petition. All signatures on a petition must be obtained within the period specified in subsection 5. Each document must contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

7. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

- (a) That the circulator personally circulated the document;
- (b) The number of signatures thereon;
- (c) That all the signatures were affixed in the circulator's presence *or electronically, as applicable*; and
- (d) That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

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

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

**Sec. 11.** NRS 295.140 is hereby amended to read as follows:

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

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



3. 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 ~~or~~ *or electronically*, be preceded by the printed *or typed* 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 the person signed the petition. Each document must contain, or have attached thereto throughout its circulation, the full text of the act or resolution on which the referendum is demanded.

4. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

(a) That the circulator personally *or electronically, as applicable*, circulated the document;

(b) The number of signatures thereon;

(c) That all the signatures were affixed in the circulator's presence *or electronically, as applicable*;

(d) That the circulator believes them to be genuine signatures of the persons whose names they purport to be; and

(e) That each signer had an opportunity before signing to read the full text of the act or resolution on which the referendum is demanded.

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

(a) Documents included in the petition;

(b) Pages in each document; and

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

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

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

8. A final determination as to the sufficiency of a petition is subject to judicial review. If the final determination is challenged 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. A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

**Sec. 12.** NRS 295.150 is hereby amended to read as follows:

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

2. The voter making the verification shall swear, on 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 or her presence  *or electronically, as applicable.*

**Sec. 13.** 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 the city clerk's Internet website, if the city clerk 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, ~~for~~ indelible pencil ~~or~~ *or electronically*, be preceded by the printed *or typed* 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 the person signed the petition. All signatures on a petition must be obtained within the period specified in subsection 5. Each document must contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

7. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

(a) That the circulator personally *or electronically, as applicable*, circulated the document;

(b) The number of signatures thereon;

(c) That all the signatures were affixed in the circulator's presence *or electronically, as applicable; and*

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

8. The city clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

(a) Documents included in the petition;

(b) Pages in each document; and

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

**Sec. 14.** NRS 295.260 is hereby amended to read as follows:

295.260 1. If the total number of signatures on the petition is 500 or less, the county or city clerk shall examine every signature on the petition for verification.

2. Except as otherwise provided in this subsection, if the total number of signatures on the petition is more than 500, the county or city clerk shall examine the signatures only by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county or city clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500, or 5 percent, of the signatures, whichever is greater. If the examination of the random sample shows that the number of valid signatures is less than 90 percent of



1 the number of signatures of registered voters needed to certify the  
2 petition sufficient, the petition must be certified insufficient  
3 pursuant to subsection ~~[5.]~~ 6. If the examination of the random  
4 sample shows that the number of valid signatures is 90 percent or  
5 more but less than 100 percent of the number of signatures of  
6 registered voters needed to certify the petition sufficient, the county  
7 or city clerk shall continue to examine the signatures for verification  
8 until he or she has:

9 (a) Determined that 100 percent of the number of signatures of  
10 registered voters needed to certify the petition sufficient are valid; or

11 (b) Examined every signature for verification.

12 3. In determining from the records of registration the number  
13 of registered voters who have signed the petition, and in examining  
14 the signatures on the petition for verification, the county or city  
15 clerk may use any file or list of registered voters maintained by his  
16 or her office or facsimiles of the signatures of voters. If the county  
17 or city clerk uses the file of applications to register to vote, he or she  
18 shall ensure that every application in the file is examined, including  
19 any application in his or her possession which may not yet be  
20 entered into his or her records. ~~[The]~~ *Except as otherwise provided*  
21 *in subsection 4, the* county or city clerk may rely on the appearance  
22 of the signature, and the address and date included with each  
23 signature, in making the determination. Notwithstanding the  
24 provisions of this subsection, a petition must not be certified  
25 insufficient for lack of the required number of valid signatures if, in  
26 the absence of other proof of disqualification, any signature on the  
27 face thereof does not exactly correspond with the signature  
28 appearing on the file or list of registered voters used by the county  
29 or city clerk and the identity of the signer can be ascertained from  
30 the face of the petition.

31 4. *If a person signs a petition for initiative or referendum*  
32 *using a digital signature or electronic signature, the county clerk*  
33 *may rely on such other indicia as prescribed by the Secretary of*  
34 *State in making his or her determination.*

35 5. If necessary, the board of county commissioners or the  
36 governing body of the city shall allow the county or city clerk  
37 additional assistants for examining the signatures and provide for  
38 their compensation.

39 ~~[5.]~~ 6. If, pursuant to the examination of signatures for  
40 verification as required by this section, the number of valid  
41 signatures is:

42 (a) One hundred percent or more of the number of signatures of  
43 registered voters needed to certify the petition sufficient, the petition  
44 must be certified sufficient.



(b) Less than 100 percent of the number of signatures of registered voters needed to certify the petition sufficient, the petition must be certified insufficient.

**Sec. 15.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2022, for all other purposes.

