

SENATE BILL NO. 429—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 29, 2005

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provision prohibiting governmental entity from incurring expense or making expenditure related to supporting or opposing ballot question. (BDR 23-1366)

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; allowing a governmental entity to incur an expense or make an expenditure to provide information regarding a ballot question if it does not expressly advocate the approval or disapproval of that question; providing certain limitations; 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 281.554 is hereby amended to read as follows:
2 281.554 1. Except as otherwise provided in subsections 4 and
3 5 ~~H~~ *and section 2 of this act*, a public officer or employee shall not
4 request or otherwise cause a governmental entity to incur an
5 expense or make an expenditure to support or oppose:
6 (a) A ballot question.
7 (b) A candidate.
8 2. For the purposes of paragraph (b) of subsection 1, an
9 expense incurred or an expenditure made by a governmental entity
10 shall be considered an expense incurred or an expenditure made in
11 support of a candidate if:
12 (a) The expense is incurred or the expenditure is made for the
13 creation or dissemination of a pamphlet, brochure, publication,
14 advertisement or television programming that prominently features



1 the activities of a current public officer of the governmental entity
2 who is a candidate for a state, local or federal elective office; and

3 (b) The pamphlet, brochure, publication, advertisement or
4 television programming described in paragraph (a) is created or
5 disseminated during the period specified in subsection 3.

6 3. The period during which the provisions of subsection 2
7 apply to a particular governmental entity begins when a current
8 public officer of that governmental entity files a declaration of
9 candidacy or acceptance of candidacy and ends on the date of the
10 general election, general city election or special election for the
11 office for which the current public officer of the governmental entity
12 is a candidate.

13 4. The provisions of this section do not prohibit the creation or
14 dissemination of, or the appearance of a candidate in or on, as
15 applicable, a pamphlet, brochure, publication, advertisement or
16 television programming that:

17 (a) Is made available to the public on a regular basis and merely
18 describes the functions of:

19 (1) The public office held by the public officer who is the
20 candidate; or

21 (2) The governmental entity by which the public officer who
22 is the candidate is employed; or

23 (b) Is created or disseminated in the course of carrying out a
24 duty of:

25 (1) The public officer who is the candidate; or

26 (2) The governmental entity by which the public officer who
27 is the candidate is employed.

28 5. The provisions of this section do not prohibit an expense or
29 an expenditure incurred to create or disseminate a television
30 program that provides a forum for discussion or debate regarding a
31 ballot question, if persons both in support of and in opposition to the
32 ballot question participate in the television program.

33 6. As used in this section:

34 (a) "Governmental entity" means:

35 (1) The government of this State;

36 (2) An agency of the government of this State;

37 (3) A political subdivision of this State; and

38 (4) An agency of a political subdivision of this State.

39 (b) "Pamphlet, brochure, publication, advertisement or
40 television programming" includes, without limitation, a publication,
41 a public service announcement and any programming on a television
42 station created to provide community access to cable television. The
43 term does not include:

44 (1) A press release issued to the media by a governmental
45 entity; or



1 (2) The official website of a governmental entity.

2 (c) "Political subdivision" means a county, city or any other
3 local government as defined in NRS 354.474.

4 **Sec. 2.** Chapter 294A of NRS is hereby amended by adding
5 thereto a new section to read as follows:

6 **1. Except as otherwise provided in subsections 2 and 3, a**
7 **governmental entity may incur an expense or make an**
8 **expenditure to provide information regarding a question on a**
9 **ballot, including, without limitation, the use of governmental time,**
10 **property, equipment, personnel or other facilities to create or**
11 **disseminate a pamphlet, brochure, publication, broadcast or other**
12 **communication that provides information regarding a question on**
13 **a ballot.**

14 **2. A governmental entity shall not incur an expense or make**
15 **an expenditure to expressly advocate the approval or disapproval**
16 **of a question on a ballot.**

17 **3. A governing body of a political subdivision may meet and**
18 **discuss a question placed on a ballot by a different governmental**
19 **entity or by initiative or referendum. If the governing body enacts**
20 **an ordinance or resolution to:**

21 **(a) Oppose such a question on the ballot, in addition to the**
22 **prohibition provided in subsection 2, the political subdivision shall**
23 **not incur an expense or make an expenditure to provide**
24 **information regarding the question on the ballot pursuant to**
25 **subsection 1.**

26 **(b) Support such a question on the ballot, the political**
27 **subdivision may incur an expense or make an expenditure**
28 **pursuant to subsection 1.**

29 **4. If a governing body of a political subdivision plans to incur**
30 **an expense or make an expenditure pursuant to subsection 1 that**
31 **was not in the final budget of the political subdivision adopted**
32 **pursuant to NRS 354.598 for the dissemination of information to**
33 **the public, the governing body of the political subdivision must:**

34 **(a) Declare that the expense is for the purpose of**
35 **disseminating information to the public; and**

36 **(b) Otherwise comply with the provisions of NRS 354.598005**
37 **for augmenting or amending its budget or transferring**
38 **appropriations, as appropriate.**

39 **5. As used in this section:**

40 **(a) "Governmental entity" means:**

41 **(1) The government of this State;**

42 **(2) An agency of the government of this State;**

43 **(3) A political subdivision of this State; and**

44 **(4) An agency of a political subdivision of this State.**



- 1 (b) “Pamphlet, brochure, publication, broadcast or other
2 communication” includes, without limitation, a publication, a
3 public service announcement, any programming on a television
4 station created to provide community access to cable television, a
5 press release issued to the media by the governmental entity and
6 the official website of the governmental entity.
7 (c) “Political subdivision” means a county, city or any other
8 local government as defined in NRS 354.474.

