

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; 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:

1 Existing law requires, for every constitutional amendment or other statewide
2 measure submitted to a vote of the people, a condensation and explanation of the
3 measure to be prepared for inclusion with the ballot. The condensation and
4 explanation must be written in easily understood language and be of reasonable
5 length. (NRS 218D.810, 293.250) **Sections 1 and 6** of this bill require the
6 explanation to also include a digest that provides a concise and clear summary of
7 any existing laws directly related to the measure and a summary of how the
8 measure adds to, changes or repeals such existing laws.

9 Existing law authorizes the governing body of a political subdivision to submit
10 a ballot question to the voters of the political subdivision and the governing body of
11 a city or county to submit an advisory question to the voters of the city or county.
12 In both cases, the governing body must provide an explanation of the question.
13 (NRS 293.481, 293.482) **Sections 2 and 3** of this bill require the explanation to be
14 written in easily understood language and to include a digest. The digest must
15 include a clear and concise summary of any existing laws directly related to the
16 question and a summary of how the question adds to, changes or repeals such
17 existing laws.

18 Under existing law, if an initiative, referendum or other question is placed on
19 the ballot in a county whose population is 45,000 or more (currently Carson City



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20 and Clark, Elko, Douglas, Lyon and Washoe Counties) by the board of county
21 commissioners of the county or by the governing body of certain entities within the
22 county, the board of county commissioners must appoint a committee of persons
23 who favor approval of the measure and a committee of persons who oppose
24 approval of the measure to prepare arguments advocating or opposing, respectively,
25 approval of the measure for inclusion in the sample ballot. (NRS 295.121) Existing
26 law imposes an identical requirement on the city council of any city whose
27 population is 15,000 or more (currently Boulder City, Carson City, Elko, Fernley,
28 Henderson, Las Vegas, Mesquite, North Las Vegas, Reno and Sparks). (NRS
29 295.217) **Sections 4 and 5** of this bill: (1) apply these requirements to all counties
30 and cities; and (2) clarify that the requirement to appoint such committees applies
31 when the question on the ballot is an advisory question.

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
3 NRS, the Secretary of State shall, in a manner consistent with the
4 election laws of this State, prescribe:
5 (a) The form of all ballots, absent ballots, diagrams, sample
6 ballots, certificates, notices, declarations, applications to register to
7 vote, lists, applications, registers, rosters, statements and abstracts
8 required by the election laws of this State.
9 (b) The procedures to be followed and the requirements of a
10 system established pursuant to NRS 293.506 for using a computer to
11 register voters and to keep records of registration.
12 2. Except as otherwise provided in chapter 293D of NRS, the
13 Secretary of State shall prescribe with respect to the matter to be
14 printed on every kind of ballot:
15 (a) The placement and listing of all offices, candidates and
16 measures upon which voting is statewide, which must be uniform
17 throughout the State.
18 (b) The listing of all other candidates required to file with the
19 Secretary of State, and the order of listing all offices, candidates and
20 measures upon which voting is not statewide, from which each
21 county or city clerk shall prepare appropriate ballot forms for use in
22 any election in his or her county.
23 3. The Secretary of State shall place the condensation of each
24 proposed constitutional amendment or statewide measure near the
25 spaces or devices for indicating the voter's choice.
26 4. The fiscal note for, explanation of, arguments for and
27 against, and rebuttals to such arguments of each proposed
28 constitutional amendment or statewide measure must be included on
29 all sample ballots.



1 5. The condensations and explanations for constitutional
2 amendments and statewide measures proposed by initiative or
3 referendum must be prepared by the Secretary of State, upon
4 consultation with the Attorney General. The arguments and rebuttals
5 for or against constitutional amendments and statewide measures
6 proposed by initiative or referendum must be prepared in the
7 manner set forth in NRS 293.252. The fiscal notes for constitutional
8 amendments and statewide measures proposed by initiative or
9 referendum must be prepared by the Secretary of State, upon
10 consultation with the Fiscal Analysis Division of the Legislative
11 Counsel Bureau. The condensations, explanations, arguments,
12 rebuttals and fiscal notes must be in easily understood language and
13 of reasonable length, and whenever feasible must be completed by
14 August 1 of the year in which the general election is to be held. *The*
15 *explanations must include a digest. The digest must include a*
16 *concise and clear summary of any existing laws directly related to*
17 *the constitutional amendment or statewide measure and a*
18 *summary of how the constitutional amendment or statewide*
19 *measure adds to, changes or repeals such existing laws.*

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

23 7. A county clerk:

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

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

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

30 293.481 1. Except as otherwise provided in subsection ~~2~~ **3**,
31 every governing body of a political subdivision, public or quasi-
32 public corporation, or other local agency authorized by law to
33 submit questions to the qualified electors or registered voters of a
34 designated territory, when the governing body decides to submit a
35 question:

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

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

41 (2) ~~Except as otherwise provided in NRS 295.121 or~~
42 ~~295.217, arguments~~ *Arguments* for and against the question ~~that~~
43 *are prepared pursuant to NRS 295.121 or 295.217, as applicable;*
44 and



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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 **3.** A question may be submitted after the dates specified in
2 subsection 1 if the question is expressly privileged or required to be
3 submitted pursuant to the provisions of Article 19 of the
4 Constitution of the State of Nevada, or pursuant to the provisions of
5 chapter 295 of NRS or any other statute except NRS 293.482,
6 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that
7 authorizes the governing body to issue bonds upon the approval of
8 the voters.

9 ~~3.~~ **4.** A question that is submitted pursuant to subsection 1
10 may be withdrawn if the governing body provides notification to
11 each of the county or city clerks within the designated territory of its
12 decision to withdraw the particular question on or before the same
13 dates specified for submission pursuant to paragraph (a), (b), (c) or
14 (d) of subsection 1, as appropriate.

15 ~~4.~~ **5.** A county or city clerk:

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

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

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

24 293.482 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 other political subdivision, public or quasi-
28 public corporation, or other local agency may ask the advice of the
29 registered voters within its jurisdiction on any question which it has
30 under consideration.

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

34 (a) Adopt a resolution that:

35 (1) Sets forth:

36 (I) The question, in language indicating clearly that the
37 question is advisory only. ~~§~~

38 (II) An explanation of the question ~~§~~ *that is written in*
39 *easily understood language and includes a digest. The digest must*
40 *include a concise and clear summary of any existing laws related*
41 *to the measure proposed by the question and a summary of how*
42 *the measure proposed by the question adds to, changes or repeals*
43 *such existing laws.*

44 (III) ~~§~~ ~~Except as otherwise provided in NRS 295.121 and~~
45 ~~295.217, arguments~~ *Arguments* for and against the question ~~§~~ ~~and~~



1 *that are prepared pursuant to NRS 295.121 or 295.217, as*
2 *applicable.*

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

7 (2) States that the result of the voting on the question does
8 not place any legal requirement on the governing body, any member
9 of the governing body or any officer of the political subdivision. ~~†~~
10 ~~and†~~

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

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

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

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

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

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

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

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

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

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

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

44 (4) If applicable, specify whether, in connection with or
45 following the levy of the tax, additional expenses are expected to be



1 incurred to pay for the operation or maintenance of any program or
2 service to be provided from the proceeds of the tax or to pay for the
3 operation or maintenance of any building, equipment, facility,
4 machinery, property, structure, vehicle or other thing of value to be
5 purchased, improved or repaired with the proceeds of the tax.

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

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

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

12 (3) If applicable, specify whether, in connection with or
13 following the imposition of the fee, additional expenses are
14 expected to be incurred to pay for the program or service to be
15 provided from the proceeds of the fee or to pay for the operation or
16 maintenance of any building, equipment, facility, machinery,
17 property, structure, vehicle or other thing of value to be purchased,
18 improved or repaired with the proceeds of the fee.

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

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

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

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

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

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

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

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

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

42 295.121 1. ~~In a county whose population is 45,000 or more,~~
43 ~~for~~ **For** each initiative, referendum, **advisory question** or other
44 question to be placed on the ballot by:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

17 7. A committee appointed pursuant to this section:

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

12 ➤ The decision of the county clerk to reject a statement pursuant to
13 this subsection is a final decision for purposes of judicial review.
14 Not later than 5 days after the county clerk rejects a statement
15 pursuant to this subsection, the committee may appeal that rejection
16 by filing a complaint in district court. The court shall set the matter
17 for hearing not later than 3 days after the complaint is filed and shall
18 give priority to such a complaint over all other matters pending with
19 the court, except for criminal proceedings.

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

27 11. ~~In a county whose population is less than 45,000:~~
28 ~~—(a) The board may appoint committees pursuant to this section.~~
29 ~~—(b) If the board appoints committees pursuant to this section, the~~
30 ~~county clerk shall provide for rules or regulations pursuant to~~
31 ~~subsection 8.~~

32 ~~12.]~~ Except as otherwise provided in this subsection, if a
33 question is to be placed on the ballot by an entity described in
34 paragraph (b) or (c) of subsection 1, the entity must provide a copy
35 and explanation of the question to the county clerk at least 30 days
36 earlier than the date required for the submission of such documents
37 pursuant to subsection 1 of NRS 293.481. This subsection does not
38 apply to a question if the date that the question must be submitted to
39 the county clerk is governed by subsection ~~12.]~~ 3 of NRS 293.481.

40 ~~13.]~~ 12. The provisions of chapter 241 of NRS do not apply
41 to any consultations, deliberations, hearings or meetings conducted
42 pursuant to this section.



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

2 295.217 1. ~~In a city whose population is 15,000 or more,~~
3 ~~for~~ **For** each initiative, referendum, **advisory question** or other
4 question to be placed on the ballot by the:

5 (a) Council, including, without limitation, pursuant to NRS
6 293.482 or 295.215; or

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

10 ➔ the council shall, in consultation pursuant to subsection 5 with
11 the city clerk or other city officer authorized to perform the duties of
12 the city clerk, appoint two committees. Except as otherwise
13 provided in subsection 2, one committee must be composed of three
14 persons who favor approval by the voters of the initiative,
15 referendum or other question and the other committee must be
16 composed of three persons who oppose approval by the voters of the
17 initiative, referendum or other question.

18 2. If, after consulting with the city clerk pursuant to subsection
19 5, the council is unable to appoint three persons willing to serve on a
20 committee, the council may appoint fewer than three persons to that
21 committee, but the council must appoint at least one person to each
22 committee appointed pursuant to this section.

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

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

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

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

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

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

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

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



- 1 (a) Recommend to the council persons to be appointed to the
2 committee; and
- 3 (b) Consider recommending pursuant to paragraph (a):
- 4 (1) Any person who has expressed an interest in serving on
5 the committee; and
- 6 (2) A person who is a member of an organization that has
7 expressed an interest in having a member of the organization serve
8 on the committee.
- 9 6. If the council ~~for a city whose population is 15,000 or more~~
10 fails to appoint a committee as required pursuant to this section, the
11 city clerk shall, in consultation with the city attorney, prepare an
12 argument advocating approval by the voters of the initiative,
13 referendum or other question and an argument opposing approval by
14 the voters of the initiative, referendum or other question. Each
15 argument prepared by the city clerk must satisfy the requirements of
16 paragraph (f) of subsection 7 and any rules or regulations adopted
17 by the city clerk pursuant to subsection 8. The city clerk shall not
18 prepare the rebuttal of the arguments required pursuant to paragraph
19 (e) of subsection 7.
- 20 7. A committee appointed pursuant to this section:
- 21 (a) Shall elect a chair for the committee;
- 22 (b) Shall meet and conduct its affairs as necessary to fulfill the
23 requirements of this section;
- 24 (c) May seek and consider comments from the general public;
- 25 (d) Shall prepare an argument either advocating or opposing
26 approval by the voters of the initiative, referendum or other
27 question, based on whether the members were appointed to advocate
28 or oppose approval by the voters of the initiative, referendum or
29 other question;
- 30 (e) Shall prepare a rebuttal to the argument prepared by the other
31 committee appointed pursuant to this section;
- 32 (f) Shall address in the argument and rebuttal prepared pursuant
33 to paragraphs (d) and (e):
- 34 (1) The anticipated financial effect of the initiative,
35 referendum or other question;
- 36 (2) The environmental impact of the initiative, referendum or
37 other question; and
- 38 (3) The impact of the initiative, referendum or other question
39 on the public health, safety and welfare; and
- 40 (g) Shall submit the argument and rebuttal prepared pursuant to
41 paragraphs (d), (e) and (f) to the city clerk not later than the date
42 prescribed by the city clerk pursuant to subsection 8.
- 43 8. The city clerk ~~for a city whose population is 15,000 or more~~
44 shall provide, by rule or regulation:



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

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

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

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

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

13 ↪ The decision of the city clerk to reject a statement pursuant to this
14 subsection is a final decision for purposes of judicial review. Not
15 later than 5 days after the city clerk rejects a statement pursuant to
16 this subsection, the committee may appeal that rejection by filing a
17 complaint in district court. The court shall set the matter for hearing
18 not later than 3 days after the complaint is filed and shall give
19 priority to such a complaint over all other matters pending with the
20 court, except for criminal proceedings.

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

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

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

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

33 ~~—12.†~~ If a question is to be placed on the ballot by an entity
34 described in paragraph (b) of subsection 1, the entity must provide a
35 copy and explanation of the question to the city clerk at least 30
36 days earlier than the date required for the submission of such
37 documents pursuant to subsection 1 of NRS 293.481. This
38 subsection does not apply to a question if the date that the question
39 must be submitted to the city clerk is governed by subsection ~~12~~ 3
40 of NRS 293.481.

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

42 218D.810 1. As used in this section, “first committee of
43 reference” means the committee to which a bill or joint resolution
44 was first referred in the House in which it was introduced.



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

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

8 (b) An explanation of the proposal, including arguments for and
9 against the proposal;

10 (c) If the Legislature rejects a statewide measure proposed by
11 initiative, proposes a different measure on the same subject which
12 the Governor approves and includes the measure on the ballot with
13 the statewide measure proposed by initiative, rebuttals to each
14 argument for and against the proposal; and

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

17 3. The condensation, explanation, arguments, rebuttals and
18 fiscal note must be of reasonable length and written in easily
19 understood language. *The explanation must include a digest. The*
20 *digest must include a concise and clear summary of any existing*
21 *laws directly relating to the constitutional amendment or statewide*
22 *measure and a summary of how the constitutional amendment or*
23 *statewide measure adds to, changes or repeals such existing laws.*

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

29 5. The first committee of reference shall submit the
30 condensation, explanation, arguments, rebuttals and fiscal note, in
31 the form of a simple resolution, to the members of the House in
32 which the proposed constitutional amendment or statewide measure
33 was introduced. After that resolution is approved, it must be entered
34 in the journal in its entirety and the enrolled resolution delivered to
35 the Secretary of State to accompany the bill or joint resolution to
36 which it relates.

37 6. If the Legislature adjourns before the procedures set forth in
38 subsections 4 and 5 have been completed, the Legislative
39 Commission shall review, revise and approve the condensation,
40 explanation, arguments, rebuttals and fiscal note for delivery to the
41 Secretary of State on or before July 1 of the year in which the
42 general election is to be held.

43 7. In the case of a joint resolution which proposes a
44 constitutional amendment, the condensation, explanation,
45 arguments, rebuttals and fiscal note must be treated in the same



1 manner when the proposal is before the Legislature for its second
2 approval as when the proposal was first approved.

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

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

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* S B 3 2 5 *