

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:

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. If a constitutional
9 amendment or statewide measure creates, generates, increases or decreases any
10 public revenue in any form, the first paragraph of the digest must include a
11 statement indicating so.

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



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19 question and a summary of how the question adds to, changes or repeals such
20 existing laws. If a question regarding a measure creates, generates, increases or
21 decreases any public revenue in any form, the first paragraph of the digest must
22 include a statement indicating so.

23 Under existing law, if an initiative, referendum or other question is placed on
24 the ballot in a county whose population is 45,000 or more (currently Carson City
25 and Clark, Elko, Douglas, Lyon and Washoe Counties) by the board of county
26 commissioners of the county or by the governing body of certain entities within the
27 county, the board of county commissioners must appoint a committee of persons
28 who favor approval of the measure and a committee of persons who oppose
29 approval of the measure to prepare arguments advocating or opposing, respectively,
30 approval of the measure for inclusion in the sample ballot. (NRS 295.121) Existing
31 law imposes an identical requirement on the city council of any city whose
32 population is 15,000 or more (currently Boulder City, Carson City, Elko, Fernley,
33 Henderson, Las Vegas, Mesquite, North Las Vegas, Reno and Sparks). (NRS
34 295.217) **Sections 4 and 5** of this bill: (1) apply these requirements to all counties
35 and cities; and (2) clarify that the requirement to appoint such committees applies
36 when the question on the ballot is an advisory question. **Sections 2-3.6** of this bill
37 eliminate obsolete provisions regarding the provision, by the governing body of
38 certain political subdivisions, public or quasi-public corporations or certain other
39 local agencies, of arguments for and against questions on 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
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.



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

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

8 5. The condensations and explanations for constitutional
9 amendments and statewide measures proposed by initiative or
10 referendum must be prepared by the Secretary of State, upon
11 consultation with the Attorney General. The arguments and rebuttals
12 for or against constitutional amendments and statewide measures
13 proposed by initiative or referendum must be prepared in the
14 manner set forth in NRS 293.252. The fiscal notes for constitutional
15 amendments and statewide measures proposed by initiative or
16 referendum must be prepared by the Secretary of State, upon
17 consultation with the Fiscal Analysis Division of the Legislative
18 Counsel Bureau. The condensations, explanations, arguments,
19 rebuttals and fiscal notes must be in easily understood language and
20 of reasonable length, and whenever feasible must be completed by
21 August 1 of the year in which the general election is to be held. *The*
22 *explanations must include a digest. The digest must include a*
23 *concise and clear summary of any existing laws directly related to*
24 *the constitutional amendment or statewide measure and a*
25 *summary of how the constitutional amendment or statewide*
26 *measure adds to, changes or repeals such existing laws. For a*
27 *constitutional amendment or statewide measure that creates,*
28 *generates, increases or decreases any public revenue in any form,*
29 *the first paragraph of the digest must include a statement that the*
30 *constitutional amendment or statewide measure creates, generates,*
31 *increases or decreases, as applicable, public revenue.*

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

35 7. A county clerk:

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

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

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

42 293.481 1. Except as otherwise provided in subsection ~~12~~ 3,
43 every governing body of a political subdivision, public or quasi-
44 public corporation, or other local agency authorized by law to
45 submit questions to the qualified electors or registered voters of a



1 designated territory, when the governing body decides to submit a
2 question:

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

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

8 (2) ~~Except as otherwise provided in NRS 295.121 or~~
9 ~~295.217, arguments for and against the question; and~~

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

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

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

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

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

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

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

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

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

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

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

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

43 ~~(3)~~ A description of the anticipated financial effect on the
44 local government which, if the question is an advisory question that



1 proposes a bond, tax, fee or expense, must be prepared in
2 accordance with subsection 4 of NRS 293.482.

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

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

22 ~~3.4~~ 4. A question that is submitted pursuant to subsection 1
23 may be withdrawn if the governing body provides notification to
24 each of the county or city clerks within the designated territory of its
25 decision to withdraw the particular question on or before the same
26 dates specified for submission pursuant to paragraph (a), (b), (c) or
27 (d) of subsection 1, as appropriate.

28 ~~4.4~~ 5. A county or city clerk:

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

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

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

37 293.482 1. The governing body of a county or city may, at
38 any general election or general city election, ask the advice of the
39 registered voters within its jurisdiction on any question which it has
40 under consideration. No other political subdivision, public or quasi-
41 public corporation, or other local agency may ask the advice of the
42 registered voters within its jurisdiction on any question which it has
43 under consideration.



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

4 (a) Adopt a resolution that:

5 (1) Sets forth:

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

8 (II) An explanation of the question ~~†~~ *that is written in*
9 *easily understood language and includes a digest. The digest must*
10 *include a concise and clear summary of any existing laws related*
11 *to the measure proposed by the question and a summary of how*
12 *the measure proposed by the question adds to, changes or repeals*
13 *such existing laws. For a measure that creates, generates,*
14 *increases or decreases any public revenue in any form, the first*
15 *paragraph of the digest must include a statement that the measure*
16 *creates, generates, increases or decreases, as applicable, public*
17 *revenue.*

18 (III) ~~†Except as otherwise provided in NRS 295.121 and~~
19 ~~295.217, arguments for and against the question; and~~

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

24 (2) States that the result of the voting on the question does
25 not place any legal requirement on the governing body, any member
26 of the governing body or any officer of the political subdivision. ~~†~~
27 ~~and†~~

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

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

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

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

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

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

44 (b) If, in the advisory question, the governing body seeks advice
45 on whether a limitation upon revenue from taxes ad valorem should



1 be exceeded, the description must include any information that is
2 required by law to be included on the sample ballot pursuant to the
3 provisions of law that govern the procedure for exceeding that
4 limitation.

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

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

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

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

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

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

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

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

29 (3) If applicable, specify whether, in connection with or
30 following the imposition of the fee, additional expenses are
31 expected to be incurred to pay for the program or service to be
32 provided from the proceeds of the fee or to pay for the operation or
33 maintenance of any building, equipment, facility, machinery,
34 property, structure, vehicle or other thing of value to be purchased,
35 improved or repaired with the proceeds of the fee.

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

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

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



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

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

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

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

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

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

16 293.565 1. Except as otherwise provided in subsection 3,
17 sample ballots must include:

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

19 (b) The fiscal note or description of anticipated financial effect,
20 as provided pursuant to NRS 218D.810, 293.250, 293.481, 293.482,
21 295.015 or 295.095 for each proposed constitutional amendment,
22 statewide measure, measure to be voted upon only by a special
23 district or political subdivision and advisory question;

24 (c) An explanation, as provided pursuant to NRS 218D.810,
25 293.250, 293.481, 293.482 or 295.121, of each proposed
26 constitutional amendment, statewide measure, measure to be voted
27 upon only by a special district or political subdivision and advisory
28 question;

29 (d) Arguments for and against each proposed constitutional
30 amendment, statewide measure, measure to be voted upon only by a
31 special district or political subdivision and advisory question, and
32 rebuttals to each argument, as provided pursuant to NRS 218D.810,
33 293.250, 293.252 ~~293.481, 293.482~~ or 295.121; and

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

35 2. If, pursuant to the provisions of NRS 293.2565, the word
36 "Incumbent" must appear on the ballot next to the name of the
37 candidate who is the incumbent, the word "Incumbent" must appear
38 on the sample ballot next to the name of the candidate who is the
39 incumbent.

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

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



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

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

7 4. Before the period for early voting for any election begins,
8 the county clerk shall cause to be mailed to each registered voter in
9 the county a sample ballot for his or her precinct, with a notice
10 informing the voter of the location of his or her polling place. If the
11 location of the polling place has changed since the last election:

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

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

17
18 NOTICE: THE LOCATION OF YOUR POLLING PLACE
19 HAS CHANGED SINCE THE LAST ELECTION
20

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

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

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

26
27 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
28 LARGE TYPE, CALL (Insert appropriate telephone number)
29

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

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

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

41 9. The county clerk shall include in each sample ballot a
42 statement indicating that the county clerk will, upon request of a
43 voter who is elderly or disabled, make reasonable accommodations
44 to allow the voter to vote at his or her polling place and provide
45 reasonable assistance to the voter in casting his or her vote,



1 including, without limitation, providing appropriate materials to
2 assist the voter. In addition, if the county clerk has provided
3 pursuant to subsection 4 of NRS 293.2955 for the placement at
4 centralized voting locations of specially equipped voting devices for
5 use by voters who are elderly or disabled, the county clerk shall
6 include in the sample ballot a statement indicating:

7 (a) The addresses of such centralized voting locations;

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

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

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

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

17 293C.530 1. Before the period for early voting for any
18 election begins, the city clerk shall cause to be mailed to each
19 registered voter in the city a sample ballot for his or her precinct,
20 with a notice informing the voter of the location of his or her polling
21 place. If the location of the polling place has changed since the last
22 election:

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

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

28
29 **NOTICE: THE LOCATION OF YOUR POLLING PLACE**
30 **HAS CHANGED SINCE THE LAST ELECTION**

31
32 2. Except as otherwise provided in subsection 4, a sample
33 ballot required to be mailed pursuant to this section must:

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

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

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

42
43 **NOTICE: TO RECEIVE A SAMPLE BALLOT IN**
44 **LARGE TYPE, CALL (Insert appropriate telephone number)**



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

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

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

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

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

26 (a) The addresses of such centralized voting locations;

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

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

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

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

35 295.121 1. ~~In a county whose population is 45,000 or more,~~
36 ~~for~~ *For* each initiative, referendum, *advisory question* or other
37 question to be placed on the ballot by:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 6. If the board ~~of a county whose population is 45,000 or~~
44 ~~more~~ fails to appoint a committee as required pursuant to this
45 section, the county clerk shall, in consultation with the district



1 attorney, prepare an argument advocating approval by the voters of
2 the initiative, referendum or other question and an argument
3 opposing approval by the voters of the initiative, referendum or
4 other question. Each argument prepared by the county clerk must
5 satisfy the requirements of paragraph (f) of subsection 7 and any
6 rules or regulations adopted by the county clerk pursuant to
7 subsection 8. The county clerk shall not prepare the rebuttal of the
8 arguments required pursuant to paragraph (e) of subsection 7.

9 7. A committee appointed pursuant to this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

3 ➔ The decision of the county clerk to reject a statement pursuant to
4 this subsection is a final decision for purposes of judicial review.
5 Not later than 5 days after the county clerk rejects a statement
6 pursuant to this subsection, the committee may appeal that rejection
7 by filing a complaint in district court. The court shall set the matter
8 for hearing not later than 3 days after the complaint is filed and shall
9 give priority to such a complaint over all other matters pending with
10 the court, except for criminal proceedings.

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

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

19 ~~—(a) The board may appoint committees pursuant to this section.~~
20 ~~—(b) If the board appoints committees pursuant to this section, the~~
21 ~~county clerk shall provide for rules or regulations pursuant to~~
22 ~~subsection 8.~~

23 ~~—12.~~ Except as otherwise provided in this subsection, if a
24 question is to be placed on the ballot by an entity described in
25 paragraph (b) or (c) of subsection 1, the entity must provide a copy
26 and explanation of the question to the county clerk at least 30 days
27 earlier than the date required for the submission of such documents
28 pursuant to subsection 1 of NRS 293.481. This subsection does not
29 apply to a question if the date that the question must be submitted to
30 the county clerk is governed by subsection ~~12~~ 3 of NRS 293.481.

31 ~~13.~~ 12. The provisions of chapter 241 of NRS do not apply
32 to any consultations, deliberations, hearings or meetings conducted
33 pursuant to this section.

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

35 295.217 1. ~~In a city whose population is 15,000 or more,~~
36 ~~for~~ **For** each initiative, referendum, **advisory question** or other
37 question to be placed on the ballot by the:

38 (a) Council, including, without limitation, pursuant to NRS
39 293.482 or 295.215; or

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

43 ➔ the council shall, in consultation pursuant to subsection 5 with
44 the city clerk or other city officer authorized to perform the duties of
45 the city clerk, appoint two committees. Except as otherwise



1 provided in subsection 2, one committee must be composed of three
2 persons who favor approval by the voters of the initiative,
3 referendum or other question and the other committee must be
4 composed of three persons who oppose approval by the voters of the
5 initiative, referendum or other question.

6 2. If, after consulting with the city clerk pursuant to subsection
7 5, the council is unable to appoint three persons willing to serve on a
8 committee, the council may appoint fewer than three persons to that
9 committee, but the council must appoint at least one person to each
10 committee appointed pursuant to this section.

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

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

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

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

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

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

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

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

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

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

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

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

41 6. If the council ~~of a city whose population is 15,000 or more~~
42 fails to appoint a committee as required pursuant to this section, the
43 city clerk shall, in consultation with the city attorney, prepare an
44 argument advocating approval by the voters of the initiative,
45 referendum or other question and an argument opposing approval by



1 the voters of the initiative, referendum or other question. Each
2 argument prepared by the city clerk must satisfy the requirements of
3 paragraph (f) of subsection 7 and any rules or regulations adopted
4 by the city clerk pursuant to subsection 8. The city clerk shall not
5 prepare the rebuttal of the arguments required pursuant to paragraph
6 (e) of subsection 7.

7 7. A committee appointed pursuant to this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 ➤ The decision of the city clerk to reject a statement pursuant to this
45 subsection is a final decision for purposes of judicial review. Not



1 later than 5 days after the city clerk rejects a statement pursuant to
2 this subsection, the committee may appeal that rejection by filing a
3 complaint in district court. The court shall set the matter for hearing
4 not later than 3 days after the complaint is filed and shall give
5 priority to such a complaint over all other matters pending with the
6 court, except for criminal proceedings.

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

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

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

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

19 ~~—12.†~~ If a question is to be placed on the ballot by an entity
20 described in paragraph (b) of subsection 1, the entity must provide a
21 copy and explanation of the question to the city clerk at least 30
22 days earlier than the date required for the submission of such
23 documents pursuant to subsection 1 of NRS 293.481. This
24 subsection does not apply to a question if the date that the question
25 must be submitted to the city clerk is governed by subsection ~~†2~~ 3
26 of NRS 293.481.

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

28 218D.810 1. As used in this section, “first committee of
29 reference” means the committee to which a bill or joint resolution
30 was first referred in the House in which it was introduced.

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

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

38 (b) An explanation of the proposal, including arguments for and
39 against the proposal;

40 (c) If the Legislature rejects a statewide measure proposed by
41 initiative, proposes a different measure on the same subject which
42 the Governor approves and includes the measure on the ballot with
43 the statewide measure proposed by initiative, rebuttals to each
44 argument for and against the proposal; and



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

3 3. The condensation, explanation, arguments, rebuttals and
4 fiscal note must be of reasonable length and written in easily
5 understood language. *The explanation must include a digest. The*
6 *digest must include a concise and clear summary of any existing*
7 *laws directly relating to the constitutional amendment or statewide*
8 *measure and a summary of how the constitutional amendment or*
9 *statewide measure adds to, changes or repeals such existing laws.*
10 *For a constitutional amendment or statewide measure that creates,*
11 *generates, increases or decreases any public revenue in any form,*
12 *the first paragraph of the digest must include a statement that the*
13 *constitutional amendment or statewide measure creates, generates,*
14 *increases or decreases, as applicable, public revenue.*

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

20 5. The first committee of reference shall submit the
21 condensation, explanation, arguments, rebuttals and fiscal note, in
22 the form of a simple resolution, to the members of the House in
23 which the proposed constitutional amendment or statewide measure
24 was introduced. After that resolution is approved, it must be entered
25 in the journal in its entirety and the enrolled resolution delivered to
26 the Secretary of State to accompany the bill or joint resolution to
27 which it relates.

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

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

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

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

