

ASSEMBLY BILL NO. 130—COMMITTEE ON ELECTIONS,  
PROCEDURES, AND ETHICS

FEBRUARY 4, 1999

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Makes various changes concerning campaigns. (BDR 24-857)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to elections; describing the categories of expenses that must be included in certain reports of expenses and expenditures; revising various provisions governing the forms for reporting campaign contributions, expenses and expenditures; limiting the prohibition against causing to be published certain false statements of fact made during a political campaign to certain false statements of fact made about a candidate; requiring the commission on ethics to make certain specific findings before the commission may determine that a person has violated the prohibition against causing to be published certain false statements of fact about a candidate; 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.** Chapter 294A of NRS is hereby amended by adding thereto  
2    a new section to read as follows:  
3    1. *Each report of expenses or expenditures required pursuant to NRS*  
4    *294A.125, 294A.200, 294A.210, 294A.220 and 294A.280 must consist of*  
5    *a list of the expenses incurred or expenditures made during the periods*  
6    *for reporting. The list must state the category and amount of the expense*  
7    *or expenditure and the approximate date on which the expense was*  
8    *incurred or the expenditure was made.*  
9    2. *The categories of expense or expenditure for use on the report of*  
10    *expenses or expenditures are:*  
11    (a) *Office expenses;*  
12    (b) *Expenses related to volunteers;*  
13    (c) *Expenses related to travel;*

- 1 (d) *Expenses related to advertising;*
- 2 (e) *Expenses related to paid staff;*
- 3 (f) *Expenses related to consultants;*
- 4 (g) *Expenses related to polling;*
- 5 (h) *Expenses related to special events;*
- 6 (i) *Goods and services provided in kind for which money would*
- 7 *otherwise have been paid; and*
- 8 (j) *Other miscellaneous expenses related to the campaign.*

9 **Sec. 2.** NRS 294A.120 is hereby amended to read as follows:

10 294A.120 1. Every candidate for state, district, county or township  
11 office at a primary or general election shall, not later than:

12 (a) Seven days before the primary election, for the period from 30 days  
13 before the regular session of the legislature after the last election for that  
14 office up to 12 days before the primary election;

15 (b) Seven days before the general election, whether or not the candidate  
16 won the primary election, for the period from 12 days before the primary  
17 election up to 12 days before the general election; and

18 (c) The 15th day of the second month after the general election, for the  
19 remaining period up to 30 days before the next regular session of the  
20 legislature,

21 ~~{report the total amount of his}~~ *list each of the* campaign contributions *he*  
22 *receives during the period* on forms designed and provided by the  
23 secretary of state and signed by the candidate under penalty of perjury.

24 2. Except as otherwise provided in subsection 3, every candidate for a  
25 district office at a special election shall, not later than:

26 (a) Seven days before the special election, for the period from his  
27 nomination up to 12 days before the special election; and

28 (b) Thirty days after the special election, for the remaining period up to  
29 the special election,

30 ~~{report the total amount of his}~~ *list each of the* campaign contributions *he*  
31 *receives during the period* on forms designed and provided by the  
32 secretary of state and signed by the candidate under penalty of perjury.

33 3. Every candidate for state, district, county, municipal or township  
34 office at a special election to determine whether a public officer will be  
35 recalled shall ~~{report the total amount of his}~~ *list each of the* campaign  
36 contributions *he receives* on forms designed and provided by the secretary  
37 of state and signed by the candidate under penalty of perjury, 30 days after  
38 the special election, for the period from the filing of the notice of intent to  
39 circulate the petition for recall up to the special election.

40 4. Reports of campaign contributions must be filed with the officer  
41 with whom the candidate filed the declaration of candidacy or acceptance  
42 of candidacy. A candidate may mail the report to that officer by certified

1 mail. If certified mail is used, the date of mailing shall be deemed the date  
2 of filing.

3 5. Every county clerk who receives from candidates for legislative or  
4 judicial office, except the office of justice of the peace or municipal judge,  
5 reports of campaign contributions pursuant to subsection 4 shall file a copy  
6 of each report with the secretary of state within 10 working days after he  
7 receives the report.

8 6. ~~{Each}~~ *The name and address of the contributor and the date on*  
9 *which the contribution was received must be included on the list for each*  
10 *contribution in excess of \$100 and contributions which a contributor has*  
11 *made cumulatively in excess of that amount since the beginning of the first*  
12 *reporting period .* ~~{must be separately identified with the name and address~~  
13 ~~of the contributor and the date of the contribution, tabulated and reported~~  
14 ~~on the form provided by the secretary of state.}~~ *The form designed and*  
15 *provided by the secretary of state for the reporting of contributions*  
16 *pursuant to this section must be designed to be used by a candidate to*  
17 *record in the form of a list each campaign contribution as he receives it.*

18 **Sec. 3.** NRS 294A.125 is hereby amended to read as follows:

19 294A.125 1. In addition to complying with the requirements set forth  
20 in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives  
21 contributions in any year before the year in which the general election or  
22 general city election in which the candidate intends to seek election to  
23 public office is held, shall, not later than December 31 of:

24 (a) The year in which he receives contributions in excess of \$10,000,  
25 ~~{report the total contributions received.}~~ *list each of the contributions he*  
26 *receives during the period.*

27 (b) Each year after the year in which he received contributions in excess  
28 of \$10,000, until the year of the general election or general city election in  
29 which the candidate intends to seek election to public office is held,  
30 ~~{report}~~ *list each of* the contributions received and the expenditures made  
31 in that year.

32 2. The reports required by subsection 1 must be submitted on a form  
33 designed and provided by the secretary of state and signed by the candidate  
34 under penalty of perjury.

35 3. ~~{Each}~~ *The name and address of the contributor and the date on*  
36 *which the contribution was received must be included on the list for each*  
37 *contribution in excess of \$100 and contributions that a contributor has*  
38 *made cumulatively in excess of that amount .* ~~{must be separately identified~~  
39 ~~with the name and address of the contributor and the date of the~~  
40 ~~contribution, tabulated and reported on the form provided by the secretary~~  
41 ~~of state. Each expenditure in excess of \$100 and expenditures that the~~  
42 ~~candidate made cumulatively in excess of that amount must be separately~~  
43 ~~identified with the date of the expenditure, tabulated and reported on the~~

~~form provided by the secretary of state.]~~ *The forms designed and provided by the secretary of state for the reporting of contributions and expenditures pursuant to this section must be designed to be used by a candidate to record in the form of a list each campaign contribution as he receives it and each expenditure as it is made.*

4. The report must be filed with the secretary of state.

**Sec. 4.** NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party and committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates shall, not later than:

(a) Seven days before a primary election or primary city election, for the period from 30 days after the last election for that office to 12 days before the primary election or primary city election;

(b) Seven days before a general election or general city election, whether or not the candidate won the primary election or primary city election, for the period from 12 days before the primary election or primary city election to 12 days before the general election or general city election; and

(c) The 15th day of the second month after the general election or general city election, for the remaining period up to 30 days after the general election or general city election,

~~report the total amount]~~ *list each of the contributions received during the period on the form designed and provided by the secretary of state and shall sign the report under penalty of perjury.*

2. The ~~report of campaign contributions must identify]~~ *name and address of the contributor and the date on which the contribution was received must be included on the list for* each contribution in excess of \$100 ~~[. Contributions]~~ *and contributions* which a contributor has made cumulatively in excess of \$100 since the beginning of the first reporting period. ~~[must be separately identified with the name and address of the contributor and the date of the contribution, tabulated and reported on the form designed and provided by the secretary of state.]~~ *The form designed and provided by the secretary of state for the reporting of contributions pursuant to this section must be designed to be used by the person, committee for political action, political party or committee sponsored by a political party to record in the form of a list each contribution as it is received.*

3. If the candidate is elected from one county, the reports must be filed with the county clerk of that county. If the candidate is elected from one

city, the reports must be filed with the city clerk of that city. For all other candidates the reports must be filed with the secretary of state. A person or entity may file the report with the appropriate officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

**Sec. 5.** NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at any election including any recall or special election shall, not later than:

(a) Seven days before a primary election or primary city election, for the period from 30 days after the last general election to 12 days before the primary election or primary city election;

(b) Seven days before a general election or general city election, for the period from 12 days before the primary election or primary city election to 12 days before the general election or general city election; and

(c) The 15th day of the second month after the general election or general city election, for the remaining period up to 30 days after the general election or general city election,

~~{report the total amount}~~ *list each* of *the* contributions received *during the period* on the form designed and provided by the secretary of state and signed by the person or a representative of the group under penalty of perjury.

2. ~~{Each}~~ *The name and address of the contributor and the date on which the contribution was received must be included on the list for each* contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the first reporting period . ~~{must be separately identified with the name and address of the contributor and the date of the contribution, tabulated and reported on the form provided by the secretary of state.}~~ *The form designed and provided by the secretary of state for the reporting of contributions pursuant to this section must be designed to be used to record in the form of a list each contribution as it is received.*

3. If the question is submitted to the voters of only one county, the reports must be filed with the county clerk of that county. If the question is submitted to the voters of only one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary of state. If the person or group of persons is advocating passage or defeat of a group of questions, the reports must be made to the officer appropriate for each question and must be itemized by question.

1 4. Each county clerk or city clerk who receives a report pursuant to  
2 subsection 3 shall file a copy of the report with the secretary of state within  
3 10 working days after he receives the report.

4 **Sec. 6.** NRS 294A.200 is hereby amended to read as follows:

5 294A.200 1. Every candidate for state, district, county or township  
6 office at a primary or general election shall, not later than:

7 (a) Seven days before the primary election, for the period from 30 days  
8 before the regular session of the legislature after the last election for that  
9 office up to 12 days before the primary election;

10 (b) Seven days before the general election, whether or not the candidate  
11 won the primary election, for the period from 12 days before the primary  
12 election up to 12 days before the general election; and

13 (c) The 15th day of the second month after the general election, for the  
14 remaining period up to 30 days before the next regular session of the  
15 legislature,

16 ~~report his~~ *list each of the* campaign expenses *he incurs during the period*  
17 on forms designed and provided by the secretary of state and signed by the  
18 candidate under penalty of perjury.

19 2. Except as otherwise provided in subsection 3, every candidate for a  
20 district office at a special election shall, not later than:

21 (a) Seven days before the special election, for the period from his  
22 nomination up to 12 days before the special election; and

23 (b) Sixty days after the special election, for the remaining period up to  
24 30 days after the special election,

25 ~~report his~~ *list each of the* campaign expenses *he incurs during the period*  
26 on forms designed and provided by the secretary of state and signed by the  
27 candidate under penalty of perjury.

28 3. Every candidate for state, district, county, municipal or township  
29 office at a special election to determine whether a public officer will be  
30 recalled shall ~~report his~~ *list the* campaign expenses *he incurs* on forms  
31 designed and provided by the secretary of state and signed by the candidate  
32 under penalty of perjury, 60 days after the special election, for the period  
33 from the filing of the notice of intent to circulate the petition for recall up to  
34 30 days after the special election.

35 4. Reports of campaign expenses must be filed with the officer with  
36 whom the candidate filed the declaration of candidacy or acceptance of  
37 candidacy. A candidate may mail the report to that officer by certified mail.  
38 If certified mail is used, the date of mailing shall be deemed the date of  
39 filing.

40 5. County clerks who receive from candidates for legislative or judicial  
41 office, except the office of justice of the peace or municipal judge, reports  
42 of campaign expenses pursuant to subsection 4 shall file a copy of each

1 report with the secretary of state within 10 working days after he receives  
2 the report.

3 ***6. The forms designed and provided by the secretary of state for the***  
4 ***reporting of campaign expenses pursuant to this section must be***  
5 ***designed to be used by a candidate to record in the form of a list each***  
6 ***campaign expense as he incurs it.***

7 **Sec. 7.** NRS 294A.210 is hereby amended to read as follows:

8 294A.210 1. Every person who is not under the direction or control  
9 of a candidate or group of candidates or of any person involved in the  
10 campaign of that candidate or group who makes an expenditure on behalf  
11 of the candidate or group which is not solicited or approved by the  
12 candidate or group, and every committee for political action, political party  
13 or committee sponsored by a political party which makes an expenditure on  
14 behalf of a candidate or group of candidates shall, not later than:

15 (a) Seven days before a primary election or primary city election, for the  
16 period from 30 days after the last election for that office to 12 days before  
17 the primary election or primary city election;

18 (b) Seven days before a general election or general city election,  
19 whether or not the candidate won the primary election or primary city  
20 election, for the period from 12 days before the primary election or primary  
21 city election to 12 days before the general election or general city election;  
22 and

23 (c) The 15th day of the second month after a general election or general  
24 city election, for the remaining period up to 30 days after the general  
25 election or general city election,

26 ~~report the expenditures~~ ***list each expenditure*** made ***during the period*** on  
27 behalf of a candidate or group of candidates in excess of \$100 on forms  
28 designed and provided by the secretary of state and signed by the person or  
29 a representative of the group under penalty of perjury. The report must also  
30 include identification of expenditures which the person or group made  
31 cumulatively in excess of \$100 since the beginning of the first reporting  
32 period.

33 2. Expenditures made within the state or made elsewhere but for use  
34 within the state, including expenditures made outside the state for printing,  
35 television and radio broadcasting or other production of the media, must be  
36 included in the report.

37 3. If the candidate is elected from one county, the reports must be filed  
38 with the county clerk of that county. If the candidate is elected from one  
39 city, the reports must be filed with the city clerk of that city. Otherwise, the  
40 reports must be filed with the secretary of state. If an expenditure is made  
41 on behalf of a group of candidates, the reports must be made to the officer  
42 appropriate for each candidate and itemized by the candidate. A person

1 may make his report to the appropriate officer by certified mail. If certified  
2 mail is used, the date of mailing shall be deemed the date of filing.

3 4. Each county clerk or city clerk who receives a report pursuant to  
4 subsection 3 shall file a copy of the report with the secretary of state within  
5 10 working days after he receives the report.

6 **5. *The forms designed and provided by the secretary of state for the***  
7 ***reporting of expenditures pursuant to this section must be designed to be***  
8 ***used by the person or representative of the group to record in the form of***  
9 ***a list each expenditure as it is made.***

10 **Sec. 8.** NRS 294A.220 is hereby amended to read as follows:

11 294A.220 1. Every person or group of persons organized formally or  
12 informally who advocates the passage or defeat of a question or group of  
13 questions on the ballot at any election including any recall or special  
14 election shall, not later than:

15 (a) Seven days before a primary election or primary city election, for the  
16 period from 30 days after the last general election to 12 days before the  
17 primary election or primary city election;

18 (b) Seven days before a general election or general city election, for the  
19 period from 12 days before the primary election or primary city election to  
20 12 days before the general election or general city election; and

21 (c) The 15th day of the second month after the general election or  
22 general city election, for the remaining period up to 30 days after the  
23 general election or general city election,

24 ~~{report expenditures}~~ ***list each expenditure*** made ***during the period*** on  
25 behalf of or against a question or group of questions on the ballot in excess  
26 of \$100 on the form designed and provided by the secretary of state and  
27 signed by the person or a representative of the group under penalty of  
28 perjury. The report must also include the identification of expenditures  
29 which the person or group made cumulatively in excess of \$100 since the  
30 beginning of the first reporting period.

31 2. Expenditures made within the state or made elsewhere but for use  
32 within the state, including expenditures made outside the state for printing,  
33 television and radio broadcasting or other production of the media, must be  
34 included in the report.

35 3. If the question is submitted to the voters of only one county, the  
36 reports must be filed with the county clerk of that county. If the question is  
37 submitted to the voters of only one city, the reports must be filed with the  
38 city clerk of that city. Otherwise, the reports must be filed with the  
39 secretary of state. If an expenditure is made on behalf of a group of  
40 questions, the reports must be made to the officer appropriate for each  
41 question and must be itemized by question. A person may make his report  
42 to the appropriate filing officer by certified mail. If certified mail is used,  
43 the date of mailing shall be deemed the date of filing.

1 4. Each county clerk or city clerk who receives a report pursuant to  
2 subsection 3 shall file a copy of the report with the secretary of state within  
3 10 working days after he receives the report.

4 ***5. The form designed and provided by the secretary of state for the***  
5 ***reporting of expenditures pursuant to this section must be designed to be***  
6 ***used by the person or representative of the group to record in the form of***  
7 ***a list each expenditure as it is made.***

8 **Sec. 9.** NRS 294A.270 is hereby amended to read as follows:

9 294A.270 1. Except as otherwise provided in subsection 3, each  
10 committee for the recall of a public officer shall, not later than:

11 (a) Seven days before the special election to recall a public officer, for  
12 the period from the filing of the notice of intent to circulate the petition for  
13 recall up to 12 days before the special election; and

14 (b) Thirty days after the election, for the remaining period up to the  
15 election,

16 ~~{report}~~ ***list*** each contribution received or made by the committee in excess  
17 of \$100 on a form provided by the secretary of state and signed under  
18 penalty of perjury.

19 2. If a petition for the purpose of recalling a public officer is not filed  
20 before the expiration of the notice of intent, the committee for the recall of  
21 a public officer shall, not later than 30 days after the expiration of the  
22 notice of intent, ~~{report}~~ ***list*** each contribution received or made by the  
23 committee in excess of \$100.

24 3. If a court does not order a special election for the recall of the public  
25 officer, the committee for the recall of a public officer shall, not later than  
26 30 days after the court determines that an election will not be held, for the  
27 period from the filing of the notice of intent to circulate the petition for  
28 recall up to the day the court determines that an election will not be held,  
29 ~~{report}~~ ***list*** each contribution received or made by the committee in excess  
30 of \$100.

31 4. Each report of contributions must be filed with the secretary of state.  
32 The committee may mail the report by certified mail. If certified mail is  
33 used, the date of mailing shall be deemed the date of filing.

34 ~~{Each}~~ ***The name and address of the contributor and the date on***  
35 ***which the contribution was received must be included on the list for each***  
36 ***contribution, whether from or to a natural person, association or***  
37 ***corporation, in excess of \$100 and contributions which a contributor or the***  
38 ***committee has made cumulatively in excess of that amount since the***  
39 ***beginning of the first reporting period .*** ~~{must be separately identified with~~  
40 ~~{the name and address of the contributor or person to whom the contribution~~  
41 ~~{was given and the date of the contribution, tabulated and reported on the~~  
42 ~~{form provided by the secretary of state.}~~ ***The form designed and provided***  
43 ***by the secretary of state for the reporting of contributions pursuant to***

1 *this section must be designed to be used by the committee to record in the*  
2 *form of a list each contribution as it is received or made.*

3 **Sec. 10.** NRS 294A.280 is hereby amended to read as follows:

4 294A.280 1. Except as otherwise provided in subsection 3, each  
5 committee for the recall of a public officer shall, not later than:

6 (a) Seven days before the special election to recall a public officer, for  
7 the period from the filing of the notice of intent to circulate the petition for  
8 recall up to 12 days before the special election; and

9 (b) Thirty days after the election, for the remaining period up to the  
10 election,

11 ~~report~~ *list* each expenditure made by the committee in excess of \$100 on a  
12 form provided by the secretary of state and signed under penalty of perjury.

13 2. If a petition for the purpose of recalling a public officer is not filed  
14 before the expiration of the notice of intent, the committee for the recall of  
15 a public officer shall, not later than 30 days after the expiration of the  
16 notice of intent, ~~report~~ *list* each expenditure made by the committee in  
17 excess of \$100.

18 3. If a court does not order a special election for the recall of the public  
19 officer, the committee for the recall of a public officer shall, not later than  
20 30 days after the court determines that an election will not be held, for the  
21 period from the filing of the notice of intent to circulate the petition for  
22 recall up to the day the court determines that an election will not be held,  
23 ~~report~~ *list* each expenditure made by the committee in excess of \$100.

24 4. The report must also include identification of expenditures which the  
25 committee for the recall of a public officer made cumulatively in excess of  
26 \$100 since the beginning of the first reporting period.

27 5. Each report of expenditures must be filed with the secretary of state.  
28 The committee may mail the report by certified mail. If certified mail is  
29 used, the date of mailing shall be deemed the date of filing.

30 **6.** *The form designed and provided by the secretary of state for the*  
31 *reporting of expenditures pursuant to this section must be designed to be*  
32 *used by a committee to record in the form of a list each expenditure as it*  
33 *is made.*

34 **Sec. 11.** NRS 294A.345 is hereby amended to read as follows:

35 294A.345 1. A person shall not, with actual malice and the intent to  
36 impede the success of the campaign of a candidate, ~~cause~~ *impede the*  
37 *success of the candidate by causing* to be published a false statement of  
38 fact concerning the candidate, including, without limitation, statements  
39 concerning:

40 (a) The education or training of the candidate.

41 (b) The profession or occupation of the candidate.

1 (c) Whether the candidate committed, was indicted for committing or  
2 was convicted of committing a felony or other crime involving moral  
3 turpitude, dishonesty or corruption.

4 (d) Whether the candidate has received treatment for a mental illness.

5 (e) Whether the candidate was disciplined while serving in the military  
6 or was dishonorably discharged from service in the military.

7 (f) Whether another person endorses or opposes the candidate.

8 (g) The record of voting of a candidate if he formerly served or  
9 currently serves as a public officer.

10 2. ~~1. A person shall not, with actual malice and the intent to impede the~~  
11 ~~success of a campaign for the passage or defeat of a question on the ballot~~  
12 ~~at any election, including any recall or special election, cause to be~~  
13 ~~published a false statement of fact concerning the question on the ballot.~~

14 ~~3. Any candidate who alleges that a false statement of fact concerning~~  
15 ~~the candidate has been published in violation of subsection 1, and any~~  
16 ~~person or group of persons that advocates the passage or defeat of a~~  
17 ~~question on the ballot at any election, is required to file a report pursuant to~~  
18 ~~NRS 294A.150, and alleges that a false statement of fact has been~~  
19 ~~published in violation of subsection 2.~~ may file a request for an opinion  
20 with the commission on ethics pursuant to NRS 281.411 to 281.581,  
21 inclusive, and NRS 281.477. The commission shall give priority to such a  
22 request over all other matters pending with the commission.

23 ~~4.~~ 3. A person who violates the provisions of this section is subject  
24 to a civil penalty that may be imposed by the commission on ethics  
25 pursuant to NRS 281.551.

26 ~~5.~~ 4. As used in this section:

27 (a) "Actual malice" means knowledge of the falsity of a statement or  
28 reckless disregard for whether a statement is true or false.

29 (b) "Publish" means the act of printing, posting, broadcasting, mailing,  
30 speaking or otherwise disseminating.

31 **Sec. 12.** NRS 294A.360 is hereby amended to read as follows:

32 294A.360 1. Every candidate for city office where the general city  
33 election is preceded by a primary city election shall file the reports in the  
34 manner required by NRS 294A.120, 294A.200 and 294A.350 for other  
35 offices not later than:

36 (a) Seven days before the primary city election, for the period from 30  
37 days after the last election for that office up to 12 days before the primary  
38 city election;

39 (b) Seven days before the general city election, whether or not the  
40 candidate won the primary city election, for the period from 12 days before  
41 the primary city election up to 12 days before the general city election; and

42 (c) The 15th day of the second month after the general city election, for  
43 the remaining period up to 30 days after the general city election.

1     2. Every candidate for city office where there is no primary city  
2 election shall so file those reports:

3     (a) Seven days before the general city election, for the period from 30  
4 days after the last election for that office up to 12 days before the general  
5 city election; and

6     (b) The 15th day of the second month after the general city election, for  
7 the remaining period up to 30 days after the general city election.

8     3. The city clerk shall design the form for each report a candidate for  
9 city office is required to file pursuant to NRS 294A.120 and 294A.200.

10 *The form designed and provided by the city clerk for the reporting of*  
11 *campaign contributions and campaign expenses pursuant to this section*  
12 *must be designed to be used to record in the form of a list each campaign*  
13 *contribution as it is made and each campaign expense as it is*  
14 *incurred.*

15 The city clerk shall submit the form to the secretary of state for approval.

16 The city clerk shall not use such a form until it is approved.

17 **Sec. 13.** NRS 294A.380 is hereby amended to read as follows:

18 294A.380 The secretary of state may adopt and promulgate  
19 regulations, prescribe forms *in accordance with the provisions of this*  
20 *chapter* and take such other actions as are necessary for the implementation  
21 and effective administration of the provisions of this chapter.

22 **Sec. 14.** NRS 281.477 is hereby amended to read as follows:

23 281.477 1. If a request for an opinion is filed with the commission  
24 pursuant to NRS 294A.345 or 294A.346, the commission shall conduct a  
25 public hearing on the request. Except as otherwise provided in subsection  
26 6, the hearing must be held as expeditiously as possible, but not later than  
27 15 days after the receipt of the request for the opinion.

28 2. Such a request must be accompanied by all evidence and arguments  
29 to be offered by the requester concerning the issues related to the request.  
30 Except as otherwise provided in this subsection, if such evidence and  
31 arguments are not submitted with the request, the commission may:

32 (a) Draw any conclusions it deems appropriate from the failure of the  
33 person or group of persons requesting the opinion to submit the evidence  
34 and arguments, other than a conclusion that a person alleged to have  
35 violated NRS 294A.345 acted with actual malice; and

36 (b) Decline to render an opinion.

37 The provisions of this subsection do not prohibit the commission from  
38 considering evidence or arguments presented by the requester after  
39 submission of the request for an opinion if the commission determines that  
40 consideration of such evidence or arguments is in the interest of justice.

41 3. The commission shall immediately notify any person alleged to have  
42 violated NRS 294A.345 or 294A.346 that such an opinion has been

43 requested by the most expedient means possible. If notice is given orally by

1 telephone or in any other manner, a second notice must be given in writing  
2 ~~{ne}~~ *not* later than the next calendar day by facsimile machine or overnight  
3 mail. The notice must include the time and place of the commission's  
4 hearing on the matter.

5 4. A person notified pursuant to subsection 3 shall submit a response to  
6 the commission ~~{ne}~~ *not* later than ~~{at}~~ the close of business on the second  
7 business day following the receipt of the notice. The response must be  
8 accompanied by any evidence concerning the issues related to the request  
9 that the person has in his possession or may obtain without undue financial  
10 hardship. Except as otherwise provided in this subsection, if such evidence  
11 is not submitted within that time, the commission may:

12 (a) Draw any conclusions it deems appropriate from the failure of that  
13 person to submit the evidence and argument; and

14 (b) Prohibit that person from responding and presenting evidence at the  
15 hearing.

16 The provisions of this subsection do not prohibit the commission from  
17 allowing that person to respond and present evidence or arguments, or both,  
18 after the close of business on the second business day if the commission  
19 determines that consideration of such evidence or arguments is in the  
20 interest of justice.

21 5. Except as otherwise provided in subsection 4, the commission shall  
22 allow any person alleged to have violated NRS 294A.345 or 294A.346 to:

23 (a) Be represented by counsel; and

24 (b) Hear the evidence presented to the commission and respond and  
25 present evidence on his own behalf.

26 6. At the request of:

27 (a) The person or group of persons that filed the request for the opinion  
28 pursuant to NRS 294A.345 or 294A.346; or

29 (b) The person alleged to have violated the provisions of NRS  
30 294A.345 or 294A.346,

31 the commission may grant a continuance of a hearing held pursuant to the  
32 provisions of this section upon a showing of the existence of extraordinary  
33 circumstances that would prohibit the commission from rendering a fair and  
34 impartial opinion. A continuance may be granted for not more than 15  
35 days. Not more than one continuance may be granted by the commission  
36 pursuant to this subsection.

37 7. The person or group of persons that filed the request for the opinion  
38 pursuant to NRS 294A.345 or 294A.346 has the burden of proving the  
39 elements of the offense, including that a person alleged to have violated  
40 NRS 294A.345 acted with actual malice. The existence of actual malice  
41 may not be presumed. A final opinion of the commission rendered pursuant  
42 to this section must be supported by clear and convincing evidence. *In*

43 *addition to the other requirements for issuing an opinion pursuant to this*

1 *subsection, the commission shall not render a final opinion determining*  
2 *that a person has violated NRS 294A.345 unless the commission makes*  
3 *specific findings that:*

4 *(a) The person caused to be published a false statement of fact*  
5 *concerning a candidate;*

6 *(b) The person acted with actual malice in causing the false statement*  
7 *to be published;*

8 *(c) The person acted with the intent to impede the success of the*  
9 *campaign of the candidate in causing the false statement to be published;*  
10 *and*

11 *(d) The publication of the false statement did in fact impede the*  
12 *success of the campaign of the candidate.*

13 8. The commission shall render its opinion, or decline to render an  
14 opinion, as expeditiously as possible, but not later than 3 days after the date  
15 of the hearing. If additional time is required to determine the state of mind  
16 or the intent of the person alleged to have violated the provisions of NRS  
17 294A.345 or 294A.346 or to determine the amount of any civil penalty that  
18 may be imposed pursuant to NRS 281.551, the commission may continue  
19 its jurisdiction to investigate those issues but shall render its opinion as to  
20 the truth or falsity of the statement made concerning the candidate or the  
21 ballot question or its opinion as to whether the person impeded the success  
22 of the campaign or induced another person to impede the success of the  
23 campaign. If the commission continues its jurisdiction pursuant to this  
24 subsection, it may render a final opinion after the time set forth in this  
25 subsection.

26 9. A final opinion of the commission rendered pursuant to this section  
27 is subject to judicial review pursuant to NRS 233B.130. The district court  
28 shall give a petition for judicial review of a final opinion of the commission  
29 priority over other civil matters that are not expressly given priority by law.  
30 Notwithstanding the provisions of NRS 233B.130, the court may provide  
31 for such expedited review of the final opinion, including shortened periods  
32 for filing documents, as it deems appropriate for the circumstances.

33 10. Each request for an opinion filed pursuant to NRS 294A.345 or  
34 294A.346, each opinion rendered by the commission pursuant thereto and  
35 any motion, evidence or record of a hearing relating to the request are  
36 public and must be open to inspection pursuant to NRS 239.010.

37 11. For the purposes of NRS 41.032, the members of the commission  
38 and its employees shall be deemed to be exercising or performing a  
39 discretionary function or duty when taking any action related to the  
40 rendering of an opinion pursuant to this section.

41 12. Except as otherwise provided in this section, a meeting or hearing  
42 held by the commission to carry out the provisions of this section and the

1 commission's deliberations on the information or evidence are not subject  
2 to any provision of chapter 241 of NRS.

3 **13. As used in this section:**

4 **(a) "Actual malice" has the meaning ascribed to it in NRS 294A.345.**

5 **(b) "Publish" has the meaning ascribed to it in NRS 294A.345.**

6 **Sec. 15.** NRS 281.551 is hereby amended to read as follows:

7 281.551 1. In addition to any other penalty provided by law, the  
8 commission may impose on a public officer or employee or former public  
9 officer or employee civil penalties not to exceed \$5,000 for a willful  
10 violation of this chapter.

11 2. In addition to other penalties provided by law, the commission may  
12 impose a civil penalty not to exceed \$5,000 and assess an amount equal to  
13 the amount of attorney's fees and costs actually and reasonably incurred by  
14 the person about whom an opinion was requested pursuant to NRS  
15 281.511, against a person who:

16 (a) Submits to the commission, in bad faith or with a vexatious purpose,  
17 an accusation or information that is false;

18 (b) Submits to the commission, in connection with a request for an  
19 opinion that the commission determines to be without merit, an accusation  
20 or information that is false; or

21 (c) Prevents, interferes with or attempts to prevent or interfere with the  
22 discovery or investigation of a violation of this chapter.

23 3. If the commission finds that a violation of a provision of this chapter  
24 by a public officer or employee or former public officer or employee has  
25 resulted in the realization by another person of a financial benefit, the  
26 commission may, in addition to other penalties provided by law, require the  
27 current or former public officer or employee to pay a civil penalty of not  
28 more than twice the amount so realized.

29 4. Except as otherwise provided in this subsection, and in addition to  
30 any other penalty provided by law, the commission may impose on any  
31 person who violates any provision of NRS 294A.345 or 294A.346 a civil  
32 penalty not to exceed \$10,000. ~~HH~~ **Except as otherwise provided in this**  
33 **subsection, if** the commission finds that a violation of NRS 294A.345 or  
34 294A.346 occurred within 10 days before an election, including any recall  
35 or special election, the commission may impose on the person who  
36 committed such a violation a civil penalty not to exceed \$30,000. **The**  
37 **commission shall not impose a civil penalty for a violation of NRS**  
38 **294A.345 unless the commission has made the specific findings required**  
39 **pursuant to subsection 7 of NRS 281.477.**

40 5. If the commission finds that a violation of this chapter has been  
41 committed by a public officer removable from office by impeachment only,  
42 it shall file a report with the appropriate person responsible for

1 commencing impeachment proceedings as to its finding. The report must  
2 contain a statement of the facts alleged to constitute the violation.

3 6. An action taken by a public officer or employee or former public  
4 officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505  
5 is not a willful violation of a provision of those sections if the public officer  
6 or employee:

7 (a) Relied in good faith upon the advice of the legal counsel retained by  
8 the public body which the public officer represents or by the employer of  
9 the public employee;

10 (b) Was unable, through no fault of his own, to obtain an opinion from  
11 the commission before the action was taken; and

12 (c) Took action that was not contrary to a prior opinion issued by the  
13 commission to the public officer or employee.

14 7. In addition to other penalties provided by law, a public employee  
15 who willfully violates a provision of NRS 281.481, 281.491, 281.501 or  
16 281.505 is subject to disciplinary proceedings by his employer and must be  
17 referred for action in accordance to the applicable provisions governing his  
18 employment.

19 8. NRS 281.481 to 281.541, inclusive, do not abrogate or decrease the  
20 effect of the provisions of the Nevada Revised Statutes which define crimes  
21 or prescribe punishments with respect to the conduct of public officers or  
22 employees.

23 9. The imposition of a civil penalty pursuant to subsections 1 to 4,  
24 inclusive, is a final decision for the purposes of judicial review.

25 10. In determining for the purposes of this section whether a person  
26 submitted an accusation or information in bad faith or with a vexatious  
27 purpose, the commission may consider various factors, including, without  
28 limitation:

29 (a) When the accusation or information was filed with or provided to the  
30 commission;

31 (b) Whether and, if applicable, in what manner the person who  
32 submitted the accusation or information publicly disseminated the  
33 accusation or information before the commission determined whether there  
34 was just and sufficient cause to render an opinion in the matter;

35 (c) Whether the accusation or information sets forth alleged facts or  
36 details that are misleading or deceptive; and

37 (d) Whether the accusation or information or the conduct of the person  
38 who submitted the accusation or information:

39 (1) Would be perceived as annoying or harassing by a reasonable  
40 person; or

41 (2) Demonstrates conscious disregard for the process and procedures  
42 established by the commission.

43 **Sec. 16.** NRS 294A.385 is hereby repealed.

- 1     **Sec. 17.** The amendatory provisions of this act do not apply to conduct  
2 that occurred before July 1, 1999, or to the jurisdiction, duties, powers or  
3 proceedings of the commission on ethics relating to such conduct.  
4     **Sec. 18.** This act becomes effective on July 1, 1999.

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**TEXT OF REPEALED SECTION**

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**294A.385 Creation of simplified forms for use by candidate who receives less than \$1,000 in contributions.** The secretary of state shall adopt regulations that prescribe simplified forms for the reports of campaign contributions and expenses required by NRS 294A.120, 294A.200 and 294A.360 for a candidate who receives less than \$1,000 in campaign contributions.

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