
ASSEMBLY BILL NO. 185—ASSEMBLYMEN GANSERT, HETRICK,
MCCLEARY, ATKINSON, CARPENTER, CHRISTENSEN,
GOICOECHEA, GRADY, HARDY, HOLCOMB, MABEY,
MARVEL, SHERER AND SIBLEY

MARCH 9, 2005

JOINT SPONSOR: SENATOR BEERS

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

SUMMARY—Revises provisions governing petitions for initiative.
(BDR 24-711)

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

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

AN ACT relating to elections; limiting initiative petitions to one subject; requiring an initiative petition to include a description of the effect of the initiative; requiring a signed acknowledgment of a registered voter to be included with a petition as a condition to counting the signature; requiring the description of an initiative to be approved by the Secretary of State before the petition is presented for signatures; requiring the Attorney General to review the description of an initiative that is rejected by the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires that each bill enacted by the Legislature must address
2 only one subject and matters properly connected with the subject. (Nev. Const.,
3 Art. 4, § 17) Existing law requires the Secretary of State to adopt regulations
4 prescribing the form of an initiative petition and the requirements concerning the
5 signatures on the petition. A copy of an initiative petition must be filed in the
6 Office of the Secretary of State before it is presented to the voters for their
7 signatures. (NRS 295.015-295.061)



8 This bill requires an initiative petition, like legislation, to address only one
9 subject and matters necessarily connected with that subject. An initiative petition
10 must include an explanation of the effect of the petition if approved by the voters.

11 This bill requires the Secretary of State to review the explanation of an
12 initiative petition before the initiative petition is presented to voters for their
13 signatures. If he determines that the initiative contains any false statements of fact,
14 he must reject the explanation. The person who filed the initiative petition may file
15 an appeal with the Attorney General if the explanation is rejected by the Secretary
16 of State.

17 This bill prohibits a county clerk from counting a voter's signature on an
18 initiative petition if the voter did not separately acknowledge that the explanation of
19 the effect of the initiative was made available to him before he signed the petition.

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

1 **Section 1.** Chapter 295 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *Each petition for initiative must:*

4 *1. Embrace but one subject and matters necessarily*
5 *connected therewith and pertaining thereto; and*

6 *2. Unless otherwise approved by the Secretary of State, set*
7 *forth, in not more than 200 words, a description of the effect of the*
8 *initiative if it is approved by the voters. The description must be*
9 *approved pursuant to NRS 295.015.*

10 **Sec. 3.** *1. Each petition for initiative must include a place*
11 *for each registered voter who signs the petition to acknowledge*
12 *separately by signature that the description required pursuant to*
13 *section 2 of this act was made available to the voter before he*
14 *signed the petition.*

15 *2. The signature of a registered voter may not be counted*
16 *toward the required number of signatures of registered voters*
17 *needed to declare the petition sufficient if the registered voter did*
18 *not acknowledge by his additional signature that the description*
19 *required pursuant to section 2 of this act was made available to*
20 *him before he signed the petition.*

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

22 295.015 ~~[A copy of]~~

23 *1. Before* a petition for initiative ~~[must be placed on file in the~~
24 ~~Office of the Secretary of State before it]~~ may be presented to the
25 registered voters for their signatures ~~[.]~~:

26 *(a) A copy of the petition for initiative must be filed with the*
27 *Secretary of State; and*



1 ***(b) The description required pursuant to section 2 of this act***
2 ***must be approved pursuant to subsection 3 or 5.***

3 ***2. Upon receipt of a petition for initiative filed pursuant to***
4 ***subsection 1, the Secretary of State:***

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

8 ***(b) Shall review the description required pursuant to section 2***
9 ***of this act and determine if the description contains any false***
10 ***statement of fact.***

11 ***3. Not later than 5 business days after the Secretary of State***
12 ***receives a petition for initiative filed pursuant to subsection 1, the***
13 ***Secretary of State shall:***

14 ***(a) If the description required pursuant to section 2 of this act***
15 ***contains any false statement of fact, reject the description and***
16 ***immediately send by certified mail, return receipt requested, a***
17 ***notice that explains why the description was rejected to the person***
18 ***who filed the petition; or***

19 ***(b) If the description required pursuant to section 2 of this act***
20 ***does not contain any false statement of fact, approve the***
21 ***description.***

22 ***4. Not later than 5 business days after the person who filed a***
23 ***petition receives the notice sent by the Secretary of State pursuant***
24 ***to paragraph (a) of subsection 3, the person may appeal the***
25 ***rejection to the Attorney General.***

26 ***5. If a rejection is appealed pursuant to subsection 4, the***
27 ***Attorney General shall review the description and the reasons for***
28 ***its rejection and may receive evidence, documentary or***
29 ***testimonial, to aid him in his decision. Not later than 3 business***
30 ***days after an appeal is filed, the Attorney General shall issue his***
31 ***decision rejecting or accepting the description. The decision of the***
32 ***Attorney General is a final decision for the purposes of judicial***
33 ***review. The decision of the Attorney General may only be***
34 ***appealed in the First Judicial District Court.***

35 **Sec. 5.** NRS 295.061 is hereby amended to read as follows:

36 295.061 The legal sufficiency of a petition filed pursuant to
37 NRS 295.015 to 295.061, inclusive, ***and sections 2 and 3 of this***
38 ***act***, may be challenged by filing a complaint in district court not
39 later than 5 days, Saturdays, Sundays and holidays excluded, after
40 the petition is filed with the Secretary of State. All affidavits and
41 documents in support of the challenge must be filed with the
42 complaint. The court shall set the matter for hearing not later than
43 30 days after the complaint is filed and shall give priority to such a



- 1 complaint over all other matters pending with the court, except for
- 2 criminal proceedings.

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