
SENATE BILL NO. 449—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 24, 2003

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions governing questions appearing on ballot for general election. (BDR 24-250)

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 advisory questions to be specifically identified as such on the ballot and sample ballot; requiring a fiscal note to be included when a question for only the voters of a special district or political subdivision is submitted to the county or city clerk; requiring a fiscal note to be included when a question for only the voters of a special district or political subdivision appears on the sample ballot; restricting the entities that may submit an advisory question for appearance on a ballot for a general election or general city election; requiring a fiscal note to be included when an advisory question is adopted by resolution and submitted to the county or city clerk; requiring a fiscal note to be included when an advisory question appears on the sample ballot; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 293.268 is hereby amended to read as follows:
2 293.268 The offices for which there are candidates, the names
3 of the candidates therefor, and the questions to be voted upon must
4 be printed on ballots in the following order:
5 1. President and Vice President of the United States.



- 1 2. United States Senator and Representative in Congress, in
- 2 that sequence.
- 3 3. Governor, Lieutenant Governor, Secretary of State,
- 4 Treasurer, Controller and Attorney General, in that sequence.
- 5 4. State senators and assemblymen.
- 6 5. County and township partisan offices.
- 7 6. Statewide nonpartisan offices.
- 8 7. District nonpartisan offices.
- 9 8. County nonpartisan offices.
- 10 9. City offices:
 - 11 (a) Mayor;
 - 12 (b) Councilmen according to ward in numerical order, if no
 - 13 wards, in alphabetical order; and
 - 14 (c) Municipal judges.
- 15 10. Township nonpartisan offices.
- 16 11. Questions presented to the voters of the State ~~and~~ *with*
- 17 *advisory questions listed in consecutive order after any other*
- 18 *questions presented to the voters of the State.*
- 19 12. Questions presented only to the voters of a special district
- 20 or political subdivision of the State ~~and~~ *with advisory questions listed*
- 21 *in consecutive order after any other questions presented only to*
- 22 *the voters of a special district or political subdivision of the State.*
- 23 **Sec. 2.** NRS 293.481 is hereby amended to read as follows:
- 24 293.481 1. Except as otherwise provided in subsection 2 or
- 25 NRS 295.121 or 295.217, every governing body of a political
- 26 subdivision, public or quasi-public corporation, or other local
- 27 agency authorized by law to submit questions to the qualified
- 28 electors or registered voters of a designated territory, when the
- 29 governing body decides to submit a question:
 - 30 (a) At a general election, shall provide a copy of the question,
 - 31 including an explanation of ~~and~~ *the question*, arguments for and
 - 32 against the question ~~and~~ *a fiscal note prepared by the governing*
 - 33 *body that describes any anticipated financial effects on state*
 - 34 *government, local government and taxpayers*, to each county clerk
 - 35 within the designated territory on or before the third Monday in July
 - 36 preceding the election.
 - 37 (b) At a primary election, shall provide a copy of the question,
 - 38 including an explanation of ~~and~~ *the question*, arguments for and
 - 39 against the question ~~and~~ *a fiscal note prepared by the governing*
 - 40 *body that describes any anticipated financial effects on state*
 - 41 *government, local government and taxpayers*, to each county clerk
 - 42 within the designated territory on or before the third Monday in May
 - 43 preceding the election.
 - 44 (c) At any election other than a primary or general election at
 - 45 which the county clerk gives notice of the election or otherwise



1 performs duties in connection therewith other than the registration
2 of electors and the making of records of registered voters available
3 for the election, shall provide a copy of the question, including an
4 explanation of ~~and~~ *the question*, arguments for and against the
5 question ~~and~~ *a fiscal note prepared by the governing body that*
6 *describes any anticipated financial effects on state government,*
7 *local government and taxpayers*, to each county clerk at least 60
8 days before the election.

9 (d) At any city election at which the city clerk gives notice of
10 the election or otherwise performs duties in connection therewith,
11 shall provide a copy of the question, including an explanation of
12 ~~and~~ *the question*, arguments for and against the question ~~and~~ *a*
13 *fiscal note prepared by the governing body that describes any*
14 *anticipated financial effects on state government, local*
15 *government and taxpayers*, to the city clerk at least 60 days before
16 the election.

17 2. A question may be submitted after the dates specified in
18 subsection 1 if the question is expressly privileged or required to be
19 submitted pursuant to the provisions of Article 19 of the
20 Constitution of the State of Nevada, or pursuant to the provisions of
21 chapter 295 of NRS or any other statute except NRS 293.482,
22 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that
23 authorizes the governing body to issue bonds upon the approval of
24 the voters.

25 3. A county or city clerk may charge any political subdivision,
26 public or quasi-public corporation or other local agency which
27 submits a question a reasonable fee sufficient to pay for the
28 increased costs incurred in including the question, explanation,
29 ~~and~~ arguments *and fiscal note* on the ballot.

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

31 293.482 1. The governing body of ~~any~~ *a* county or city
32 may, at any general election or general city election, ask the advice
33 of the registered voters within its jurisdiction on any question which
34 it has under consideration. ~~by adopting~~ *No other political*
35 *subdivision, public or quasi-public corporation or other local*
36 *agency may ask the advice of the registered voters within its*
37 *jurisdiction on any question which it has under consideration.*

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

41 (a) *Adopt* a resolution ~~which:~~
42 ~~(a) Except as otherwise provided in NRS 295.121 and 295.217,~~
43 ~~sets~~ *that:*

44 (1) *Sets* forth the ~~advisory question, including~~ *question in*
45 *language clearly indicating it is advisory only*, an explanation of



1 ~~and~~ the question, arguments for and against the question ~~to be~~
2 ~~submitted to the voters; and~~

3 ~~(b)~~ and a fiscal note prepared by the governing body that
4 describes any anticipated financial effects on state government,
5 local government and taxpayers; and

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

10 ~~2.~~; and

11 (b) Comply with the requirements of paragraph (a) 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 ~~H~~ 2 sets forth
18 the boundaries of the area in which the advice of the registered
19 voters will be asked.

20 4. If, in the advisory question, the governing body seeks
21 advice on whether bonds should be issued, the fiscal note must
22 include the information that is required by law to be included on
23 the sample ballot pursuant to the provisions of law that govern the
24 procedure for issuance of the applicable type of bond.

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

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

29 (b) With its explanation, arguments and fiscal note.

30 Sec. 4. NRS 293.565 is hereby amended to read as follows:

31 293.565 1. Except as otherwise provided in subsection 2,
32 sample ballots must include:

33 (a) The fiscal note, as provided pursuant to NRS 218.443, ~~or~~
34 293.250, 293.481, 293.482 or 295.121, for each proposed
35 constitutional amendment ~~or statewide measure;~~, statewide
36 measure, measure to be voted upon only by a special district or
37 political subdivision and advisory question;

38 (b) An explanation, as provided pursuant to NRS 218.443,
39 293.250, 293.481, 293.482 or 295.121, of each proposed
40 constitutional amendment ~~or statewide measure;~~, statewide
41 measure, measure to be voted upon only by a special district or
42 political subdivision and advisory question, including arguments
43 for and against it; and

44 (c) The full text of each proposed constitutional amendment.



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

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

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

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

13 3. At least 10 days before any election, the county clerk shall
14 cause to be mailed to each registered voter in the county a sample
15 ballot for his precinct with a notice informing the voter of the
16 location of his polling place. If the location of the polling place has
17 changed since the last election:

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

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

23
24 **NOTICE: THE LOCATION OF YOUR POLLING PLACE**
25 **HAS CHANGED SINCE THE LAST ELECTION**
26

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

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

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

32
33 **NOTICE: TO RECEIVE A SAMPLE BALLOT IN**
34 **LARGE TYPE, CALL (Insert appropriate telephone number)**
35

36 5. A portion of a sample ballot that contains a facsimile of the
37 display area of a voting device may include material in less than
38 12-point type to the extent necessary to make the facsimile fit on the
39 pages of the sample ballot.

40 6. The sample ballot mailed to a person who requests a sample
41 ballot in large type by exercising the option provided pursuant to
42 NRS 293.508, or in any other manner, must be printed in at least
43 14-point type, or larger when practicable.



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

4 8. The county clerk shall include in each sample ballot a
5 statement indicating that the county clerk will, upon request of a
6 voter who is elderly or disabled, make reasonable accommodations
7 to allow the voter to vote at his polling place and provide reasonable
8 assistance to the voter in casting his vote, including, without
9 limitation, providing appropriate materials to assist the voter.

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

13 **Sec. 5.** NRS 293C.262 is hereby amended to read as follows:

14 293C.262 1. The offices for which there are candidates, the
15 names of the candidates therefor and the questions to be voted upon
16 must be printed on ballots for a city election in the following order:

17 (a) City offices:

18 (1) Mayor;

19 (2) Councilmen according to ward in numerical order, if no
20 wards, in alphabetical order; and

21 (3) Municipal judges.

22 (b) Questions presented to the voters of a city or a portion of a
23 city ~~to~~ *with advisory questions listed in consecutive order after any*
24 *other questions presented to the voters of the city.*

25 2. The city clerk:

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

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

31 **Sec. 6.** NRS 293C.530 is hereby amended to read as follows:

32 293C.530 1. At least 10 days before an election, the city
33 clerk shall cause to be mailed to each registered voter in the city a
34 sample ballot for his precinct with a notice informing the voter of
35 the location of his polling place. If the location of the polling place
36 has changed since the last election:

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

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

42

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



- 1 2. Except as otherwise provided in subsection 3, a sample
2 ballot required to be mailed pursuant to this section must:
3 (a) Be printed in at least 12-point type; ~~and~~
4 (b) *Include the fiscal note and explanation, as required*
5 *pursuant to NRS 293.481, 293.482 or 295.217, of each citywide*
6 *measure and advisory question, including arguments for and*
7 *against it; and*
8 (c) Include on the front page, in a separate box created by bold
9 lines, a notice printed in at least 20-point bold type that states:

10
11 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
12 LARGE TYPE, CALL (Insert appropriate telephone number)
13

14 3. A portion of a sample ballot that contains a facsimile of the
15 display area of a voting device may include material in less than
16 12-point type to the extent necessary to make the facsimile fit on the
17 pages of the sample ballot.

18 4. The sample ballot mailed to a person who requests a sample
19 ballot in large type by exercising the option provided pursuant to
20 NRS 293.508, or in any other manner, must be printed in at least
21 14-point type, or larger when practicable.

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

25 6. The city clerk shall include in each sample ballot a statement
26 indicating that the city clerk will, upon request of a voter who is
27 elderly or disabled, make reasonable accommodations to allow the
28 voter to vote at his polling place and provide reasonable assistance
29 to the voter in casting his vote, including, without limitation,
30 providing appropriate materials to assist the voter.

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

33 **Sec. 7.** NRS 295.121 is hereby amended to read as follows:

34 295.121 1. ~~In a county whose population is 100,000 or~~
35 ~~more, for] For~~ each initiative, referendum or other question to be
36 placed on the ballot by the board or county clerk, including, without
37 limitation, pursuant to NRS 293.482, 295.115 or 295.160, the board
38 shall, in consultation with the county clerk pursuant to subsection 4,
39 appoint two committees. Except as otherwise provided in subsection
40 2, one committee must be composed of three persons who favor
41 approval by the voters of the initiative, referendum or other question
42 and the other committee must be composed of three persons who
43 oppose approval by the voters of the initiative, referendum or other
44 question.



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

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

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

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

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

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

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

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

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

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

26 5. If the board of a county ~~[whose population is 100,000 or~~
27 ~~more]~~ fails to appoint a committee as required pursuant to this
28 section, the county clerk shall appoint the committee.

29 6. A committee appointed pursuant to this section:

30 (a) Shall elect a chairman for the committee;

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

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

34 (d) Shall ~~[, based on whether the members were appointed to~~
35 ~~advocate or oppose approval by the voters of the initiative,~~
36 ~~referendum or other question, prepare an] *prepare:*~~

37 (1) *An argument either advocating or opposing approval by*
38 *the voters of the initiative, referendum or other question [;], based*
39 *on whether the members were appointed to advocate or oppose*
40 *approval by the voters of the initiative, referendum or other*
41 *question; and*

42 (2) *A fiscal note that describes any financial effects on state*
43 *government, local government and taxpayers that are anticipated*
44 *by the enactment of the contents of the initiative, referendum or*
45 *other question;*



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

3 (f) Shall submit the argument , *fiscal note* and rebuttal prepared
4 pursuant to paragraphs (d) and (e) to the county clerk not later than
5 the date prescribed by the county clerk pursuant to subsection 7.

6 7. The county clerk of a county ~~[whose population is 100,000~~
7 ~~or more]~~ shall provide, by rule or regulation:

8 (a) The maximum permissible length of an argument , *fiscal*
9 *note* or rebuttal prepared pursuant to this section; and

10 (b) The date by which an argument , *fiscal note* or rebuttal
11 prepared pursuant to this section must be submitted by the
12 committee to the county clerk.

13 8. Upon receipt of an argument , *fiscal note* or rebuttal
14 prepared pursuant to this section, the county clerk:

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

19 (b) Shall reject each statement in the argument , *fiscal note* or
20 rebuttal that he believes is libelous or factually inaccurate.

21 Not later than 5 days after the county clerk rejects a statement
22 pursuant to this subsection, the committee may appeal that rejection
23 to the district attorney. The district attorney shall review the
24 statement and the reasons for its rejection and may receive evidence,
25 documentary or testimonial, to aid him in his decision. Not later
26 than 3 business days after the appeal by the committee, the district
27 attorney shall issue his decision rejecting or accepting the statement.
28 The decision of the district attorney is a final decision for the
29 purposes of judicial review.

30 9. The county clerk shall place in the sample ballot provided to
31 the registered voters of the county each argument , *fiscal note* and
32 rebuttal prepared pursuant to this section, containing all statements
33 that were not rejected pursuant to subsection 8. The county clerk
34 may revise the language submitted by the committee so that it is
35 clear, concise and suitable for incorporation in the sample ballot, but
36 shall not alter the meaning or effect without the consent of the
37 committee.

38 ~~[10. — In a county whose population is less than 100,000:~~
39 ~~—(a) The board may appoint committees pursuant to this section.~~
40 ~~—(b) If the board appoints committees pursuant to this section, the~~
41 ~~county clerk shall provide for rules or regulations pursuant to~~
42 ~~subsection 7.]~~

43 **Sec. 8.** NRS 295.217 is hereby amended to read as follows:
44 295.217 1. ~~[In a city whose population is 60,000 or more,~~
45 ~~for] For~~ *For* each initiative, referendum or other question to be placed



1 on the ballot by the council, including, without limitation, pursuant
2 to NRS 293.482 or 295.215, the council shall, in consultation ,
3 *pursuant to subsection 4* with the city clerk ~~[pursuant to subsection~~
4 ~~4.]~~ *or other city officer authorized to perform the duties of the city*
5 *clerk,* appoint two committees. Except as otherwise provided in
6 subsection 2, one committee must be composed of three persons
7 who favor approval by the voters of the initiative, referendum or
8 other question and the other committee must be composed of three
9 persons who oppose approval by the voters of the initiative,
10 referendum or other question.

11 2. If, after consulting with the city clerk pursuant to subsection
12 4, the council is unable to appoint three persons willing to serve on
13 a committee, the council may appoint fewer than three persons to
14 that committee, but the council must appoint at least one person to
15 each committee appointed pursuant to this section.

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

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

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

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

26 4. Before the council appoints a committee pursuant to this
27 section, the city clerk shall:

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

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

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

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

36 5. If the council of a city ~~[whose population is 60,000 or more]~~
37 fails to appoint a committee as required pursuant to this section, the
38 city clerk shall appoint the committee.

39 6. A committee appointed pursuant to this section:

40 (a) Shall elect a chairman for the committee;

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

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



1 (d) Shall ~~[, based on whether the members were appointed to~~
2 ~~advocate or oppose approval by the voters of the initiative,~~
3 ~~referendum or other question, prepare an] prepare:~~

4 (1) *An argument either advocating or opposing approval by*
5 *the voters of the initiative, referendum or other question [;], based*
6 *on whether the members were appointed to advocate or oppose*
7 *approval by the voters of the initiative, referendum or other*
8 *question; and*

9 (2) *A fiscal note that describes any financial effects on state*
10 *government, local government and taxpayers that are anticipated*
11 *by the enactment of the contents of the initiative, referendum or*
12 *other question;*

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

15 (f) Shall submit the argument , *fiscal note* and rebuttal prepared
16 pursuant to paragraphs (d) and (e) to the city clerk not later than the
17 date prescribed by the city clerk pursuant to subsection 7.

18 7. The city clerk of a city ~~[whose population is 60,000 or more]~~
19 shall provide, by rule or regulation:

20 (a) The maximum permissible length of an argument , *fiscal*
21 *note* or rebuttal prepared pursuant to this section; and

22 (b) The date by which an argument , *fiscal note* or rebuttal
23 prepared pursuant to this section must be submitted by the
24 committee to the city clerk.

25 8. Upon receipt of an argument , *fiscal note* or rebuttal
26 prepared pursuant to this section, the city clerk:

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

31 (b) Shall reject each statement in the argument , *fiscal note* or
32 rebuttal that he believes is libelous or factually inaccurate.

33 Not later than 5 days after the city clerk rejects a statement pursuant
34 to this subsection, the committee may appeal that rejection to the
35 city attorney ~~[;] or other city officer appointed to hear the appeal~~
36 ~~by the city council.~~ *The city attorney or other city officer appointed*
37 *to hear the appeal* shall review the statement and the reasons for its
38 rejection and may receive evidence, documentary or testimonial, to
39 aid him in his decision. Not later than 3 business days after the
40 appeal by the committee, the city attorney *or other city officer*
41 *appointed to hear the appeal* shall issue his decision rejecting or
42 accepting the statement. The decision of the city attorney *or other*
43 *city officer appointed to hear the appeal* is a final decision for the
44 purposes of judicial review.



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

8 ~~{10. — In a city whose population is less than 60,000:
9 — (a) The council may appoint committees pursuant to this section.
10 — (b) If the council appoints committees pursuant to this section,
11 the city clerk shall provide for rules or regulations pursuant to
12 subsection 7.}~~

