

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 registering to vote and
provisions relating to initiatives and referenda.
(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
when a person who registers to vote by mail shall be
deemed to be registered; 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 or after the date he is deemed to be
5 registered to vote pursuant to subsection 5 of NRS 293.517 or
6 subsection ~~5~~ 7 of NRS 293.5235.

7 **Sec. 2.** NRS 293.505 is hereby amended to read as follows:

8 293.505 1. All justices of the peace, except those located in
9 county seats, are ex officio field registrars to carry out the
10 provisions of this chapter.

11 2. The county clerk shall appoint at least one registered voter to
12 serve as a field registrar of voters who, except as otherwise provided



1 in NRS 293.5055, shall register voters within the county for which
2 he is appointed. Except as otherwise provided in subsection 1, a
3 candidate for any office may not be appointed or serve as a field
4 registrar. A field registrar serves at the pleasure of the county clerk
5 and shall perform his duties as the county clerk may direct.

6 3. A field registrar shall demand of any person who applies for
7 registration all information required by the application to register to
8 vote and shall administer all oaths required by this chapter.

9 4. When a field registrar has in his possession five or more
10 completed applications to register to vote, he shall forward them to
11 the county clerk, but in no case may he hold any number of them for
12 more than 10 days.

13 5. Each field registrar shall forward to the county clerk all
14 completed applications in his possession immediately after the fifth
15 Sunday preceding an election. Within 5 days after the fifth Sunday
16 preceding any general election or general city election, a field
17 registrar shall return all unused applications in his possession to the
18 county clerk. If all of the unused applications are not returned to the
19 county clerk, the field registrar shall account for the unreturned
20 applications.

21 6. Each field registrar shall submit to the county clerk a list of
22 the serial numbers of the completed applications to register to vote
23 and the names of the electors on those applications. The serial
24 numbers must be listed in numerical order.

25 7. Each field registrar shall post notices sent to him by the
26 county clerk for posting in accordance with the election laws of this
27 State.

28 8. A field registrar, employee of a voter registration agency or
29 person assisting a voter pursuant to subsection ~~12~~ 13 of NRS
30 293.5235 shall not:

31 (a) Delegate any of his duties to another person; or

32 (b) Refuse to register a person on account of that person's
33 political party affiliation.

34 9. A person shall not hold himself out to be or attempt to
35 exercise the duties of a field registrar unless he has been so
36 appointed.

37 10. A county clerk, field registrar, employee of a voter
38 registration agency or person assisting a voter pursuant to subsection
39 ~~12~~ 13 of NRS 293.5235 shall not:

40 (a) Solicit a vote for or against a particular question or
41 candidate;

42 (b) Speak to a voter on the subject of marking his ballot for or
43 against a particular question or candidate; or



1 (c) Distribute any petition or other material concerning a
2 candidate or question which will be on the ballot for the ensuing
3 election,

4 ↪ while he is registering an elector.

5 11. When the county clerk receives applications to register to
6 vote from a field registrar, he shall issue a receipt to the field
7 registrar. The receipt must include:

8 (a) The number of persons registered; and

9 (b) The political party of the persons registered.

10 12. A county clerk, field registrar, employee of a voter
11 registration agency or person assisting a voter pursuant to subsection
12 ~~H2~~ 13 of NRS 293.5235 shall not:

13 (a) Knowingly register a person who is not a qualified elector or
14 a person who has filed a false or misleading application to register
15 to vote;

16 (b) Alter or deface an application to register to vote that has
17 been signed by an elector except to correct information contained in
18 the application after receiving notice from the elector that a change
19 in or addition to the information is required; or

20 (c) Register a person who fails to provide satisfactory proof of
21 identification and the address at which he actually resides.

22 13. If a field registrar violates any of the provisions of this
23 section, the county clerk shall immediately suspend the field
24 registrar and notify the district attorney of the county in which the
25 violation occurred.

26 14. A person who violates any of the provisions of subsection
27 8, 9, 10 or 12 is guilty of a category E felony and shall be punished
28 as provided in NRS 193.130.

29 **Sec. 3.** NRS 293.5235 is hereby amended to read as follows:

30 293.5235 1. Except as otherwise provided in NRS 293.502, a
31 person may register to vote by mailing an application to register to
32 vote to the county clerk of the county in which he resides. The
33 county clerk shall, upon request, mail an application to register to
34 vote to an applicant. The county clerk shall make the applications
35 available at various public places in the county. An application to
36 register to vote may be used to correct information in the registrar of
37 voters' register.

38 2. An application to register to vote which is mailed to an
39 applicant by the county clerk or made available to the public at
40 various locations or voter registration agencies in the county may be
41 returned to the county clerk by mail or in person. For the purposes
42 of this section, an application which is personally delivered to the
43 county clerk shall be deemed to have been returned by mail.



1 3. The applicant must complete the application, including,
2 without limitation, checking the boxes described in paragraphs (b)
3 and (c) of subsection ~~9~~ 10 and signing the application.

4 4. The county clerk shall, upon receipt of an application,
5 determine whether the application is complete.

6 5. If he determines that the application is complete, he shall,
7 within 10 days after he receives the application, mail to the
8 applicant:

9 (a) A notice informing him that he is registered to vote and a
10 voter registration card as required by subsection 6 of NRS 293.517;
11 or

12 (b) A notice informing him that the registrar of voters' register
13 has been corrected to reflect any changes indicated on the
14 application.

15 ~~{→ The applicant shall be deemed to be registered or to have~~
16 ~~corrected the information in the register as of the date the~~
17 ~~application is postmarked or personally delivered.}~~

18 6. Except as otherwise provided in subsection 5 of NRS
19 293.518, if the county clerk determines that the application is not
20 complete, he shall, as soon as possible, mail a notice to the applicant
21 informing him that additional information is required to complete
22 the application. If the applicant provides the information requested
23 by the county clerk within 15 days after the county clerk mails the
24 notice, the county clerk shall, within 10 days after he receives the
25 information, mail to the applicant:

26 (a) A notice informing him that he is registered to vote and a
27 voter registration card as required by subsection 6 of NRS 293.517;
28 or

29 (b) A notice informing him that the registrar of voters' register
30 has been corrected to reflect any changes indicated on the
31 application.

32 ~~↪ {The applicant shall be deemed to be registered or to have~~
33 ~~corrected the information in the register as of the date the~~
34 ~~application is postmarked or personally delivered.}~~ If the applicant
35 does not provide the additional information within the prescribed
36 period, the application is void.

37 7. *The applicant shall be deemed to be registered or to have*
38 *corrected the information in the register:*

39 (a) *If the application is received by the county clerk not more*
40 *than 3 working days after the applicant completed the application,*
41 *on the date the application is postmarked or personally delivered;*
42 *or*

43 (b) *If the application is received by the county clerk more than*
44 *3 working days after the applicant completed the application, on*
45 *the date the application is received by the county clerk.*



1 8. If the applicant fails to check the box described in paragraph
2 (b) of subsection ~~9.~~ 10, the application shall not be considered
3 invalid and the county clerk shall provide a means for the applicant
4 to correct the omission at the time the applicant appears to vote in
5 person at his assigned polling place.

6 ~~8.~~ 9. The Secretary of State shall prescribe the form for an
7 application to register to vote by mail which must be used to register
8 to vote by mail in this State.

9 ~~9.~~ 10. The application to register to vote by mail must
10 include:

11 (a) A notice in at least 10-point type which states:

12
13 NOTICE: You are urged to return your application to
14 register to vote to the County Clerk in person or by mail. If
15 you choose to give your completed application to another
16 person to return to the County Clerk on your behalf, and the
17 person fails to deliver the application to the County Clerk,
18 you will not be registered to vote. Please retain the duplicate
19 copy or receipt from your application to register to vote.
20

21 (b) The question, "Are you a citizen of the United States?" and
22 boxes for the applicant to check to indicate whether or not the
23 applicant is a citizen of the United States.

24 (c) The question, "Will you be at least 18 years of age on or
25 before election day?" and boxes for the applicant to check to
26 indicate whether or not the applicant will be at least 18 years of age
27 or older on election day.

28 (d) A statement instructing the applicant not to complete the
29 application if the applicant checked "no" in response to the question
30 set forth in paragraph (b) or (c).

31 (e) A statement informing the applicant that if the application is
32 submitted by mail and the applicant is registering to vote for the first
33 time, the applicant must submit the information set forth in
34 paragraph (a) of subsection 2 of NRS 293.2725 to avoid the
35 requirements of subsection 1 of NRS 293.2725 upon voting for the
36 first time.

37 ~~10.~~ 11. Except as otherwise provided in subsection 5 of NRS
38 293.518, the county clerk shall not register a person to vote pursuant
39 to this section unless that person has provided all of the information
40 required by the application.

41 ~~11.~~ 12. The county clerk shall mail, by postcard, the notices
42 required pursuant to subsections 5 and 6. If the postcard is returned
43 to the county clerk by the United States Postal Service because the
44 address is fictitious or the person does not live at that address, the
45 county clerk shall attempt to determine whether the person's current



1 residence is other than that indicated on his application to register to
2 vote in the manner set forth in NRS 293.530.

3 ~~{H2.}~~ 13. A person who, by mail, registers to vote pursuant to
4 this section may be assisted in completing the application to register
5 to vote by any other person. The application must include the
6 mailing address and signature of the person who assisted the
7 applicant. The failure to provide the information required by this
8 subsection will not result in the application being deemed
9 incomplete.

10 ~~{H3.}~~ 14. An application to register to vote must be made
11 available to all persons, regardless of political party affiliation.

12 ~~{H4.}~~ 15. An application must not be altered or otherwise
13 defaced after the applicant has completed and signed it. An
14 application must be mailed or delivered in person to the office of the
15 county clerk within 10 days after it is completed.

16 ~~{H5.}~~ 16. A person who willfully violates any of the provisions
17 of subsection ~~{H2, H3 or}~~ 13, 14 *or* 15 is guilty of a category E
18 felony and shall be punished as provided in NRS 193.130.

19 ~~{H6.}~~ 17. The Secretary of State shall adopt regulations to
20 carry out the provisions of this section.

21 **Sec. 4.** NRS 295.015 is hereby amended to read as follows:

22 295.015 1. A copy of a petition for initiative *or referendum*
23 must be placed on file in the Office of the Secretary of State before
24 it may be presented to the registered voters for their signatures.

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

27 (a) *Determine the number of signatures of registered voters*
28 *required to file the petition; and*

29 (b) *Inform the person placing the copy of the petition on file of*
30 *the number of signatures of registered voters required to file the*
31 *petition.*

32 **Sec. 5.** NRS 295.045 is hereby amended to read as follows:

33 295.045 1. ~~{A copy of a petition for referendum must be~~
34 ~~placed on file in the Office of the Secretary of State before it may be~~
35 ~~presented to the registered voters for their signatures.~~

36 ~~—2.}~~ A petition for referendum must be filed with the Secretary
37 of State not less than 120 days before the date of the next
38 succeeding general election.

39 ~~{3.}~~ 2. The Secretary of State shall certify the questions to the
40 county clerks, and they shall publish them in accordance with the
41 provisions of law requiring county clerks to publish questions and
42 proposed constitutional amendments which are to be submitted for
43 popular vote.

44 ~~{4.}~~ 3. The title of the statute or resolution must be set out on
45 the ballot, and the question printed upon the ballot for the



1 information of the voters must be as follows: "Shall the statute
2 (setting out its title) be approved?"

3 ~~[5.]~~ 4. Where a mechanical voting system is used, the title of
4 the statute must appear on the list of offices and candidates and the
5 statements of measures to be voted on and may be condensed to no
6 more than 25 words.

7 ~~[6.]~~ 5. The votes cast upon the question must be counted and
8 canvassed as the votes for state officers are counted and canvassed.

9 **Sec. 6.** NRS 295.061 is hereby amended to read as follows:

10 295.061 The legal sufficiency of a petition ~~[filed pursuant to~~
11 ~~NRS 295.015 to 295.061, inclusive,]~~ *for an initiative or*
12 *referendum* may be challenged by filing a complaint in district
13 court not later than ~~[5]~~ 7 days, Saturdays, Sundays and holidays
14 excluded, after the petition is ~~[filed with]~~ *certified as sufficient by*
15 the Secretary of State ~~[]~~ *pursuant to NRS 293.1278 and 293.1279.*
16 All affidavits and documents in support of the challenge must be
17 filed with the complaint. The court shall set the matter for hearing
18 not later than 30 days after the complaint is filed and shall give
19 priority to such a complaint over all other matters pending with the
20 court, except for criminal proceedings.

21 **Sec. 7.** NRS 295.085 is hereby amended to read as follows:

22 295.085 The registered voters of a county may:

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

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

30 **Sec. 8.** NRS 295.095 is hereby amended to read as follows:

31 295.095 1. Any ~~[five registered voters]~~ *registered voter* of
32 the county may commence initiative or referendum proceedings by
33 filing with the county clerk an affidavit stating they will constitute
34 the petitioners' committee and be responsible for circulating the
35 petition and filing it in proper form, stating their names and
36 addresses and specifying the address to which all notices to the
37 committee are to be sent, and setting out in full the proposed
38 initiative ordinance or citing the ordinance sought to be
39 reconsidered.

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

43 3. Referendum petitions must be signed by a number of
44 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 days after the date that the affidavit
7 required by subsection 1 is filed with the county clerk; or

8 (b) One hundred and thirty 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. 9.** 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. 10.** 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. 11.** 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. 12.** 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. 13.** 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. 14.** 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. 15.** NRS 295.205 is hereby amended to read as follows:

34 295.205 1. Any ~~five registered voters~~ *registered voter* of
35 the city may commence initiative or referendum proceedings by
36 filing with the 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 days after the date that the affidavit
11 required by subsection 1 is filed with the city clerk; or

12 (b) One hundred and thirty 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. 16.** 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. 17.** 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. 18.** 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 city clerk pursuant*
13 *to subsection 8. The city clerk shall not prepare the rebuttal of the*
14 *arguments required pursuant to paragraph (e) of subsection 7.*

15 7. A committee appointed pursuant to this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 12. If a question is to be placed on the ballot by an entity
37 described in paragraph (b) of subsection 1, the entity must provide a
38 copy and explanation of the question to the city clerk at least 30
39 days earlier than the date required for the submission of such
40 documents pursuant to subsection 1 of NRS 293.481. This
41 subsection does not apply to a question if the date that the question
42 must be submitted to the city clerk is governed by subsection 2 of
43 NRS 293.481.



