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Elections; Petitions for Initiatives and Referenda

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other media production, be included in the report of expenditures.¹⁴ Expenditures for communications between the members of the group, however, are exempt from these reporting requirements.¹⁵

Chapter 513 also establishes three reporting periods for primary and general elections.¹⁶ The first period that requires an expenditure report runs from the last election for a particular office to twenty days before the primary election.¹⁷ The second period begins twenty days before the primary election and ends twenty days before the general election.¹⁸ The twenty day period before the general election is covered by the final report.¹⁹ Reports must be filed²⁰ directly with the Secretary of State.²¹ If a candidate is elected from one county, however, the report must be filed with the respective county clerk.²² When expenditures are made for a group of candidates, the report must be made to the appropriate officer for each candidate, but need not be itemized by the candidate.²³ Finally, persons who willfully violate the provisions of Chapter 513 are guilty of a gross misdemeanor.²⁴

14. 1983 Nev. Stat. c. 513, §3(2), at 1373; *see* NEV. REV. STAT. §294A.050 (amended by 1983 Nev. Stat. c. 513, §5, at 1374) (requiring that any person or group of persons who accepts, broadcasts, disseminates, prints, or publishes advertising for any candidate or group of candidates, or persons other than candidates make available for inspection information on the cost of all advertisements handled for each candidate).

15. 1983 Nev. Stat. c. 513, §3(2), at 1373.

16. *Id.* c. 513, §3(1), at 1373.

17. *Id.* c. 513, §3(1)(a), at 1373.

18. *Id.* c. 513, §3(1)(b), at 1373.

19. *Id.* c. 513, §3(1)(c), at 1373.

20. *See* *Golden v. McKim*, 45 Nev. 350, 353, 204 P. 602, 603 (1922) (definition of filing). Reports submitted by certified mail are deemed filed on the date of mailing. 1983 Nev. Stat. c. 513, §3(3), at 1373.

21. 1983 Nev. Stat. c. 513, §3(3), at 1373. Persons required to disclose expenditures may request the necessary forms and regulations from the officer who is to receive the report and must acknowledge receipt thereof. *Id.* c. 513, §6(2), at 1375.

22. *Id.* c. 513, §3(3), at 1373. Each county clerk who receives a report must file a copy of the report with the Secretary of State. *Id.* c. 513, §3(4), at 1373.

23. *Id.* c. 513, §3(3), at 1373.

24. *Id.* c. 513, §3(5), at 1373. The Secretary of State must report alleged violations to the Attorney General. *Id.* c. 513, §8(1), at 1375. County clerks are to report alleged violations to the appropriate district attorney. *Id.* c. 513, §8(2), at 1375.

Elections; petitions for initiatives and referenda

NEV. REV. STAT. §295.— (new); §293.092 (amended).

SB 354 (Committee on Government Affairs); 1983 STAT. Ch 384

Existing law reflects constitutional provisions that specify the

number of signatures required¹ on initiatives² and referenda³ and the need to file⁴ petitions for initiatives and referenda with the Secretary of State.⁵ Chapter 384 augments these statutory provisions by establishing procedures to determine the total number of signatures on a petition and to verify the authenticity of those signatures.⁶ Guidelines are also provided for determining when a petition is deemed to be filed with the Secretary of State.⁷

Chapter 384 specifies that a document circulated for signatures in a county must first be submitted to the respective county clerk⁸ before being filed with the Secretary of State.⁹ The clerk must determine the total number of signatures affixed, and communicate the information to the Secretary of State within five working days.¹⁰ When the total number of signatures reported by the county clerk is less than the number necessary for the petition to be declared valid, the Secretary of State will notify the petitioners and the county clerk that the petition is invalid.¹¹ If the total number of signatures, however, meets the statutory minimum for a valid petition, the Secretary of State will notify the respective county clerk, who has fifteen days to determine the actual number of registered voters¹² who signed the petition.¹³ Once the signatures have been examined and verified by the county clerk, the petition and a certificate indicating the results of the clerk's examination must be forwarded to the Secretary of State.¹⁴

Chapter 384 further provides that if the number of valid signatures is less than ninety percent of the statutory minimum, the petition fails to

1. See NEV. CONST. art. XIX, §§1(1), 2(2); NEV. REV. STAT. §§295.015 (number of registered voters required for petition for initiative), 295.045 (number of registered voters required for petition for referendum).

2. *Rea v. City of Reno*, 76 Nev. 483, 486, 337 P.2d 585, 586 (1960); NEV. CONST. art. XIX, §2 (definition of initiative).

3. *Forman v. Eagle Thrifty Drugs & Markets*, 89 Nev. 533, 537, 516 P.2d 1234, 1236 (1973); NEV. CONST. art. XIX, §1 (definition of referendum).

4. *Golden v. McKim*, 45 Nev. 350, 353, 204 P. 602, 603 (1922) (definition of filing).

5. See NEV. CONST. art. XIX, §2(3); NEV. REV. STAT. §295.015 (filing requirement for initiative); *Id.* §295.045 (filing requirement for referendum).

6. 1983 Nev. Stat. c. 384, §2(2), at 923.

7. *Id.* c. 384, §§4(2), 5(4), at 924.

8. See NEV. CONST. art. IV, §32; NEV. REV. STAT. §§246.010, 246.070 (duties of county clerk), 293.092 (amended by 1983 Nev. Stat. c. 384, §6, at 925) (county clerk and registrar of voters are synonymous terms).

9. 1983 Nev. Stat. c. 384, §2(1), at 923.

10. See *id.* c. 384, §2(2), at 923.

11. See *id.* c. 384, §2(3), at 923.

12. NEV. REV. STAT. §293.090 (definition of registered voter).

13. 1983 Nev. Stat. c. 384, §3(1), at 924. If the petition contains more than 500 names, the county clerk must verify the signatures through a random sampling of at least 500 signatures or five percent of the total, whichever is greater, insuring that each signature has an equal opportunity to be included in the sample. *Id.* c. 384, §3(2), at 924. The file of affidavits of registered voters or facsimiles of voters' signatures may be used for verification. *Id.* c. 384, §3(3), at 924.

14. *Id.* c. 384, §3(4), at 924.

qualify.¹⁵ When the petition contains more than 110% of the required number of registered voters, it will be deemed to qualify as of the date the Secretary of State receives the certificate of examination from the county clerk.¹⁶

Under Chapter 384, if a statistical sampling yields a total number of valid signatures greater than ninety percent but less than 110% of the number necessary to declare the petition valid,¹⁷ the Secretary of State must order the county clerk to examine and verify, within thirty days, every signature on the petition.¹⁸ Upon completing this examination, the county clerk must forward the documents and the amended certificate stating the results of the examination to the Secretary of State.¹⁹ If the number of signatures is still insufficient, the Secretary of State must notify the petitioners and the county clerk immediately.²⁰ When the county clerk certifies that the petition contains the requisite number of signatures, however, the petition will be deemed filed on the date the Secretary of State receives the amended certification.²¹

15. *Id.* c. 384, §3(4), at 924. Qualifying initiative petitions which propose statutes or amendments to statutes are transmitted by the Secretary of State to the legislature for enactment or rejection without change or amendment. If not enacted by the legislature within forty days, the proposed statute or amendment will be placed on the next general election ballot for approval or rejection by the voters. NEV. REV. STAT. §295.025. Constitutional amendments proposed by qualifying initiative petitions are to be placed on the ballot for the next regular general election. *Id.* §295.035(1). Questions proposed by qualifying petitions of referendum are to be placed on the ballot for the next succeeding election. *Id.* §295.045(1).

16. 1983 Nev. Stat. c. 384, §4(2), at 924.

17. *Id.* c. 384, §5(1), at 924.

18. *Id.* c. 384, §5(2), at 924.

19. *Id.* c. 384, §5(3), at 925.

20. *Id.* c. 384, §5(5), at 925.

21. *Id.* c. 384, §5(4), at 925.

Elections; consolidation of election precincts

NEV. REV. STAT. §§293.207, 293B.215 (amended).

AB 523 (Committee on Elections); 1983 STAT. Ch. 379

(Effective May 19, 1983)

Existing law provides two different types of election precincts based on balloting methods.¹ These precincts are those using paper ballots² and those using punch-card recording devices.³ Where punch-card recording devices are used, the officers are charged with the duty of creat-

1. NEV. REV. STAT. §293.077 (definition of precinct).

2. *Id.* §293.025 (definition of ballot); *see id.* §§293.010-603 (election provisions).

3. *Id.* §293.035 (definition of punch-card recording device); *see id.* §293B.010-.390 (punch-card voting systems).