

NOTICE OF INTENT TO CIRCULATE STATEWIDE INITIATIVE OR REFERENDUM PETITION

FILED NV STS
2022 FEB 22 10:21 AM

State of Nevada



Secretary of State Barbara K. Cegavske

Pursuant to NRS 295.015, before a petition for initiative or referendum may be presented to registered voters for signatures, the person who intends to circulate the petition must provide the following information:

NAME OF PERSON FILING THE PETITION

Melissa Clement

NAME(S) OF PERSON(S) AUTHORIZED TO WITHDRAW OR AMEND THE PETITION (provide up to three)

1. Melissa Clement

2. Kyle Stephens

3. Kathryn Rice

NAME OF THE POLITICAL ACTION COMMITTEE (PAC) ADVOCATING FOR THE PASSAGE OF THE INITIATIVE OR REFERENDUM (if none, leave blank)

Protect Our Girls

Please note, if you are creating a Political Action Committee for the purpose of advocating for the passage of the initiative or referendum, you must complete a separate PAC registration form.

Additionally, a copy of the initiative or referendum, including the description of effect, must be filed with the Secretary of State's office at the time you submit this form.

X 
Signature of Petition Filer

2/21/2022
Date

Initiative Petition – Statewide Statutory Measure S-03-2022 State of Nevada

Explanation – Matter in ***bolded Italics*** is new; matter between brackets [~~omitted material~~] is language to be omitted.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

NRS 129.030, NRS, 442.255, and NRS442.2555 are hereby amended to read as follows:

NRS 129.030 Consent for examination and treatment.

1. Except as otherwise provided in ***NRS 442.255 and NRS 450B.525***, a minor may give consent for the services provided in subsection 2 for himself or herself or for his or her child, if the minor is:

- (a) Living apart from his or her parents or legal guardian, with or without the consent of the parent, parents or legal guardian, and has so lived for a period of at least 4 months;
- (b) Married or has been married;
- (c) A mother, or has borne a child; or
- (d) In a physician's judgment, in danger of suffering a serious health hazard if health care services are not provided

2. Except as otherwise provided in subsection 4 and ***NRS 442.255, NRS 449A.551, and 450B.525***, the consent of the parent or parents or the legal guardian of a minor is not necessary for a local or state health officer, board of health, licensed physician or public or private hospital to examine or provide treatment for any minor, included within the provisions of subsection 1, who understands the nature and purpose of the proposed examination or treatment and its probable outcome, and voluntarily requests it. The consent of the minor to examination or treatment pursuant to this subsection is not subject to disaffirmance because of minority.

NRS 442.255 Notice to custodial parent or guardian; request for authorization for abortion~~]; rules of civil procedure inapplicable~~.

1. Unless in the judgment of the attending physician an abortion is immediately necessary to preserve the patient's life or health or an abortion is authorized pursuant to subsection 2-8 ~~[or NRS 442.2555]~~, a physician shall not knowingly perform or induce an abortion upon an unmarried and unemancipated woman who is under the age of 18 years ***until at least 48 hours after written notice of the pending procedure has been delivered in the manner provided in subsection (a) or (b) below. The physician shall certify age in writing based upon proof of age offered by the patient seeking an abortion.***

(a) The notice shall be addressed to a custodial parent (hereinafter "parent") or guardian at the usual place of abode of the parent or guardian and delivered personally to the parent or guardian by the physician or an agent. The time of delivery of the written notice shall be deemed to be the time of the personal service on the parent or guardian.

(b) In lieu of the delivery required by subsection 1(a), notice shall be made by certified mail addressed to a parent or guardian at the usual place of abode of the parent or guardian with return receipt requested and restricted delivery to the addressee which means postal employee can only deliver the mail to the authorized addressee. Time of delivery shall be deemed to occur at 12 p.m. on the next day on which regular mail delivery takes place, subsequent to mailing.

2. An unmarried or unemancipated woman who is under the age of 18 years ***(hereinafter "parent")*** may ~~request a petition the~~ district court to ***conduct expedited proceedings to determine whether to issue an order authorizing a physician to perform an abortion upon the minor without the notification of a parent or guardian (hereinafter "notification") required by subsection 1 of this act.*** ~~[issue an order authorizing an abortion. If so requested, the court shall interview the woman at the earliest practicable time, which must be not more than 2 judicial days after the request is made. If the court determines, from any information provided by the woman and any other evidence that the court may require, that:]~~

~~— (a) She is mature enough to make an intelligent and informed decision concerning the abortion;~~

~~— (b) She is financially independent or is emancipated; or~~

~~— (c) The notice required by subsection 1 would be detrimental to her best interests;~~

~~the court shall issue an order within 1 judicial day after the interview authorizing a physician to perform the abortion in accordance with the provisions of NRS 442.240 to 442.270, inclusive.]~~

(a) The court shall, upon request by the minor if it appears that the minor is unable to employ counsel, appoint an attorney to represent the minor in the preparation of a petition, a hearing on the merits of the petition, and on an appeal, if necessary;

(b) The minor must not be charged, assessed or held liable for any filing fees or other court fees relating to the petition or the proceedings regarding the petition at any stage of the proceedings, including, without limitation, any appeal.

~~[3. If the court does not find sufficient grounds to authorize a physician to perform the abortion, it shall enter an order to that effect within 1 judicial day after the interview. If the court does not enter an order either authorizing or denying the performance of the abortion within 1 judicial day after the interview, authorization shall be deemed to have been granted.]~~

~~[4. The court shall take the necessary steps to ensure that the interview and any other proceedings held pursuant to this subsection or NRS 442.2555 are confidential. The rules of civil procedure do not apply to any action taken pursuant to this subsection.]~~

[NRS 442.2555 Procedure if district court denies request for authorization for abortion: Petition; hearing on merits; appeal.

~~1. If the order is denied pursuant to NRS 442.255, the court shall, upon request by the minor if it appears that she is unable to employ counsel, appoint an attorney to represent her in the preparation of a petition, a hearing on the merits of the petition, and on an appeal, if necessary. The compensation and expenses of the attorney are a charge against the county as provided in the following schedule:~~

~~— (a) For consultation, research and other time reasonably spent on the matter, except court appearances, \$20 per hour.~~

~~— (b) For court appearances, \$30 per hour.~~

~~2. The petition must set forth the initials of the minor, the age of the minor, the estimated number of weeks elapsed from the probable time of conception, and whether maturity, emancipation, notification detrimental to the minor's best interests or a combination thereof are relied upon in avoidance of the notification required by NRS 442.255. The petition must be initiated by the minor.~~

3. A hearing on the merits of the petition, on the record, must be held as soon as possible and within 5 judicial days after the filing of the petition. At the hearing the court shall hear evidence relating to:

- (a) The minor's emotional development, maturity, intellect and understanding;
- (b) The minor's degree of financial independence and degree of emancipation from parental authority;
- (c) The minor's best interests relative to parental involvement in the decision whether to undergo an abortion; and
- (d) Any other evidence that the court may find useful in determining whether the minor is entitled to avoid parental notification.

4. In the decree, the court shall, for good cause:

- (a) Grant the petition, and give judicial authorization to permit a physician to perform an abortion without the notification required in NRS 442.255; or
- (b) Deny the petition, setting forth the grounds on which the petition is denied.

5. An appeal from an order issued under subsection 4 may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, which shall suspend the Nevada Rules of Appellate Procedure pursuant to NRAP 2 to provide for an expedited appeal. The notice of intent to appeal must be given within 1 judicial day after the issuance of the order. The record on appeal must be perfected within 5 judicial days after the filing of the notice of appeal and transmitted to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court. The appellate court of competent jurisdiction, shall, by court order or rule, provide for a confidential and expedited appellate review of cases appealed under this section.]

3. The petition may be filed using the initials of the minor or using a fictitious name. The petition must set forth the age of the minor, the estimated number of weeks elapsed from the probable time of conception, and whether maturity, emancipation, notification detrimental to the minor's best interests, or a combination thereof are relied upon in avoidance of the notification required by subsection 1. The petition shall include any supporting facts or circumstances that may be relevant and helpful to the district court in determining whether to authorize the proposed abortion without the notification required by subsection 1.

4. Proceedings in the district court under this subsection shall be confidential and have precedence over other pending matters. Members of the public shall not inspect, obtain copies of or otherwise have access to records of court proceedings under this subsection unless authorized by law. For purposes of the confidentiality required by this subsection, "records of court proceedings" and a "confidential record of the evidence" includes, without limitation, all files, documents and records relating to the proceedings.

5. A hearing on the merits of the petition, on the record, must be held as soon as possible and within 3 judicial days after the filing of the petition. At the hearing the court shall hear evidence relating to

(a) The minor's emotional development, maturity, intellect, and understanding;

(b) The minor's degree of financial independence and degree of emancipation from parental authority;

(c) The minor's best interests relative to parental involvement in the decision whether to undergo an abortion; and

(d) Any other evidence that the court may find useful in determining whether the minor is entitled to avoid notification required by subsection 1.

(e) A judge who conducts proceedings under this subsection shall make in writing specific factual findings and legal conclusions supporting the decision and shall order a confidential record of the evidence to be maintained, including the judge's own findings and conclusions.

6. The court shall authorize a physician to perform the abortion if the judge determines that the minor is mature and capable of giving informed consent to the proposed abortion. If said judge determines that the minor is not mature, or if the minor does not claim to be mature, the judge shall determine whether the performance of an abortion upon the minor without notification required by subsection 1 would be in the minor's best interests.

7. The district court will enter an order on the petition within 1 judicial day of the hearing. In the order, the court shall, for good cause,

(a) Grant the petition, and give judicial authorization to permit a physician to perform an abortion without the notification required by subsection 1; or

(b) Deny the petition, setting forth the grounds on which the petition is denied.

8. Upon request of the minor, an expedited appeal from an order issued under subsection 7 may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, which shall suspend the Nevada Rules of Appellate Procedure pursuant to NRAP 2 to provide for an expedited appeal. The notice of appeal must be filed with the district court clerk within 1 judicial day after the date on which the minor is served with the district court's written order pursuant to subsection 7. The record on appeal shall be perfected within 5 judicial days after the filing of the notice of appeal and transmitted to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court. The appellate court of competent jurisdiction shall, by court order or rule, provide for a confidential and expedited appellate review of cases appealed under this subsection.

9. Absent authorization under subsections 7 or 8, if a person knowingly performs an abortion upon a minor in violation of subsection 1, the person is guilty of a misdemeanor.

10. Any provision contained in any subsection 1-9 shall be deemed a separate and freestanding right and shall remain in full force and effect should any other provision in any subsection 1-9 be stricken for any reason.

Initiative Petition – Statewide Statutory Measure S-03-2022 State of Nevada

DESCRIPTION OF EFFECT

If passed, this initiative will prohibit a physician from knowingly performing an abortion upon a minor unless: (1) a custodial parent or guardian of the minor is notified prior to the abortion (“parental notification requirement”); or (2) upon the petition of the minor, a Nevada court authorizes the abortion without parental notification (“judicial bypass”). Presently, a pregnant minor in the state of Nevada can get an abortion without parental notification or authorization by a court. The Nevada legislature passed a parental notification requirement in 1985, but the law was never enforced because a federal court found that its judicial bypass portion was not written appropriately. This initiative addresses this by rewriting the expedited judicial bypass schedule. It also amends law to enhance protection of the minor’s privacy and to provide a misdemeanor penalty for violations. The amended law will provide that a Nevada court may authorize an abortion for a minor without parental notification if the court finds that the minor is sufficiently mature and capable of giving informed consent to the proposed abortion or that the performance of an abortion on the minor without notification of a custodial parent or guardian would be in the minor’s best interests.

County of _____ **(Only registered voters of this county may sign below)**
 Petition District: _____ **(Only registered voters of this petition district may sign below)**

This Space For
Office Use Only

1	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	
2	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	
3	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	
4	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	
5	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE	DATE / /	CITY	

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County of _____ (Only registered voters of this county may sign below)
 Petition District: _____ (Only registered voters of this petition district may sign below)

This Space For
Office Use Only

6	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE / /	DATE	CITY COUNTY	
7	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE / /	DATE	CITY COUNTY	
8	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE / /	DATE	CITY COUNTY	
9	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE / /	DATE	CITY COUNTY	
10	PRINT YOUR NAME (first name, initial, last name)	RESIDENCE ADDRESS ONLY		
	YOUR SIGNATURE / /	DATE	CITY COUNTY	

Place Affidavit on last page of document.

THE FOLLOWING AFFIDAVIT MUST BE COMPLETED AND SIGNED:

AFFIDAVIT OF CIRCULATOR

(TO BE SIGNED BY CIRCULATOR)

STATE OF NEVADA)
)
COUNTY OF _____)

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at _____
(print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that the number of signatures affixed thereon is _____; and (6) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Signature of Circulator

Subscribed and sworn to or affirmed before me this
_____ day of _____, _____, by _____.

Notary Public or person authorized to administer oath