

ASSEMBLY BILL NO. 450—ASSEMBLYMAN COBB

MARCH 19, 2007

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Makes various changes concerning campaign
practices. (BDR 24-842)

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 campaign practices; requiring a statement
expressly advocating the election or defeat of a clearly
identified candidate published by a person who receives
compensation to disclose the name of the person or
organization that provides the compensation under certain
circumstances; providing a civil penalty; and providing
other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill requires persons who publish statements which expressly advocate the
2 election or defeat of a clearly identified candidate and who receive compensation
3 from the candidate, his opponent or certain other persons required to report
4 campaign expenditures to disclose that fact and the name of the person providing
5 the compensation. The bill also provides that a person who fails to make such a
6 disclosure is subject to a civil penalty of not more than \$5,000 for each such failure.

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
2 adding thereto a new section to read as follows:
3 **1. A statement which:**
4 **(a) Is published within 60 days before a general election, a**
5 **general city election or a special election or 30 days before a**
6 **primary election or a primary city election;**



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1 *(b) Expressly advocates the election or defeat of a clearly*
2 *identified candidate for a state or local office; and*

3 *(c) Is made by a person who receives compensation from the*
4 *candidate, an opponent of the candidate, or a person, party or*
5 *committee required to report expenditures pursuant to*
6 *NRS 294A.210,*

7 *↪ must contain a disclosure of the fact that the person receives*
8 *compensation pursuant to paragraph (c) and the name of the*
9 *person, party or committee providing that compensation.*

10 2. As used in this section, “publish” means the act of:

11 *(a) Printing, posting, broadcasting, mailing or otherwise*
12 *disseminating; or*

13 *(b) Causing to be printed, posted, broadcasted, mailed or*
14 *otherwise disseminated,*

15 *↪ any statement to the public.*

16 **Sec. 2.** NRS 294A.420 is hereby amended to read as follows:

17 294A.420 1. If the Secretary of State receives information
18 that a person or entity that is subject to the provisions of NRS
19 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210,
20 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 has not
21 filed a report or form for registration pursuant to the applicable
22 provisions of those sections, the Secretary of State may, after giving
23 notice to that person or entity, cause the appropriate proceedings to
24 be instituted in the First Judicial District Court.

25 2. Except as otherwise provided in this section, a person or
26 entity that violates an applicable provision of NRS 294A.112,
27 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160,
28 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280,
29 294A.300, 294A.310, 294A.320 or 294A.360 **or section 1 of this**
30 **act** is subject to a civil penalty of not more than \$5,000 for each
31 violation and payment of court costs and attorney’s fees. The civil
32 penalty must be recovered in a civil action brought in the name of
33 the State of Nevada by the Secretary of State in the First Judicial
34 District Court and deposited by the Secretary of State for credit to
35 the State General Fund in the bank designated by the State
36 Treasurer.

37 3. If a civil penalty is imposed because a person or entity has
38 reported its contributions, expenses or expenditures after the date
39 the report is due, except as otherwise provided in this subsection, the
40 amount of the civil penalty is:

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

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



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

3 ➡ A civil penalty imposed pursuant to this subsection against a
4 public officer who by law is not entitled to receive compensation for
5 his office or a candidate for such an office must not exceed a total of
6 \$100 if the public officer or candidate received no contributions and
7 made no expenditures during the relevant reporting periods.

8 4. For good cause shown, the Secretary of State may waive a
9 civil penalty that would otherwise be imposed pursuant to this
10 section. If the Secretary of State waives a civil penalty pursuant to
11 this subsection, the Secretary of State shall:

12 (a) Create a record which sets forth that the civil penalty has
13 been waived and describes the circumstances that constitute the
14 good cause shown; and

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

