

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

MARCH 28, 2005

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.

AN ACT relating to elections; revising the provision governing eligibility to sign a petition required under the election laws of this State; providing that the subject of a petition for initiative or referendum must be accurately indicated in the title; 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**
9 **clerk, if the person is deemed to be registered pursuant to**



1 subsection 5 of NRS 293.5235 ~~[1]~~ *not more than 3 working days*
2 *after the date the person signs the petition.*

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

5 **Sec. 3.** *The subject of each petition for initiative must be*
6 *accurately indicated in the title.*

7 **Sec. 4.** *The subject of each petition for referendum must be*
8 *accurately indicated in the title.*

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

10 295.015 1. A copy of a petition for initiative *or referendum*
11 must be placed on file in the Office of the Secretary of State before
12 it may be presented to the registered voters for their signatures.

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

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

17 (b) *Inform the person placing the copy of the petition on file of*
18 *the number of signatures of registered voters required to file the*
19 *petition; and*

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

21 3. *The Attorney General shall:*

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

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

26 4. *The decision of the Attorney General to reject a title of a*
27 *petition pursuant to subsection 3 is a final decision for the*
28 *purposes of judicial review. Not later than 5 days after the*
29 *Attorney General rejects the title of a petition pursuant to*
30 *subsection 3, the person may appeal that rejection to the First*
31 *Judicial District Court. The Court shall set the matter for hearing*
32 *not later than 3 days after the complaint is filed and shall give*
33 *priority to such a complaint over all other matters pending with*
34 *the Court, except for criminal proceedings.*

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

36 295.045 1. ~~[A copy of a petition for referendum must be~~
37 ~~placed on file in the Office of the Secretary of State before it may be~~
38 ~~presented to the registered voters for their signatures.~~

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

42 ~~[3.]~~ 2. The Secretary of State shall certify the questions to the
43 county clerks, and they shall publish them in accordance with the
44 provisions of law requiring county clerks to publish questions and



1 proposed constitutional amendments which are to be submitted for
2 popular vote.

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

7 ~~[5.]~~ 4. Where a mechanical voting system is used, the title of
8 the statute must appear on the list of offices and candidates and the
9 statements of measures to be voted on and may be condensed to no
10 more than 25 words.

11 ~~[6.]~~ 5. The votes cast upon the question must be counted and
12 canvassed as the votes for state officers are counted and canvassed.

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

14 295.061 The legal sufficiency of a petition filed pursuant to
15 NRS 295.015 to 295.061, inclusive, may be challenged by filing a
16 complaint in district court not later than 5 days, Saturdays, Sundays
17 and holidays excluded, after the petition is filed with the Secretary
18 of State. All affidavits and documents in support of the challenge
19 must be filed with the complaint. The court shall set the matter for
20 hearing not later than ~~[30]~~ 3 days after the complaint is filed and
21 shall give priority to such a complaint over all other matters pending
22 with the court, except for criminal proceedings.

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

24 295.085 The registered voters of a county may:

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

28 2. Require reconsideration by the board of any adopted
29 ordinance and, if the board fails to repeal an ordinance so
30 reconsidered, to approve or reject it at a ~~[primary or]~~ general
31 election.

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

33 295.095 1. Any ~~[five]~~ 10 registered voters of the county may
34 commence initiative or referendum proceedings by filing with the
35 county clerk an affidavit stating they will constitute the petitioners'
36 committee and be responsible for circulating the petition and filing
37 it in proper form, stating their names and addresses and specifying
38 the address to which all notices to the committee are to be sent, and
39 setting out in full the proposed initiative ordinance or citing the
40 ordinance sought to be reconsidered.

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

44 3. Referendum petitions must be signed by a number of
45 registered voters of the county equal to 10 percent or more of the



1 number of voters who voted at the last preceding general election in
2 the county.

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

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

8 (b) One hundred and ~~thirty~~ *forty-five* days before the election,
9 ↪ whichever is earlier.

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

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

21 (a) That he personally circulated the document;

22 (b) The number of signatures thereon;

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

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

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

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

31 (a) Documents included in the petition;

32 (b) Pages in each document; and

33 (c) Signatures that the person declares are included in the
34 petition.

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

36 295.105 1. Within 20 days after the petition is submitted to
37 the county clerk pursuant to NRS 295.095, the county clerk shall
38 complete a certificate as to its sufficiency.

39 2. If a petition is certified sufficient, or if a petition is certified
40 insufficient and the petitioners' committee does not elect to request
41 board review under subsection 3 within the time required, the
42 county clerk shall promptly present his certificate to the board and
43 the certificate is a final determination as to the sufficiency of the
44 petition.



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

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

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

17 295.115 1. When an initiative or referendum petition has
18 been finally determined sufficient, the board shall promptly consider
19 the proposed initiative ordinance in the manner provided by law for
20 the consideration of ordinances generally or reconsider the referred
21 ordinance by voting its repeal. If, within 30 days after the date the
22 petition was finally determined sufficient, the board fails to adopt
23 the proposed initiative ordinance without any change in substance or
24 fails to repeal the referred ordinance, the board shall submit the
25 proposed or referred ordinance to the registered voters of the county.

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

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

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

37 295.121 1. In a county whose population is 40,000 or more,
38 for each initiative, referendum or other question to be placed on the
39 ballot by:

40 (a) The board, including, without limitation, pursuant to NRS
41 293.482, 295.115 or 295.160;

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



1 (c) A metropolitan police committee on fiscal affairs authorized
2 by law to submit questions to some or all of the qualified electors or
3 registered voters of the county,
4 ➤ the board shall, in consultation with the county clerk pursuant to
5 subsection 5, appoint two committees. Except as otherwise provided
6 in 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 county clerk pursuant to
12 subsection 5, the board is unable to appoint three persons who are
13 willing to serve on a committee, the board may appoint fewer than
14 three persons to that committee, but the board must appoint at least
15 one person to 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. The county clerk may establish and maintain a list of the
27 persons who have expressed an interest in serving on a committee
28 appointed pursuant to this section. The county clerk, after exercising
29 due diligence to locate persons who favor approval by the voters of
30 an initiative, referendum or other question to be placed on the ballot
31 or who oppose approval by the voters of an initiative, referendum or
32 other question to be placed on the ballot, may use the names on a list
33 established pursuant to this subsection to:

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

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

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

38 (a) Recommend to the board persons to be appointed to the
39 committee; and

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

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

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



1 6. If the board of a county whose population is 40,000 or more
2 fails to appoint a committee as required pursuant to this section, the
3 county clerk shall ~~[appoint the committee.]~~ , *in consultation with*
4 *the district attorney, prepare an argument advocating approval by*
5 *the voters of the initiative, referendum or other question and an*
6 *argument opposing approval by the voters of the initiative,*
7 *referendum or other question. Each argument prepared by the*
8 *county clerk must satisfy the requirements of paragraph (f) of*
9 *subsection 7 and any rules or regulations adopted by the county*
10 *clerk pursuant to subsection 8. The county clerk shall not prepare*
11 *the rebuttal of the arguments required pursuant to paragraph (e)*
12 *of subsection 7.*

13 7. A committee appointed pursuant to this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

43 9. Upon receipt of an argument or rebuttal prepared pursuant to
44 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. The provisions of chapter 241 of NRS do not apply to any
41 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~~ *forty-five* 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, for
43 each initiative, referendum or other question to be placed on the
44 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.~~, *in consultation with the*
7 *city attorney, prepare an argument advocating approval by the*
8 *voters of the initiative, referendum or other question and an*
9 *argument opposing approval by the voters of the initiative,*
10 *referendum or other question. Each argument prepared by the city*
11 *clerk must satisfy the requirements of paragraph (f) of subsection*
12 *7 and any rules or regulations adopted by the county clerk*
13 *pursuant to subsection 8. The county clerk shall not prepare the*
14 *rebuttal of the arguments required pursuant to paragraph (e) of*
15 *subsection 7.*

16 7. A committee appointed pursuant to this section:

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

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

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

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

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

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

30 (1) The fiscal impact of the initiative, referendum or other
31 question;

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

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

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

39 8. The city clerk of a city whose population is 10,000 or more
40 shall provide, by rule or regulation:

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



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

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

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

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

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

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

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

36 (a) The council may appoint committees pursuant to this section.

37 (b) If the council appoints committees pursuant to this section,
38 the city clerk shall provide for rules or regulations pursuant to
39 subsection 8.

40 12. If a question is to be placed on the ballot by an entity
41 described in paragraph (b) of subsection 1, the entity must provide a
42 copy and explanation of the question to the city clerk at least 30
43 days earlier than the date required for the submission of such
44 documents pursuant to subsection 1 of NRS 293.481. This
45 subsection does not apply to a question if the date that the question



1 must be submitted to the city clerk is governed by subsection 2 of
2 NRS 293.481.

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