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ASSEMBLY BILL NO. 227—COMMITTEE ON ELECTIONS,
PROCEDURES, AND ETHICS

FEBRUARY 23, 2001

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Revises definition of committee for political action. (BDR 24-917)

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; revising the definition of a committee for political action; providing a civil penalty for failure to register as a committee for political action; 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 294A.0055 is hereby amended to read as follows:
2 294A.0055 ***1.*** “Committee for political action” means ~~an~~
3 ~~organization which receives contributions, makes contributions to~~
4 ~~candidates or other persons or makes expenditures~~ ***any group of natural***
5 ~~persons or entities that solicits or receives contributions from any other~~
6 ~~person, group or entity and:~~
7 ***(a) Makes or intends to make contributions to candidates or other***
8 ~~persons; or~~
9 ***(b) Makes or intends to make expenditures,***
10 designed to affect the outcome of any primary, general or special election
11 or question on the ballot. ~~The term~~
12 ***2.*** “Committee for political action” does not include ~~the~~ :
13 ***(a) An organization made up of legislative members of a political***
14 ~~party whose primary purpose is to provide support for their political~~
15 ~~efforts.~~
16 ***(b) An entity solely because it provides goods or services to a***
17 ~~candidate or committee in the regular course of its business at the same~~
18 ~~price that would be provided to the general public.~~
19 ***(c) An individual natural person.***
20 ***(d) An individual corporation or other business entity who has filed***
21 ~~articles of incorporation or other documentation of organization with the~~
22 ~~secretary of state pursuant to Title 7 of NRS.~~



* A B 2 2 7 R 1 *

1 *(e) A personal campaign committee or the personal representative of a*
2 *candidate who receives contributions or makes expenditures that are*
3 *reported as campaign contributions or expenditures by the candidate.*

4 *(f) A committee for the recall of a public officer.*

5 **Sec. 2.** NRS 294A.380 is hereby amended to read as follows:

6 294A.380 1. The secretary of state may adopt and promulgate
7 regulations, prescribe forms in accordance with the provisions of this
8 chapter and take such other actions as are necessary for the implementation
9 and effective administration of the provisions of this chapter.

10 2. *For the purposes of implementing and administering the*
11 *provisions of this chapter regulating committees for political action, the*
12 *secretary of state shall, in determining whether an entity or group is a*
13 *committee for political action:*

14 *(a) Disregard a group's or entity's division or separation into units,*
15 *sections or smaller groups if it appears such division or separation is for*
16 *the purpose of avoiding the reporting requirements of this chapter.*

17 *(b) Disregard any other action taken by a group or entity that would*
18 *otherwise constitute a committee for political action if it appears such*
19 *action is taken for the purpose of avoiding the reporting requirements of*
20 *this chapter.*

21 **Sec. 3.** NRS 294A.420 is hereby amended to read as follows:

22 294A.420 1. If the secretary of state receives information that a
23 person or entity that is subject to the provisions of NRS 294A.120,
24 294A.140, 294A.150, 294A.180, 294A.200, 294A.210, 294A.220,
25 **294A.230**, 294A.270, 294A.280 or 294A.360 has not filed a report **or form**
26 **for registration** pursuant to the applicable provisions of those sections, the
27 secretary of state may, after giving notice to that person or entity, cause the
28 appropriate proceedings to be instituted in the first judicial district court.

29 2. Except as otherwise provided in this section, a person or entity that
30 violates an applicable provision of NRS 294A.112, 294A.120, 294A.130,
31 294A.140, 294A.150, 294A.160, 294A.170, 294A.180, 294A.200,
32 294A.210, 294A.220, **294A.230**, 294A.270, 294A.280, 294A.300,
33 294A.310, 294A.320 or 294A.360 is subject to a civil penalty of not more
34 than \$5,000 for each violation and payment of court costs and attorney's
35 fees. The civil penalty must be recovered in a civil action brought in the
36 name of the State of Nevada by the secretary of state in the first judicial
37 district court and deposited with the state treasurer for credit to the state
38 general fund.

39 3. If a civil penalty is imposed because a person or entity has reported
40 its contributions, expenses or expenditures after the date the report is due,
41 the amount of the civil penalty is:

42 (a) If the report is not more than 7 days late, \$25 for each day the report
43 is late.

44 (b) If the report is more than 7 days late but not more than 15 days late,
45 \$50 for each day the report is late.

46 (c) If the report is more than 15 days late, \$100 for each day the report
47 is late.

48 4. For good cause shown, the secretary of state may waive a civil
49 penalty that would otherwise be imposed pursuant to this section. If the

1 secretary of state waives a civil penalty pursuant to this subsection, the
2 secretary of state shall:

3 (a) Create a record which sets forth that the civil penalty has been
4 waived and describes the circumstances that constitute the good cause
5 shown; and

6 (b) Ensure that the record created pursuant to paragraph (a) is available
7 for review by the general public.