

SENATE BILL NO. 449—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 24, 2003

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions governing advisory questions appearing on ballot. (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; setting forth the order in which advisory questions must be listed on a ballot; restricting the entities that may submit an advisory question for appearance on a ballot for a general election or general city election; requiring that advisory questions be accompanied by a fiscal note if the particular advisory question pertains to certain topics relating to bonds, taxes, fees and expenses; setting forth the required contents of a fiscal note; requiring the Committee on Local Government Finance to prepare certain sample advisory ballot questions to demonstrate the preparation of required fiscal notes; 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.
6 2. United States Senator and Representative in Congress, in
7 that sequence.



* S B 4 4 9 R 2 *

- 1 3. Governor, Lieutenant Governor, Secretary of State,
- 2 Treasurer, Controller and Attorney General, in that sequence.
- 3 4. State senators and assemblymen.
- 4 5. County and township partisan offices.
- 5 6. Statewide nonpartisan offices.
- 6 7. District nonpartisan offices.
- 7 8. County nonpartisan offices.
- 8 9. City offices:
- 9 (a) Mayor;
- 10 (b) Councilmen according to ward in numerical order, if no
- 11 wards, in alphabetical order; and
- 12 (c) Municipal judges.
- 13 10. Township nonpartisan offices.
- 14 11. Questions presented to the voters of the State ~~{}~~ *with*
- 15 *advisory questions listed in consecutive order after any other*
- 16 *questions presented to the voters of the State.*

17 12. Questions presented only to the voters of a special district
18 or political subdivision of the State ~~{}~~ *with advisory questions listed*
19 *in consecutive order after any other questions presented only to*
20 *the voters of a special district or political subdivision of the State.*

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

22 293.481 1. Except as otherwise provided in subsection 2 or
23 NRS 295.121 or 295.217, every governing body of a political
24 subdivision, public or quasi-public corporation, or other local
25 agency authorized by law to submit questions to the qualified
26 electors or registered voters of a designated territory, when the
27 governing body decides to submit a question:

28 (a) At a general election, shall provide ~~{a copy of the question,~~
29 ~~including an explanation of and arguments for and against the~~
30 ~~question,}~~ to each county clerk within the designated territory on or
31 before the third Monday in July preceding the election ~~{}~~:

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

34 (2) *Arguments for and against the question; and*

35 (3) *If the question is an advisory question that proposes a*
36 *bond, tax, fee or expense, a fiscal note prepared by the governing*
37 *body in accordance with subsection 4 of NRS 293.482.*

38 (b) At a primary election, shall provide ~~{a copy of the question,~~
39 ~~including an explanation of and arguments for and against the~~
40 ~~question,}~~ to each county clerk within the designated territory on or
41 before the third Monday in May preceding the election ~~{}~~:

42 (1) *A copy of the question, including an explanation of the*
43 *question;*

44 (2) *Arguments for and against the question; and*



1 (3) *If the question is an advisory question that proposes a*
2 *bond, tax, fee or expense, a fiscal note prepared by the governing*
3 *body in accordance with subsection 4 of NRS 293.482.*

4 (c) At any election other than a primary or general election at
5 which the county clerk gives notice of the election or otherwise
6 performs duties in connection therewith other than the registration
7 of electors and the making of records of registered voters available
8 for the election, shall provide ~~[a copy of the question, including an~~
9 ~~explanation of and arguments for and against the question,]~~ to each
10 county clerk at least 60 days before the election ~~[-] :~~

11 (1) *A copy of the question, including an explanation of the*
12 *question;*

13 (2) *Arguments for and against the question; and*

14 (3) *If the question is an advisory question that proposes a*
15 *bond, tax, fee or expense, a fiscal note prepared by the governing*
16 *body in accordance with subsection 4 of NRS 293.482.*

17 (d) At any city election at which the city clerk gives notice of
18 the election or otherwise performs duties in connection therewith,
19 shall provide ~~[a copy of the question, including an explanation of~~
20 ~~and arguments for and against the question,]~~ to the city clerk at least
21 60 days before the election ~~[-] :~~

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

24 (2) *Arguments for and against the question; and*

25 (3) *If the question is an advisory question that proposes a*
26 *bond, tax, fee or expense, a fiscal note prepared by the governing*
27 *body in accordance with subsection 4 of NRS 293.482.*

28 2. A question may be submitted after the dates specified in
29 subsection 1 if the question is expressly privileged or required to be
30 submitted pursuant to the provisions of Article 19 of the
31 Constitution of the State of Nevada, or pursuant to the provisions of
32 chapter 295 of NRS or any other statute except NRS 293.482,
33 354.59817, 354.5982, 387.3285 or 387.3287 or any statute that
34 authorizes the governing body to issue bonds upon the approval of
35 the voters.

36 3. A county or city clerk may charge any political subdivision,
37 public or quasi-public corporation or other local agency which
38 submits a question a reasonable fee sufficient to pay for the
39 increased costs incurred in including the question, explanation ,
40 ~~[and]~~ arguments *and fiscal note* on the ballot.

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

42 293.482 1. The governing body of ~~[any]~~ a county or city
43 may, at any general election or general city election, ask the advice
44 of the registered voters within its jurisdiction on any question which
45 it has under consideration . ~~[by adopting]~~ *No other political*



1 *subdivision, public or quasi-public corporation or other local*
2 *agency may ask the advice of the registered voters within its*
3 *jurisdiction on any question which it has under consideration.*
4 *2. To place an advisory question on the ballot at a general*
5 *election or general city election, the governing body of a county or*
6 *city must:*
7 *(a) Adopt a resolution [which:*
8 ~~*(a) Except as otherwise provided in NRS 295.121 and 295.217,*~~
9 ~~*sets forth the advisory question, including an] that:*~~
10 *(1) Sets forth:*
11 *(I) The question, in language indicating clearly that the*
12 *question is advisory only;*
13 *(II) An explanation of [and arguments] the question;*
14 *(III) Except as otherwise provided in NRS 295.121 and*
15 *295.217, arguments for and against the question [to be submitted*
16 ~~*to the voters; and*~~
17 ~~*(b)] ; and*~~
18 *(IV) If the question is an advisory question that*
19 *proposes a bond, tax, fee or expense, a fiscal note prepared by the*
20 *governing body in accordance with subsection 4; and*
21 *(2) States that the result of the voting on the question does*
22 *not place any legal requirement on the governing body , any*
23 *member of the governing body or any officer of the political*
24 *subdivision [*
25 ~~*2.] ; and*~~
26 *(b) Comply with the requirements of paragraph (a) or (d) of*
27 *subsection 1 of NRS 293.481.*
28 *3. A governing body may, at any general election, ask the*
29 *advice of the registered voters of part of its territory if:*
30 *(a) The advisory question to be submitted affects only that part*
31 *of its territory; and*
32 *(b) The resolution adopted pursuant to subsection [H] 2 sets forth*
33 *the boundaries of the area in which the advice of the registered*
34 *voters will be asked.*
35 *4. With respect to a fiscal note that is required in connection*
36 *with an advisory question:*
37 *(a) If, in the advisory question, the governing body seeks*
38 *advice on whether bonds should be issued, the fiscal note must*
39 *include any information that is required by law to be included on*
40 *the sample ballot pursuant to the provisions of law that govern the*
41 *procedure for issuance of the applicable type of bond.*
42 *(b) If, in the advisory question, the governing body seeks*
43 *advice on whether a limitation upon revenue from taxes ad*
44 *valorem should be exceeded, the fiscal note must include any*
45 *information that is required by law to be included on the sample*



1 *ballot pursuant to the provisions of law that govern the procedure*
2 *for exceeding that limitation.*
3 *(c) If, in the advisory question, the governing body seeks*
4 *advice on whether a tax other than a property tax described in*
5 *paragraph (b) should be levied, the fiscal note must:*
6 *(1) Identify the average annual cost that is expected to be*
7 *incurred by the affected taxpayers if the tax were to be levied;*
8 *(2) Specify the period over which the tax is proposed to be*
9 *levied;*
10 *(3) Disclose whether, in connection with the levy of the tax,*
11 *revenue bonds are to be sold which will be backed by the full faith*
12 *and credit of the assessed value of the applicable local*
13 *government; and*
14 *(4) If applicable, specify whether, in connection with or*
15 *following the levy of the tax, additional expenses are expected to*
16 *be incurred to pay for the operation or maintenance of any*
17 *program or service to be provided from the proceeds of the tax or*
18 *to pay for the operation or maintenance of any building,*
19 *equipment, facility, machinery, property, structure, vehicle or*
20 *other thing of value to be purchased, improved or repaired with*
21 *the proceeds of the tax.*
22 *(d) If, in the advisory question, the governing body seeks*
23 *advice on whether a fee should be imposed, the fiscal note must:*
24 *(1) Identify the average annual cost that is expected to be*
25 *incurred by the affected users if the fee were to be imposed;*
26 *(2) Specify the period over which the fee is proposed to be*
27 *imposed; and*
28 *(3) If applicable, specify whether, in connection with or*
29 *following the imposition of the fee, additional expenses are*
30 *expected to be incurred to pay for the program or service to be*
31 *provided from the proceeds of the fee or to pay for the operation or*
32 *maintenance of any building, equipment, facility, machinery,*
33 *property, structure, vehicle or other thing of value to be*
34 *purchased, improved or repaired with the proceeds of the fee.*
35 *(e) If, in the advisory question, the governing body seeks*
36 *advice on whether the applicable local government should incur*
37 *an expense, the fiscal note must:*
38 *(1) Identify the source of revenue that will be used to pay*
39 *the expense;*
40 *(2) Disclose whether it is expected that the incurring of the*
41 *expense will require the levy or imposition of a new tax or fee or*
42 *the increase of an existing tax or fee; and*
43 *(3) If a tax or fee is proposed to be levied or imposed or*
44 *increased to pay the expense, contain the information required*
45 *pursuant to paragraph (c) or (d), as applicable.*



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

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

5 (b) **With its explanation, arguments and, if required, fiscal**
6 **note.**

7 **6. The Committee on Local Government Finance shall**
8 **prepare sample advisory ballot questions to demonstrate, for each**
9 **situation enumerated in paragraphs (a) to (e), inclusive, of**
10 **subsection 4, examples of the manner in which fiscal notes should**
11 **be prepared.**

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

13 293.565 1. Except as otherwise provided in subsection 2,
14 sample ballots must include:

15 (a) The fiscal note, as provided pursuant to NRS 218.443 , ~~for~~
16 293.250, **293.481 or 293.482**, for each proposed constitutional
17 amendment ~~for statewide measure;~~ , **statewide measure, measure**
18 **to be voted upon only by a special district or political subdivision**
19 **and advisory question;**

20 (b) An explanation, as provided pursuant to NRS 218.443,
21 **293.250, 293.481, 293.482 or 295.121**, of each proposed
22 constitutional amendment ~~for statewide measure;~~ , **statewide**
23 **measure, measure to be voted upon only by a special district or**
24 **political subdivision and advisory question**, including arguments
25 for and against it; and

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

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

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

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

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

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



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

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

6

7 NOTICE: THE LOCATION OF YOUR POLLING PLACE
8 HAS CHANGED SINCE THE LAST ELECTION
9

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

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

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

15

16 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
17 LARGE TYPE, CALL (Insert appropriate telephone number)
18

19 5. A portion of a sample ballot that contains a facsimile of the
20 display area of a voting device may include material in less than
21 12-point type to the extent necessary to make the facsimile fit on the
22 pages of the sample ballot.

23 6. The sample ballot mailed to a person who requests a sample
24 ballot in large type by exercising the option provided pursuant to
25 NRS 293.508, or in any other manner, must be printed in at least
26 14-point type, or larger when practicable.

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

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

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

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

40 293C.262 1. The offices for which there are candidates, the
41 names of the candidates therefor and the questions to be voted upon
42 must be printed on ballots for a city election in the following order:

43 (a) City offices:

44 (1) Mayor;



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

3 (3) Municipal judges.

4 (b) Questions presented to the voters of a city or a portion of a
5 city ~~and~~ *with advisory questions listed in consecutive order after any*
6 *other questions presented to the voters of the city.*

7 2. The city clerk:

8 (a) May divide paper ballots into two sheets in a manner that
9 provides a clear understanding and grouping of all measures and
10 candidates.

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

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

14 293C.530 1. At least 10 days before an election, the city
15 clerk shall cause to be mailed to each registered voter in the city a
16 sample ballot for his precinct with a notice informing the voter of
17 the location of his polling place. If the location of the polling place
18 has changed since the last election:

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

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

24
25 NOTICE: THE LOCATION OF YOUR POLLING PLACE
26 HAS CHANGED SINCE THE LAST ELECTION
27

28 2. Except as otherwise provided in subsection 3, a sample
29 ballot required to be mailed pursuant to this section must:

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

31 (b) *Include the fiscal note and explanation, as required*
32 *pursuant to NRS 293.481 or 293.482, of each citywide measure*
33 *and advisory question, including arguments for and against it;*
34 *and*

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

37
38 NOTICE: TO RECEIVE A SAMPLE BALLOT IN
39 LARGE TYPE, CALL (Insert appropriate telephone number)
40

41 3. A portion of a sample ballot that contains a facsimile of the
42 display area of a voting device may include material in less than
43 12-point type to the extent necessary to make the facsimile fit on the
44 pages of the sample ballot.



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

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

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

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

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

17 295.121 1. In a county whose population is 100,000 or more,
18 for each initiative, referendum or other question to be placed on the
19 ballot by the board or county clerk, including, without limitation,
20 pursuant to NRS 293.482, 295.115 or 295.160, the board shall, in
21 consultation with the county clerk pursuant to subsection 4, appoint
22 two committees. Except as otherwise provided in subsection 2, one
23 committee must be composed of three persons who favor approval
24 by the voters of the initiative, referendum or other question and the
25 other committee must be composed of three persons who oppose
26 approval by the voters of the initiative, referendum or other
27 question.

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

33 3. With respect to a committee appointed pursuant to this
34 section:

35 (a) A person may not serve simultaneously on the committee
36 that favors approval by the voters of an initiative, referendum or
37 other question and the committee that opposes approval by the
38 voters of that initiative, referendum or other question.

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

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

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



- 1 (a) Recommend to the board 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 5. If the board of a county whose population is 100,000 or
10 more fails to appoint a committee as required pursuant to this
11 section, the county clerk shall appoint the committee.
- 12 6. A committee appointed pursuant to this section:
- 13 (a) Shall elect a chairman for the committee;
- 14 (b) Shall meet and conduct its affairs as necessary to fulfill the
15 requirements of this section;
- 16 (c) May seek and consider comments from the general public;
- 17 (d) Shall ~~[, based on whether the members were appointed to~~
18 ~~advocate or oppose approval by the voters of the initiative,~~
19 ~~referendum or other question,]~~ *prepare an argument either*
20 *advocating or opposing approval by the voters of the initiative,*
21 *referendum or other question [;], based on whether the members*
22 *were appointed to advocate or oppose approval by the voters of the*
23 *initiative, referendum or other question;*
- 24 (e) Shall prepare a rebuttal to the argument prepared by the other
25 committee appointed pursuant to this section; and
- 26 (f) Shall submit the argument and rebuttal prepared pursuant to
27 paragraphs (d) and (e) to the county clerk not later than the date
28 prescribed by the county clerk pursuant to subsection 7.
- 29 7. The county clerk of a county whose population is 100,000 or
30 more shall provide, by rule or regulation:
- 31 (a) The maximum permissible length of an argument or rebuttal
32 prepared pursuant to this section; and
- 33 (b) The date by which an argument or rebuttal prepared pursuant
34 to this section must be submitted by the committee to the county
35 clerk.
- 36 8. Upon receipt of an argument or rebuttal prepared pursuant to
37 this section, the county 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 he
43 believes is libelous or factually inaccurate.
- 44 Not later than 5 days after the county clerk rejects a statement
45 pursuant to this subsection, the committee may appeal that rejection



1 to the district attorney. The district attorney shall review the
2 statement and the reasons for its rejection and may receive evidence,
3 documentary or testimonial, to aid him in his decision. Not later
4 than 3 business days after the appeal by the committee, the district
5 attorney shall issue his decision rejecting or accepting the statement.
6 The decision of the district attorney is a final decision for the
7 purposes of judicial review.

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

15 10. In a county whose population is less than 100,000:

16 (a) The board may appoint committees pursuant to this section.

17 (b) If the board appoints committees pursuant to this section, the
18 county clerk shall provide for rules or regulations pursuant to
19 subsection 7.

20 **Sec. 8.** NRS 295.217 is hereby amended to read as follows:

21 295.217 1. In a city whose population is 60,000 or more, for
22 each initiative, referendum or other question to be placed on the
23 ballot by the council, including, without limitation, pursuant to NRS
24 293.482 or 295.215, the council shall, in consultation *pursuant to*
25 *subsection 4* with the city clerk ~~[pursuant to subsection 4.]~~ *or other*
26 *city officer authorized to perform the duties of the city clerk,*
27 appoint two committees. Except as otherwise provided in subsection
28 2, one committee must be composed of three persons who favor
29 approval by the voters of the initiative, referendum or other question
30 and the other committee must be composed of three persons who
31 oppose approval by the voters of the initiative, referendum or other
32 question.

33 2. If, after consulting with the city clerk pursuant to subsection
34 4, the council is unable to appoint three persons willing to serve on
35 a committee, the council may appoint fewer than three persons to
36 that committee, but the council must appoint at least one person to
37 each committee appointed pursuant to this section.

38 3. With respect to a committee appointed pursuant to this
39 section:

40 (a) A person may not serve simultaneously on the committee
41 that favors approval by the voters of an initiative, referendum or
42 other question and the committee that opposes approval by the
43 voters of that initiative, referendum or other question.

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



1 (c) The term of office for each member commences upon
2 appointment and expires upon the publication of the sample ballot
3 containing the initiative, referendum or other question.
4 4. Before the council appoints a committee pursuant to this
5 section, the city clerk shall:
6 (a) Recommend to the council persons to be appointed to the
7 committee; and
8 (b) Consider recommending pursuant to paragraph (a):
9 (1) Any person who has expressed an interest in serving on
10 the committee; and
11 (2) A person who is a member of an organization that has
12 expressed an interest in having a member of the organization serve
13 on the committee.
14 5. If the council of a city whose population is 60,000 or more
15 fails to appoint a committee as required pursuant to this section, the
16 city clerk shall appoint the committee.
17 6. A committee appointed pursuant to this section:
18 (a) Shall elect a chairman 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 ~~[, based on whether the members were appointed to~~
23 ~~advocate or oppose approval by the voters of the initiative,~~
24 ~~referendum or other question,]~~ prepare an argument either
25 advocating or opposing approval by the voters of the initiative,
26 referendum or other question ~~[;]~~ *, based on whether the members*
27 *were appointed to advocate or oppose approval by the voters of the*
28 *initiative, referendum or other question;*
29 (e) Shall prepare a rebuttal to the argument prepared by the other
30 committee appointed pursuant to this section; and
31 (f) Shall submit the argument and rebuttal prepared pursuant to
32 paragraphs (d) and (e) to the city clerk not later than the date
33 prescribed by the city clerk pursuant to subsection 7.
34 7. The city clerk of a city whose population is 60,000 or more
35 shall provide, by rule or regulation:
36 (a) The maximum permissible length of an argument or rebuttal
37 prepared pursuant to this section; and
38 (b) The date by which an argument or rebuttal prepared pursuant
39 to this section must be submitted by the committee to the city clerk.
40 8. Upon receipt of an argument or rebuttal prepared pursuant to
41 this section, the city clerk:
42 (a) May consult with persons who are generally recognized by a
43 national or statewide organization as having expertise in the field or
44 area to which the initiative, referendum or other question pertains;
45 and



1 (b) Shall reject each statement in the argument or rebuttal that he
2 believes is libelous or factually inaccurate.
3 Not later than 5 days after the city clerk rejects a statement pursuant
4 to this subsection, the committee may appeal that rejection to the
5 city attorney ~~or~~ *or other city officer appointed to hear the appeal*
6 *by the city council*. The city attorney *or other city officer appointed*
7 *to hear the appeal* shall review the statement and the reasons for its
8 rejection and may receive evidence, documentary or testimonial, to
9 aid him in his decision. Not later than 3 business days after the
10 appeal by the committee, the city attorney *or other city officer*
11 *appointed to hear the appeal* shall issue his decision rejecting or
12 accepting the statement. The decision of the city attorney *or other*
13 *city officer appointed to hear the appeal* is a final decision for the
14 purposes of judicial review.
15 9. The city clerk shall place in the sample ballot provided to
16 the registered voters of the city each argument and rebuttal prepared
17 pursuant to this section, containing all statements that were not
18 rejected pursuant to subsection 8. The city clerk may revise the
19 language submitted by the committee so that it is clear, concise and
20 suitable for incorporation in the sample ballot, but shall not alter the
21 meaning or effect without the consent of the committee.
22 10. In a city whose population is less than 60,000:
23 (a) The council may appoint committees pursuant to this section.
24 (b) If the council appoints committees pursuant to this section,
25 the city clerk shall provide for rules or regulations pursuant to
26 subsection 7.

