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ASSEMBLY BILL NO. 497—COMMITTEE ON ELECTIONS,  
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS

MARCH 28, 2005

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Referred to Committee on Elections, Procedures, Ethics,  
and Constitutional Amendments

SUMMARY—Revises provisions relating to initiatives and referendums. (BDR 24-442)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to elections; revising the provision governing eligibility to sign a petition required under the election laws of this State; providing that a petition for initiative or referendum must embrace only one subject; providing for the review of the title of a petition for initiative or referendum by the Attorney General; revising the provisions relating to a petition for initiative or referendum by registered voters of a city or county; providing for the appeal of certain final decisions relating to a petition for an initiative or referendum by filing a complaint in court; 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 293.12757 is hereby amended to read as  
2 follows:

3     293.12757 A person may sign a petition required under the  
4 election laws of this State ~~on~~ :

5     ***1. On*** or after the date he is deemed to be registered to vote  
6 pursuant to subsection 5 of NRS 293.517 ; or

7     ***2. On or after the date the person has completed an***  
8 ***application to register to vote which is to be mailed to the county***



1 *clerk, if the person is deemed to be registered pursuant to*  
2 *subsection 5 of NRS 293.5235 [H] not more than 2 days after the*  
3 *date the person signs the petition.*

4 **Sec. 2.** Chapter 295 of NRS is hereby amended by adding  
5 thereto the provisions set forth as sections 3 and 4 of this act.

6 **Sec. 3.** *Each petition for initiative must embrace but one*  
7 *subject and matters necessarily connected therewith and*  
8 *pertaining thereto. The subject must be clearly indicated in the*  
9 *title. In all cases where the subject of the measure is not so*  
10 *expressed in the title, the measure shall be void as to the matter*  
11 *not expressed in the title.*

12 **Sec. 4.** *Each petition for referendum must embrace but one*  
13 *subject and matters necessarily connected therewith and*  
14 *pertaining thereto. The subject must be clearly indicated in the*  
15 *title. In all cases where the subject of the measure is not so*  
16 *expressed in the title, the measure shall be void as to the matter*  
17 *not expressed in the title.*

18 **Sec. 5.** NRS 295.015 is hereby amended to read as follows:

19 295.015 **1.** A copy of a petition for initiative *or referendum*  
20 must be placed on file in the Office of the Secretary of State before  
21 it may be presented to the registered voters for their signatures.

22 **2.** *Upon receipt of a copy of a petition for initiative or*  
23 *referendum pursuant to subsection 1, the Secretary of State shall:*

24 (a) *Determine the number of signatures of registered voters*  
25 *required to file the petition;*

26 (b) *Inform the person placing the copy of the petition on file of*  
27 *the number of signatures of registered voters required to file the*  
28 *petition; and*

29 (c) *Transmit the petition to the Attorney General.*

30 **3.** *The Attorney General shall:*

31 (a) *Review the title of the petition to determine if the title*  
32 *satisfies the requirements of section 3 or 4 of this act; and*

33 (b) *Reject each title that does not satisfy the requirements of*  
34 *section 3 or 4 of this act.*

35 **4.** *The decision of the Attorney General to reject a title of a*  
36 *petition pursuant to subsection 3 is a final decision for the*  
37 *purposes of judicial review. Not later than 5 days after the*  
38 *Attorney General rejects the title of a petition pursuant to*  
39 *subsection 3, the person may appeal that rejection to the First*  
40 *Judicial District Court. The Court shall set the matter for hearing*  
41 *not later than 3 days after the complaint is filed and shall give*  
42 *priority to such a complaint over all other matters pending with*  
43 *the Court, except for criminal proceedings.*



1       **Sec. 6.** NRS 295.045 is hereby amended to read as follows:

2       295.045 1. ~~1. [A copy of a petition for referendum must be~~  
3 ~~placed on file in the Office of the Secretary of State before it may be~~  
4 ~~presented to the registered voters for their signatures.~~

5 ~~—2.]~~ A petition for referendum must be filed with the Secretary  
6 of State not less than 120 days before the date of the next  
7 succeeding general election.

8       ~~3.]~~ 2. The Secretary of State shall certify the questions to the  
9 county clerks, and they shall publish them in accordance with the  
10 provisions of law requiring county clerks to publish questions and  
11 proposed constitutional amendments which are to be submitted for  
12 popular vote.

13       ~~4.]~~ 3. The title of the statute or resolution must be set out on  
14 the ballot, and the question printed upon the ballot for the  
15 information of the voters must be as follows: "Shall the statute  
16 (setting out its title) be approved?"

17       ~~5.]~~ 4. Where a mechanical voting system is used, the title of  
18 the statute must appear on the list of offices and candidates and the  
19 statements of measures to be voted on and may be condensed to no  
20 more than 25 words.

21       ~~6.]~~ 5. The votes cast upon the question must be counted and  
22 canvassed as the votes for state officers are counted and canvassed.

23       **Sec. 7.** NRS 295.061 is hereby amended to read as follows:

24       295.061 The legal sufficiency of a petition filed pursuant to  
25 NRS 295.015 to 295.061, inclusive, may be challenged by filing a  
26 complaint in district court not later than 5 days, Saturdays, Sundays  
27 and holidays excluded, after the petition is filed with the Secretary  
28 of State. All affidavits and documents in support of the challenge  
29 must be filed with the complaint. The court shall set the matter for  
30 hearing not later than ~~30]~~ 3 days after the complaint is filed and  
31 shall give priority to such a complaint over all other matters pending  
32 with the court, except for criminal proceedings.

33       **Sec. 8.** NRS 295.085 is hereby amended to read as follows:

34       295.085 The registered voters of a county may:

35       1. Propose ordinances to the board and, if the board fails to  
36 adopt an ordinance so proposed without change in substance, to  
37 adopt or reject it at a ~~primary or]~~ general election.

38       2. Require reconsideration by the board of any adopted  
39 ordinance and, if the board fails to repeal an ordinance so  
40 reconsidered, to approve or reject it at a ~~primary or]~~ general  
41 election.

42       **Sec. 9.** NRS 295.095 is hereby amended to read as follows:

43       295.095 1. Any ~~five]~~ 10 registered voters of the county may  
44 commence initiative or referendum proceedings by filing with the  
45 county clerk an affidavit stating they will constitute the petitioners'



1 committee and be responsible for circulating the petition and filing  
2 it in proper form, stating their names and addresses and specifying  
3 the address to which all notices to the committee are to be sent, and  
4 setting out in full the proposed initiative ordinance or citing the  
5 ordinance sought to be reconsidered.

6 2. Initiative petitions must be signed by a number of registered  
7 voters of the county equal to 15 percent or more of the number of  
8 voters who voted at the last preceding general election in the county.

9 3. Referendum petitions must be signed by a number of  
10 registered voters of the county equal to 10 percent or more of the  
11 number of voters who voted at the last preceding general election in  
12 the county.

13 4. A petition must be submitted to the county clerk for  
14 verification, pursuant to NRS 295.250 to 295.290, inclusive, not  
15 later than:

16 (a) One hundred and ~~eighty~~ *fifty* days after the date that the  
17 affidavit required by subsection 1 is filed with the county clerk; or

18 (b) One hundred and ~~thirty~~ *fifteen* days before the election,  
19 ↪ whichever is earlier.

20 5. A petition may consist of more than one document, but all  
21 documents of a petition must be uniform in size and style, numbered  
22 and assembled as one instrument for submission. Each signature  
23 must be executed in ink or indelible pencil and followed by the  
24 address of the person signing and the date on which he signed the  
25 petition. All signatures on a petition must be obtained within  
26 the period specified in subsection 4. Each document must contain,  
27 or have attached thereto throughout its circulation, the full text of  
28 the ordinance proposed or sought to be reconsidered.

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

31 (a) That he personally circulated the document;

32 (b) The number of signatures thereon;

33 (c) That all the signatures were affixed in his presence;

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

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

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

41 (a) Documents included in the petition;

42 (b) Pages in each document; and

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



1     **Sec. 10.** NRS 295.105 is hereby amended to read as follows:

2     295.105 1. Within 20 days after the petition is submitted to  
3 the county clerk pursuant to NRS 295.095, the county clerk shall  
4 complete a certificate as to its sufficiency.

5     2. If a petition is certified sufficient, or if a petition is certified  
6 insufficient and the petitioners' committee does not elect to request  
7 board review under subsection 3 within the time required, the  
8 county clerk shall promptly present his certificate to the board and  
9 the certificate is a final determination as to the sufficiency of the  
10 petition.

11    3. If a petition has been certified insufficient, the committee  
12 may, within 2 days after receiving a copy of the certificate, file a  
13 request that it be reviewed by the board. The board shall review the  
14 certificate at its next meeting following the filing of the request and  
15 approve or disapprove it, and the determination of the board is a  
16 final determination as to the sufficiency of the petition.

17    4. A final determination as to the sufficiency of a petition is  
18 subject to judicial review. *If the final determination is challenged  
19 by filing a complaint in district court, the court shall set the matter  
20 for hearing not later than 3 days after the complaint is filed and  
21 shall give priority to such a complaint over all other matters  
22 pending with the court, except for criminal proceedings.* A final  
23 determination of insufficiency, even if sustained upon judicial  
24 review, does not prejudice the filing of a new petition for the same  
25 purpose.

26     **Sec. 11.** NRS 295.115 is hereby amended to read as follows:

27     295.115 1. When an initiative or referendum petition has  
28 been finally determined sufficient, the board shall promptly consider  
29 the proposed initiative ordinance in the manner provided by law for  
30 the consideration of ordinances generally or reconsider the referred  
31 ordinance by voting its repeal. If, within 30 days after the date the  
32 petition was finally determined sufficient, the board fails to adopt  
33 the proposed initiative ordinance without any change in substance or  
34 fails to repeal the referred ordinance, the board shall submit the  
35 proposed or referred ordinance to the registered voters of the county.

36     2. The vote of the county on the proposed or referred ordinance  
37 must be held at the next ~~[primary or]~~ general election. Copies of the  
38 proposed or referred ordinance must be made available at the polls.

39     3. An initiative or referendum petition may be withdrawn at  
40 any time before the 30th day preceding the day scheduled for a vote  
41 of the county or the deadline for placing questions on the ballot,  
42 whichever is earlier, by filing with the county clerk a request for  
43 withdrawal signed by at least four members of the petitioners'  
44 original committee. Upon the filing of that request, the petition has  
45 no further effect and all proceedings thereon must be terminated.



1     **Sec. 12.** NRS 295.121 is hereby amended to read as follows:

2     295.121 1. ~~[In a county whose population is 40,000 or more,~~  
3 ~~for] For~~ each initiative, referendum or other question to be placed  
4 on the ballot by:

5     (a) The board, including, without limitation, pursuant to NRS  
6 293.482, 295.115 or 295.160;

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

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

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

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

25    3. With respect to a committee appointed pursuant to this  
26 section:

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

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

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

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

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

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



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

3 (a) Recommend to the board persons to be appointed to the  
4 committee; and

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

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

8 (2) A person who is a member of an organization that has  
9 expressed an interest in having a member of the organization serve  
10 on the committee.

11 6. If the board ~~[of a county whose population is 40,000 or~~  
12 ~~more]~~ fails to appoint a committee as required pursuant to this  
13 section, the county clerk shall appoint the committee.

14 7. A committee appointed pursuant to this section:

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

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

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

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

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

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

28 (1) The fiscal impact of the initiative, referendum or other  
29 question;

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

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

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

37 8. The county clerk ~~[of a county whose population is 40,000 or~~  
38 ~~more]~~ shall provide, by rule or regulation:

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

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

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



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

5 (b) Shall reject each statement in the argument or rebuttal that he  
6 believes is libelous or factually inaccurate.

7 ↪ Not later than 5 days after the county clerk rejects a statement  
8 pursuant to this subsection, the committee may appeal that rejection  
9 to the district attorney. The district attorney shall review the  
10 statement and the reasons for its rejection and may receive evidence,  
11 documentary or testimonial, to aid him in his decision. Not later  
12 than 3 business days after the appeal by the committee, the district  
13 attorney shall issue his decision rejecting or accepting the statement.  
14 The decision of the district attorney is a final decision for the  
15 purposes of judicial review. *If the decision of the district attorney is*  
16 *challenged by filing a complaint in district court, the court shall*  
17 *set the matter for hearing not later than 3 days after the complaint*  
18 *is filed and shall give priority to such a complaint over all other*  
19 *matters pending with the court, except for criminal proceedings.*

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

27 11. ~~In a county whose population is less than 40,000:~~  
28 ~~—(a) The board may appoint committees pursuant to this section.~~  
29 ~~—(b) If the board appoints committees pursuant to this section, the~~  
30 ~~county clerk shall provide for rules or regulations pursuant to~~  
31 ~~subsection 8.~~

32 ~~—12.]~~ Except as otherwise provided in this subsection, if a  
33 question is to be placed on the ballot by an entity described in  
34 paragraph (b) or (c) of subsection 1, the entity must provide a copy  
35 and explanation of the question to the county clerk at least 30 days  
36 earlier than the date required for the submission of such documents  
37 pursuant to subsection 1 of NRS 293.481. This subsection does not  
38 apply to a question if the date that the question must be submitted to  
39 the county clerk is governed by subsection 2 of NRS 293.481.

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

43 **Sec. 13.** NRS 295.140 is hereby amended to read as follows:

44 295.140 1. Whenever 10 percent or more of the registered  
45 voters of any county of this State, as shown by the number of





1 registered voters who voted at the last preceding general election,  
2 express their wish that any act or resolution enacted by the  
3 Legislature, and pertaining to that county only, be submitted to the  
4 vote of the people, they shall submit to the county clerk a petition,  
5 which must contain the names and residence addresses of at least 10  
6 percent of the registered voters of that county, demanding that a  
7 referendum vote be had by the people of the county at the next  
8 ~~primary or~~ general election upon the act or resolution on which the  
9 referendum is demanded.

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

14 3. A petition may consist of more than one document, but all  
15 documents of a petition must be uniform in size and style, numbered  
16 and assembled as one instrument for submission. Each signature  
17 must be executed in ink or indelible pencil and followed by the  
18 address of the person signing and the date on which he signed the  
19 petition. Each document must contain, or have attached thereto  
20 throughout its circulation, the full text of the act or resolution on  
21 which the referendum is demanded.

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

- 24 (a) That he personally circulated the document;  
25 (b) The number of signatures thereon;  
26 (c) That all the signatures were affixed in his presence;  
27 (d) That he believes them to be genuine signatures of the  
28 persons whose names they purport to be; and  
29 (e) That each signer had an opportunity before signing to read  
30 the full text of the act or resolution on which the referendum is  
31 demanded.

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

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

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

43 7. If a petition is certified insufficient, the person who  
44 submitted the petition may, within 2 days after receiving a copy of  
45 the certificate, file a request that it be reviewed by the board of



1 county commissioners. The board shall review the certificate at its  
2 next meeting following the filing of the request and approve or  
3 disapprove it, and the determination of the board is a final  
4 determination as to the sufficiency of the petition.

5 8. A final determination as to the sufficiency of a petition is  
6 subject to judicial review. *If the final determination is challenged*  
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*  
9 *shall give priority to such a complaint over all other matters*  
10 *pending with the court, except for criminal proceedings.* A final  
11 determination of insufficiency, even if sustained upon judicial  
12 review, does not prejudice the filing of a new petition for the same  
13 purpose.

14 **Sec. 14.** NRS 295.160 is hereby amended to read as follows:

15 295.160 1. If the petition is determined to be sufficient, the  
16 county clerk shall, at the next ~~primary or~~ general election, submit  
17 the act or resolution, by appropriate questions on the ballot, for the  
18 approval or disapproval of the people of that county.

19 2. The county clerk shall publish those questions in accordance  
20 with the provisions of law requiring county clerks to publish  
21 questions and proposed constitutional amendments which are to be  
22 submitted for popular vote.

23 **Sec. 15.** NRS 295.200 is hereby amended to read as follows:

24 295.200 The registered voters of a city may:

25 1. Propose ordinances to the council and, if the council fails to  
26 adopt an ordinance so proposed without change in substance, adopt  
27 or reject it at the next ~~primary or~~ general city election or ~~primary~~  
28 ~~or~~ general election.

29 2. Require reconsideration by the council of any adopted  
30 ordinance and, if the council fails to repeal an ordinance so  
31 reconsidered, approve or reject it at the next ~~primary or~~ general  
32 city election or ~~primary or~~ general election.

33 **Sec. 16.** NRS 295.205 is hereby amended to read as follows:

34 295.205 1. Any ~~five~~ 10 registered voters of the city may  
35 commence initiative or referendum proceedings by filing with the  
36 city clerk an affidavit:

37 (a) Stating they will constitute the petitioners' committee and be  
38 responsible for circulating the petition and filing it in proper form;

39 (b) Stating their names and addresses;

40 (c) Specifying the address to which all notices to the committee  
41 are to be sent; and

42 (d) Setting out in full the proposed initiative ordinance or citing  
43 the ordinance sought to be reconsidered.



1 2. Initiative petitions must be signed by a number of registered  
2 voters of the city equal to 15 percent or more of the number of  
3 voters who voted at the last preceding city election.

4 3. Referendum petitions must be signed by a number of  
5 registered voters of the city equal to 10 percent or more of the  
6 number of voters who voted at the last preceding city election.

7 4. A petition must be submitted to the city clerk for  
8 verification, pursuant to NRS 295.250 to 295.290, inclusive, not  
9 later than:

10 (a) One hundred and ~~eighty~~ *fifty* days after the date that the  
11 affidavit required by subsection 1 is filed with the city clerk; or

12 (b) One hundred and ~~thirty~~ *fifteen* days before the election,  
13 ↪ whichever is earlier.

14 5. A petition may consist of more than one document, but all  
15 documents of a petition must be uniform in size and style, numbered  
16 and assembled as one instrument for submission. Each signature  
17 must be executed in ink or indelible pencil and followed by the  
18 address of the person signing and the date on which he signed  
19 the petition. All signatures on a petition must be obtained within the  
20 period specified in subsection 4. Each document must contain, or  
21 have attached thereto throughout its circulation, the full text of the  
22 ordinance proposed or sought to be reconsidered.

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

25 (a) That he personally circulated the document;

26 (b) The number of signatures thereon;

27 (c) That all the signatures were affixed in his presence;

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

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

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

35 (a) Documents included in the petition;

36 (b) Pages in each document; and

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

39 **Sec. 17.** NRS 295.210 is hereby amended to read as follows:

40 295.210 1. Within 20 days after the petition is submitted to  
41 the city clerk pursuant to NRS 295.205, the city clerk shall complete  
42 a certificate as to its sufficiency.

43 2. If a petition is certified sufficient, or if a petition is certified  
44 insufficient and the petitioners' committee does not elect to request  
45 council review under subsection 3 within the time required, the city



1 clerk must promptly present his certificate to the council and the  
2 certificate is a final determination as to the sufficiency of the  
3 petition.

4 3. If a petition has been certified insufficient, the committee  
5 may, within 2 days after receiving the copy of the certificate, file a  
6 request that it be reviewed by the council. The council shall review  
7 the certificate at its next meeting following the filing of the request  
8 and approve or disapprove it, and the council's determination is a  
9 final determination as to the sufficiency of the petition.

10 4. A final determination as to the sufficiency of a petition is  
11 subject to judicial review. *If the final determination is challenged*  
12 *by filing a complaint in district court, the court shall set the matter*  
13 *for hearing not later than 3 days after the complaint is filed and*  
14 *shall give priority to such a complaint over all other matters*  
15 *pending with the court, except for criminal proceedings.* A final  
16 determination of insufficiency, even if sustained upon judicial  
17 review, does not prejudice the filing of a new petition for the same  
18 purpose.

19 **Sec. 18.** NRS 295.215 is hereby amended to read as follows:

20 295.215 1. When an initiative or referendum petition has  
21 been finally determined sufficient, the council shall promptly  
22 consider the proposed initiative ordinance in the manner provided  
23 by law for the consideration of ordinances generally or reconsider  
24 the referred ordinance by voting its repeal. If, within 30 days after  
25 the date the petition was finally determined sufficient, the council  
26 fails to adopt the proposed initiative ordinance without any change  
27 in substance or fails to repeal the referred ordinance, the council  
28 shall submit the proposed or referred ordinance to the registered  
29 voters of the city.

30 2. The vote of the city on the proposed or referred ordinance  
31 must be held at the next ~~{primary or}~~ general city election ~~{or~~  
32 ~~primary}~~ or general election. Copies of the proposed or referred  
33 ordinance must be made available at the polls.

34 3. An initiative or referendum petition may be withdrawn at  
35 any time before the 30th day preceding the day scheduled for a vote  
36 of the city or the deadline for placing questions on the ballot,  
37 whichever is earlier, by filing with the city clerk a request for  
38 withdrawal signed by at least four members of the petitioners'  
39 original committee. Upon the filing of that request, the petition has  
40 no further effect and all proceedings thereon must be terminated.

41 **Sec. 19.** NRS 295.217 is hereby amended to read as follows:

42 295.217 1. ~~{In a city whose population is 10,000 or more,~~  
43 ~~for}~~ **For** each initiative, referendum or other question to be placed  
44 on the ballot by the:



1 (a) Council, including, without limitation, pursuant to NRS  
2 293.482 or 295.215; or

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

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

14 2. If, after consulting with the city clerk pursuant to subsection  
15 5, the council is unable to appoint three persons willing to serve on  
16 a committee, the council may appoint fewer than three persons to  
17 that committee, but the council must appoint at least one person to  
18 each committee appointed pursuant to this section.

19 3. With respect to a committee appointed pursuant to this  
20 section:

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

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

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

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

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

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

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

41 (a) Recommend to the council persons to be appointed to the  
42 committee; and

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

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



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

4 6. If the council ~~[of a city whose population is 10,000 or more]~~  
5 fails to appoint a committee as required pursuant to this section, the  
6 city clerk shall appoint the committee.

7 7. A committee appointed pursuant to this section:

8 (a) Shall elect a chairman 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 fiscal impact of the initiative, referendum or other  
22 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 10,000 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 he  
43 believes is libelous or factually inaccurate.

44 ➔ Not later than 5 days after the city clerk rejects a statement  
45 pursuant to this subsection, the committee may appeal that rejection



1 to the city attorney or other city officer appointed to hear the appeal  
2 by the city council. The city attorney or other city officer appointed  
3 to hear the appeal shall review the statement and the reasons for its  
4 rejection and may receive evidence, documentary or testimonial, to  
5 aid him in his decision. Not later than 3 business days after the  
6 appeal by the committee, the city attorney or other city officer  
7 appointed to hear the appeal shall issue his decision rejecting or  
8 accepting the statement. The decision of the city attorney or other  
9 city officer appointed to hear the appeal is a final decision for the  
10 purposes of judicial review. *If the decision of the city attorney or  
11 other city officer appointed to hear the appeal is challenged by  
12 filing a complaint in district court, the court shall set the matter  
13 for hearing not later than 3 days after the complaint is filed and  
14 shall give priority to such a complaint over all other matters  
15 pending with the court, except for criminal proceedings.*

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

23 11. ~~In a city whose population is less than 10,000:~~

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

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

28 ~~12.]~~ If a question is to be placed on the ballot by an entity  
29 described in paragraph (b) of subsection 1, the entity must provide a  
30 copy and explanation of the question to the city clerk at least 30  
31 days earlier than the date required for the submission of such  
32 documents pursuant to subsection 1 of NRS 293.481. This  
33 subsection does not apply to a question if the date that the question  
34 must be submitted to the city clerk is governed by subsection 2 of  
35 NRS 293.481.



