

SENATE BILL NO. 98—SENATOR SHAFFER

FEBRUARY 12, 2001

Referred to Committee on Government Affairs

SUMMARY—Requires candidate to disclose record of arrests for felonies and gross misdemeanors when filing for office and prohibits certain deceptive campaign materials. (BDR 24-237)

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; requiring a candidate for public office to submit with his declaration or acceptance of candidacy a disclosure of any arrest that occurred in the previous 10 years for committing a felony or gross misdemeanor and the final disposition of the charge resulting from the arrest; prohibiting certain campaign materials intended to deceive or confuse the voters; 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 293 of NRS is hereby amended by adding thereto a  
2     new section to read as follows:  
3     ***A candidate for public office must execute and file with his declaration***  
4     ***of candidacy or acceptance of candidacy a declaration of arrests for***  
5     ***committing a felony or gross misdemeanor which must be in***  
6     ***substantially the following form:***  
7     ***I, the undersigned, do swear or affirm under penalty of perjury that***  
8     ***the following list includes all incidents during the previous 10 years***  
9     ***in which I was arrested for committing a felony or gross***  
10    ***misdemeanor, except those arrests for which the records concerning***  
11    ***the arrest or the conviction that resulted therefrom have been sealed***  
12    ***pursuant to NRS 179.245 to 179.301, inclusive, or for which the***  
13    ***records are made confidential by a specific statute. I understand that***  
14    ***if no items are listed below I am swearing to or affirming the fact***  
15    ***that I have not been arrested for committing a felony or gross***  
16    ***misdemeanor during the previous 10 years or that the records***  
17    ***concerning such arrests or concerning the convictions that resulted***  
18    ***therefrom have been sealed pursuant to NRS 179.245 to 179.301,***



*inclusive, or that the records are made confidential by a specific statute.*

<i>Date of Arrest</i>	<i>Name of Felony or Gross Misdemeanor</i>	<i>Final Disposition Within System of Criminal Justice of Charge Resulting from Arrest</i>
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<i>Date of Arrest</i>	<i>Name of Felony or Gross Misdemeanor</i>	<i>Final Disposition Within System of Criminal Justice of Charge Resulting from Arrest</i>
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<i>Date of Arrest</i>	<i>Name of Felony or Gross Misdemeanor</i>	<i>Final Disposition Within System of Criminal Justice of Charge Resulting from Arrest</i>
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*(Attach additional sheet or sheets as necessary)*

*(Designation of name)*

*(Signature of candidate for office)*

*Subscribed and sworn to before me this ..... day of the month of ..... of the year....*

*Notary Public or other person authorized to administer an oath*

**Sec. 2.** Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

*A candidate for city office must execute and file with his declaration of candidacy or acceptance of candidacy a declaration of arrests for committing a felony or gross misdemeanor which must be in substantially the following form:*

*I, the undersigned, do swear or affirm under penalty of perjury that the following list includes all incidents during the previous 10 years in which I was arrested for committing a felony or gross misdemeanor, except those arrests for which the records concerning the arrest or the conviction that resulted therefrom have been sealed pursuant to NRS 179.245 to 179.301, inclusive, or for which the records are made confidential by a specific statute. I understand that if no items are listed below I am swearing to or affirming the fact that I have not been arrested for committing a felony or gross misdemeanor during the previous 10 years or that the records concerning such arrests or concerning the convictions that resulted therefrom have been sealed pursuant to NRS 179.245 to 179.301, inclusive, or that the records are made confidential by a specific statute.*

<i>Date of Arrest</i>	<i>Name of Felony or Gross Misdemeanor</i>	<i>Final Disposition Within System of Criminal Justice of Charge Resulting from Arrest</i>
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.....  
*Date of Arrest      Name of Felony or      Final Disposition Within System  
Gross Misdemeanor      of Criminal Justice of Charge  
Resulting from Arrest*

.....  
*Date of Arrest      Name of Felony or      Final Disposition Within System  
Gross Misdemeanor      of Criminal Justice of Charge  
Resulting from Arrest*

*(Attach additional sheet or sheets as necessary)*

.....  
*(Designation of name)*

.....  
*(Signature of candidate for office)*

*Subscribed and sworn to before  
me this ..... day of the month of ..... of the year....*

.....  
*Notary Public or other person  
authorized to administer an oath*

**Sec. 3.** Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

*A person shall not willfully deceive or confuse the voters by publicly distributing or posting materials, statements or publications supporting a candidate that, from the totality of all the characteristics, including, without limitation:*

- 1. Colors;*
- 2. Photographs;*
- 3. Wording of slogans; and*
- 4. Type of lettering,*

*cause voters to believe that the materials, statements or publications are those of a different candidate or are affiliated with or endorsed by a different candidate when in fact they are not those of the different candidate or affiliated with or endorsed by the different candidate.*

**Sec. 4.** NRS 294A.420 is hereby amended to read as follows:

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

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.130, 294A.140, 294A.150, 294A.160, 294A.170, 294A.180, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 **or section 3 of this act** is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the secretary of state in the



1 first judicial district court and deposited with the state treasurer for credit to  
2 the state general fund.  
3 3. If a civil penalty is imposed because a person or entity has reported  
4 its contributions, expenses or expenditures after the date the report is due,  
5 the amount of the civil penalty is:  
6 (a) If the report is not more than 7 days late, \$25 for each day the report  
7 is late.  
8 (b) If the report is more than 7 days late but not more than 15 days late,  
9 \$50 for each day the report is late.  
10 (c) If the report is more than 15 days late, \$100 for each day the report  
11 is late.  
12 4. For good cause shown, the secretary of state may waive a civil  
13 penalty that would otherwise be imposed pursuant to this section. If the  
14 secretary of state waives a civil penalty pursuant to this subsection, the  
15 secretary of state shall:  
16 (a) Create a record which sets forth that the civil penalty has been  
17 waived and describes the circumstances that constitute the good cause  
18 shown; and  
19 (b) Ensure that the record created pursuant to paragraph (a) is available  
20 for review by the general public.

