

ASSEMBLY BILL NO. 604—COMMITTEE ON ELECTIONS,
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS

MARCH 26, 2007

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

SUMMARY—Revises provisions governing petitions for statewide
initiatives and referenda. (BDR 24-1396)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

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

AN ACT relating to elections; requiring certain persons or groups of persons advocating the passage or defeat of certain initiatives or referenda to provide various information to the Secretary of State concerning campaign contributions, expenditures and expenses; requiring public hearings to be conducted concerning certain initiatives and referenda; requiring circulators of certain petitions to attach an affidavit to each document of the petition; requiring circulators of certain petitions to disclose their status as volunteer or paid circulators; authorizing the Legislative Counsel to provide technical suggestions regarding certain initiatives and referenda; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Chapter 294A of NRS governs campaign practices. NRS 294A.150 and
2 294A.220 require persons or groups of persons advocating the passage or defeat of
3 a question on a ballot to submit reports to the Secretary of State on campaign
4 contributions, expenditures and expenses. **Section 3** of this bill creates a new
5 section for persons and groups of persons advocating the passage or defeat of a
6 constitutional amendment or a statewide measure proposed by an initiative or
7 referendum and that have received or expended at least \$10,000 for that purpose.
8 The provisions of this new section require such persons or groups to submit similar
9 campaign contribution and expense reports to the Secretary of State on a different
10 schedule and with certain additional information. **Section 4** of this bill requires
11 such persons and groups to appoint a resident agent who lives in Nevada, regardless
12 of the amount of money they have received or expended. **Section 5** of this bill



* A B 6 0 4 R 2 *

requires such persons and groups to file an organizational statement with the Secretary of State, regardless of the amount of money they have received or expended. **Section 6** of this bill requires such persons and groups who pay others to circulate petitions to disclose certain financial information to the Secretary of State. **Section 13** of this bill provides that such persons and groups who violate **section 3** are subject to civil penalties.

Chapter 295 of NRS governs petitions for statewide and local initiatives and referenda. **Section 15** of this bill requires the Director of the Legislative Counsel Bureau to hold public hearings on statewide initiatives and referenda. **Section 16** of this bill requires petition circulators to attach an affidavit to each document of a petition attesting to the veracity of each signature. **Section 17** of this bill prohibits paying people to sign petitions. **Section 18** of this bill requires petition circulators to disclose whether they are paid or volunteer circulators.

Existing law requires the Secretary of State to consult with the Fiscal Analysis Division of the Legislative Counsel Bureau regarding the possible financial effect on the State of any initiative or referendum. (NRS 295.015) **Section 20** of this bill requires the Secretary of State also to consult with the Legislative Counsel regarding each initiative or referendum and authorizes the Legislative Counsel to make technical suggestions regarding the petition.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; and

(c) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 **and section 3 of this act.**

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.



1 **Sec. 2.** Chapter 294A of NRS is hereby amended by adding
2 thereto the sections set forth as sections 3 to 6, inclusive, of this act.

3 **Sec. 3. 1.** *Every person or group of persons organized*
4 *formally or informally who advocates the passage or defeat of a*
5 *constitutional amendment or statewide measure proposed by an*
6 *initiative or referendum, including, without limitation, the*
7 *initiation or circulation thereof, and who receives or expends*
8 *money in an amount in excess of \$10,000 for such advocacy shall,*
9 *not later than the dates listed in subsection 2, report:*

10 (a) *Each campaign contribution in excess of \$100 received*
11 *during each period described in subsection 2;*

12 (b) *Contributions received during each period described in*
13 *subsection 2 from a contributor which cumulatively exceed \$100;*

14 (c) *Each expenditure in excess of \$100 the person or group of*
15 *persons makes during each period described in subsection 2; and*

16 (d) *The total amount of money the person or group of persons*
17 *has at the beginning of each period described in subsection 2,*
18 *accounting for all contributions received and expenditures made*
19 *during each previous period.*

20 **2.** *Every person or group of persons required to report*
21 *pursuant to subsection 1 shall file that report with the Secretary of*
22 *State:*

23 (a) *For the period beginning on the first day a copy of the*
24 *petition may be filed with the Secretary of State before it is*
25 *circulated for signatures pursuant to Section 1 or Section 2 of*
26 *Article 19 of the Nevada Constitution, as applicable, and ending*
27 *on the following March 31, not later than April 15;*

28 (b) *For the period beginning on April 1 and ending on July 31,*
29 *not later than August 15;*

30 (c) *For the period beginning on August 1 and ending on*
31 *September 30, not later than October 15; and*

32 (d) *For the period beginning on October 1 and ending on*
33 *December 31, not later than the following January 15.*

34 **3.** *The name and address of the contributor and the date on*
35 *which the contribution was received must be included on each*
36 *report for each contribution in excess of \$100 and contributions*
37 *which a contributor has made cumulatively in excess of that*
38 *amount since the beginning of the applicable reporting period.*

39 **4.** *Expenditures made within the State or made elsewhere but*
40 *for use within the State, including expenditures made outside the*
41 *State for printing, television and radio broadcasting or other*
42 *production of the media, must be included in each report.*

43 **5.** *Each report required pursuant to this section must:*

44 (a) *Be on the form designed and provided by the Secretary of*
45 *State pursuant to NRS 294A.373; and*



* A B 6 0 4 R 2 *

(b) Be signed by the person or a representative of the group of persons under penalty of perjury.

6. A person or group of persons may mail or transmit each report to the Secretary of State by certified mail, regular mail, facsimile machine or electronic means or may deliver the report personally.

7. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

Sec. 4. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum shall appoint and keep within this State a resident agent who must be a natural person who resides in this State.

Sec. 5. 1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, before engaging in any such advocacy in this State, shall file a statement of organization with the Secretary of State as provided in subsection 2.

2. Each statement of organization must include:

(a) The name of the person or group of persons;

(b) The purpose for which the person or group of persons is organized;

(c) The names and addresses of any officers of the person or group of persons;

(d) If the person or group of persons is affiliated with or is retained by any other person or group for the purpose of advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum, the name and address of each such other person or group; and

(e) The name, address and telephone number of the resident agent of the person or group of persons.

3. A person or group of persons which has filed a statement of organization pursuant to this section shall file an amended statement with the Secretary of State within 30 days of any changes to the information required pursuant to subsection 2.

Sec. 6. 1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an



* A B 6 0 4 R 2 *

1 *initiative or referendum that provides compensation to persons to*
2 *circulate petitions shall report to the Secretary of State:*

3 (a) *The number of persons to whom such compensation is*
4 *provided;*

5 (b) *The least amount of such compensation that is provided*
6 *and the greatest amount of such compensation that is provided;*
7 *and*

8 (c) *The total amount of compensation provided.*

9 2. *The Secretary of State shall make public any information*
10 *received pursuant to this section.*

11 Sec. 7. NRS 294A.150 is hereby amended to read as follows:

12 294A.150 1. ~~{Every}~~ *Except as otherwise provided in*
13 *section 3 of this act, every* person or group of persons organized
14 formally or informally who advocates the passage or defeat of a
15 question or group of questions on the ballot at a primary election,
16 primary city election, general election or general city election ~~{and~~
17 ~~every person or group of persons who initiates or circulates a~~
18 ~~petition for a constitutional amendment or a petition for a statewide~~
19 ~~measure proposed by an initiative or a referendum and who receives~~
20 ~~or expends money in an amount in excess of \$10,000 to support~~
21 ~~such initiation or circulation}~~ shall, not later than January 15 of each
22 year that the provisions of this subsection apply to the person or
23 group of persons, for the period from January 1 of the previous year
24 through December 31 of the previous year, report each campaign
25 contribution in excess of \$100 received during that period and
26 contributions received during the period from a contributor which
27 cumulatively exceed \$100. The report must be completed on the
28 form designed and provided by the Secretary of State pursuant to
29 NRS 294A.373. The form must be signed by the person or a
30 representative of the group under penalty of perjury. The provisions
31 of this subsection apply to the person or group of persons:

32 (a) Each year in which an election or city election is held for
33 each question for which the person or group advocates passage or
34 defeat ; ~~{for each year in which a person or group receives~~
35 ~~or expends money in excess of \$10,000 to support the initiation or~~
36 ~~circulation of a petition for a constitutional amendment or a petition~~
37 ~~for a statewide measure proposed by an initiative or a referendum;}~~
38 and

39 (b) The year after each year described in paragraph (a).

40 2. If a question is on the ballot at a primary election or primary
41 city election and the general election or general city election
42 immediately following that primary election or primary city election
43 is held on or after January 1 and before the July 1 immediately
44 following that January 1, every person or group of persons
45 organized formally or informally who advocates the passage or



* A B 6 0 4 R 2 *

1 defeat of the question or a group of questions that includes the
2 question shall comply with the requirements of this subsection. If a
3 question is on the ballot at a general election or general city election
4 held on or after January 1 and before the July 1 immediately
5 following that January 1, every person or group of persons
6 organized formally or informally who advocates the passage or
7 defeat of the question or a group of questions that includes the
8 question shall comply with the requirements of this subsection. A
9 person or group of persons described in this subsection shall, not
10 later than:

11 (a) Seven days before the primary election or primary city
12 election, for the period from the January 1 immediately preceding
13 the primary election or primary city election through 12 days before
14 the primary election or primary city election;

15 (b) Seven days before the general election or general city
16 election, for the period from 11 days before the primary election or
17 primary city election through 12 days before the general election or
18 general city election; and

19 (c) July 15 of the year of the general election or general city
20 election, for the period from 11 days before the general election or
21 general city election through June 30 of that year,

22 ➤ report each campaign contribution in excess of \$100 received
23 during the period and contributions received during the period from
24 a contributor which cumulatively exceed \$100. The report must be
25 completed on the form designed and provided by the Secretary of
26 State pursuant to NRS 294A.373 and signed by the person or a
27 representative of the group under penalty of perjury.

28 3. The name and address of the contributor and the date on
29 which the contribution was received must be included on the report
30 for each contribution in excess of \$100 and contributions which a
31 contributor has made cumulatively in excess of that amount since
32 the beginning of the current reporting period.

33 4. If a question is on the ballot at a primary election or primary
34 city election and the general election or general city election
35 immediately following that primary election or primary city election
36 is held on or after July 1 and before the January 1 immediately
37 following that July 1, every person or group of persons organized
38 formally or informally who advocates the passage or defeat of the
39 question or a group of questions that includes the question shall
40 comply with the requirements of this subsection. If a question is on
41 the ballot at a general election or general city election held on or
42 after July 1 and before the January 1 immediately following that
43 July 1, every person or group of persons organized formally or
44 informally who advocates the passage or defeat of the question or a
45 group of questions that includes the question shall comply with the



1 requirements of this subsection. ~~Every person or group of persons~~
2 ~~who initiates or circulates a petition for a constitutional amendment~~
3 ~~or a petition for a statewide measure proposed by an initiative or a~~
4 ~~referendum and who receives or expends money in an amount in~~
5 ~~excess of \$10,000 to support such initiation or circulation shall~~
6 ~~comply with the requirements of this subsection.~~ A person or group
7 of persons described in this subsection shall, not later than:

8 (a) Seven days before the primary election or primary city
9 election, for the period from the January 1 immediately preceding
10 the primary election or primary city election through 12 days before
11 the primary election or primary city election; and

12 (b) Seven days before the general election or general city
13 election, for the period from 11 days before the primary election or
14 primary city election through 12 days before the general election or
15 general city election,

16 ➤ report each campaign contribution in excess of \$100 received
17 during the period and contributions received during the period from
18 a contributor which cumulatively exceed \$100. The report must be
19 completed on the form designed and provided by the Secretary of
20 State pursuant to NRS 294A.373. The form must be signed by the
21 person or a representative of the group under penalty of perjury.

22 5. Except as otherwise provided in subsection 6, every person
23 or group of persons organized formally or informally who advocates
24 the passage or defeat of a question or group of questions on the
25 ballot at a special election shall, not later than:

26 (a) Seven days before the special election, for the period from
27 the date that the question qualified for the ballot through 12 days
28 before the special election; and

29 (b) Thirty days after the special election, for the remaining
30 period through the special election,

31 ➤ report each campaign contribution in excess of \$100 received
32 during the period and contributions received during the period from
33 a contributor which cumulatively exceed \$100. The report must be
34 completed on the form designed and provided by the Secretary of
35 State pursuant to NRS 294A.373. The form must be signed by the
36 person or a representative of the group under penalty of perjury.

37 6. Every person or group of persons organized formally or
38 informally who advocates the passage or defeat of a question or
39 group of questions on the ballot at a special election to determine
40 whether a public officer will be recalled shall report each of
41 the contributions received on the form designed and provided by the
42 Secretary of State pursuant to NRS 294A.373 and signed by the
43 person or a representative of the group under penalty of perjury, 30
44 days after:



(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons is advocating passage or defeat of a group of questions, ~~for is receiving or expending money to support a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum,~~ the reports must be itemized by question or petition.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

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

294A.220 1. ~~Every~~ *Except as otherwise provided in section 3 of this act, 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 a primary election, primary city election, general election or general city election ~~and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives~~



* A B 6 0 4 R 2 *

1 ~~or expends money in an amount in excess of \$10,000 to support~~
2 ~~such initiation or circulation]~~ shall, not later than January 15 of each
3 year that the provisions of this subsection apply to the person or
4 group of persons, for the period from January 1 of the previous year
5 through December 31 of the previous year, report each expenditure
6 made during the period on behalf of or against the question, the
7 group of questions or a question in the group of questions on
8 the ballot in excess of \$100 on the form designed and provided by
9 the Secretary of State pursuant to NRS 294A.373. The form must be
10 signed by the person or a representative of the group under penalty
11 of perjury. The provisions of this subsection apply to the person or
12 group of persons:

13 (a) Each year in which an election or city election is held for a
14 question for which the person or group advocates passage or defeat ;
15 ~~for each year in which a person or group of persons receives or~~
16 ~~expends money in excess of \$10,000 to support the initiation or~~
17 ~~circulation of a petition for a constitutional amendment or a petition~~
18 ~~for a statewide measure proposed by an initiative or a referendum;]~~
19 and

20 (b) The year after each year described in paragraph (a).

21 2. If a question is on the ballot at a primary election or primary
22 city election and the general election or general city election
23 immediately following that primary election or primary city election
24 is held on or after January 1 and before the July 1 immediately
25 following that January 1, every person or group of persons
26 organized formally or informally who advocates the passage or
27 defeat of the question or a group of questions that includes the
28 question shall comply with the requirements of this subsection. If a
29 question is on the ballot at a general election or general city election
30 held on or after January 1 and before the July 1 immediately
31 following that January 1, every person or group of persons
32 organized formally or informally who advocates the passage or
33 defeat of the question or a group of questions that includes the
34 question shall comply with the requirements of this subsection. A
35 person or group of persons described in this subsection shall, not
36 later than:

37 (a) Seven days before the primary election or primary city
38 election, for the period from the January 1 immediately preceding
39 the primary election or primary city election through 12 days before
40 the primary election or primary city election;

41 (b) Seven days before the general election or general city
42 election, for the period from 11 days before the primary election or
43 primary city election through 12 days before the general election or
44 general city election; and



(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

➤ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. ~~Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of \$10,000 to support such initiation or circulation shall comply with the requirements of this subsection.~~ A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➤ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.



* A B 6 0 4 R 2 *

4. Except as otherwise provided in subsection 5, 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 a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. 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 a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.



8. If an expenditure is made on behalf of a group of questions ,
~~for a group of petitions for constitutional amendments, a group of~~
~~petitions for statewide measures proposed by initiative or~~
~~referendum or a group of petitions for both constitutional~~
~~amendments and statewide measures proposed by initiative or~~
~~referendum,]~~ the reports must be itemized by question or petition. A
person may mail or transmit his report to the appropriate filing
officer by regular mail, certified mail, facsimile machine or
electronic means. A report shall be deemed to be filed with the filing
officer:

(a) On the date that it was mailed if it was sent by certified mail;
or

(b) On the date that it was received by the filing officer if the
report was sent by regular mail, transmitted by facsimile machine or
electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report
pursuant to this section shall file a copy of the report with the
Secretary of State within 10 working days after he receives the
report.

Sec. 9. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to
NRS 294A.210, 294A.220 and 294A.280 *and section 3 of this act*
must consist of a list of each expenditure in excess of \$100 that was
made during the periods for reporting. Each report of expenses
required pursuant to NRS 294A.125 and 294A.200 must consist of a
list of each expense in excess of \$100 that was incurred during the
periods for reporting. The list in each report must state the category
and amount of the expense or expenditure and the date on which the
expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the
report of expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Except as otherwise provided in NRS 294A.362, goods and
services provided in kind for which money would otherwise have
been paid; and
- (j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in
subsection 1 must list the disposition of any unspent campaign



1 contributions using the categories set forth in subsection 2 of
2 NRS 294A.160.

3 **Sec. 10.** NRS 294A.373 is hereby amended to read as follows:

4 294A.373 1. The Secretary of State shall design a single form
5 to be used for all reports of campaign contributions and expenses or
6 expenditures that are required to be filed pursuant to NRS
7 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200,
8 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and
9 294A.362 **and section 3 of this act.**

10 2. The form designed by the Secretary of State pursuant to this
11 section must only request information specifically required by
12 statute.

13 3. Upon request, the Secretary of State shall provide a copy of
14 the form designed pursuant to this section to each person,
15 committee, political party and group that is required to file a report
16 described in subsection 1.

17 4. The Secretary of State must obtain the advice and consent of
18 the Legislative Commission before providing a copy of a form
19 designed or revised by the Secretary of State pursuant to this section
20 to a person, committee, political party or group that is required to
21 use the form.

22 **Sec. 11.** NRS 294A.390 is hereby amended to read as follows:

23 294A.390 The officer from whom a candidate or entity
24 requests a form for:

25 1. A declaration of candidacy;

26 2. An acceptance of candidacy;

27 3. The registration of a committee for political action pursuant
28 to NRS 294A.230 or a committee for the recall of a public officer
29 pursuant to NRS 294A.250; or

30 4. The reporting of campaign contributions, expenses or
31 expenditures pursuant to NRS 294A.120, 294A.128, 294A.140,
32 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or
33 294A.360, **or section 3 of this act,**

34 ➔ shall furnish the candidate with the necessary forms for reporting
35 and copies of the regulations adopted by the Secretary of State
36 pursuant to this chapter. An explanation of the applicable provisions
37 of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150,
38 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360
39 **or section 3 of this act** relating to the making, accepting or reporting
40 of campaign contributions, expenses or expenditures and the
41 penalties for a violation of those provisions as set forth in NRS
42 294A.100 or 294A.420 must be developed by the Secretary of State
43 and provided upon request. The candidate or entity shall
44 acknowledge receipt of the material.



* A B 6 0 4 R 2 *

Sec. 12. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, **and section 3 of this act**, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of \$100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of \$100.

4. The expenditures exceeding \$100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

5. The contributions in excess of \$100 made to:

(a) A 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 the 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.

(b) A 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.

(c) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

Sec. 13. 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.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 **or section 3 of this act** has not filed a report or form for registration 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.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 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 First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

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

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

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

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

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

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

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

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

Sec. 14. Chapter 295 of NRS is hereby amended by adding thereto the sections set forth as sections 15 to 18, inclusive, of this act.

Sec. 15. 1. *The Director of the Legislative Counsel Bureau shall hold a public hearing on each petition for initiative or referendum that has been filed with the Secretary of State.*

2. *Each public hearing required pursuant to this section must be held not later than 10 days nor more than 20 days before the*



* A B 6 0 4 R 2 *

1 *general election at which the initiative or referendum is submitted*
2 *for popular vote.*

3 3. *The Legislative Counsel Bureau shall provide such staff as*
4 *is necessary to provide appropriate research and analysis of the*
5 *initiative or referendum at each public hearing required pursuant*
6 *to this section.*

7 4. *Each public hearing required pursuant to this section must*
8 *be an opportunity for public discussion of:*

9 (a) *Technical matters relating to the petition, including,*
10 *without limitation, compliance with the requirements of NRS*
11 *295.009; and*

12 (b) *The substantive content of the initiative or referendum.*

13 **Sec. 16.** *A petition for initiative or referendum may consist of*
14 *more than one document. Each document of a petition must have*
15 *attached to it when submitted an affidavit executed by the*
16 *circulator thereof stating:*

17 1. *That he personally circulated the document;*

18 2. *The number of signatures thereon;*

19 3. *That all the signatures were affixed in his presence;*

20 4. *That he believes the signatures to be the genuine*
21 *signatures of the persons whose names they purport to be; and*

22 5. *That each signer had an opportunity before signing to read*
23 *the full text of the act or resolution on which the initiative or*
24 *referendum is demanded.*

25 **Sec. 17.** *A person shall not give compensation of any kind to*
26 *any person in exchange for signing a petition for initiative or*
27 *referendum.*

28 **Sec. 18.** *Each person circulating a petition for initiative or*
29 *referendum who:*

30 1. *Is not receiving or will not receive any compensation for*
31 *circulating the petition shall disclose to signers of the petition his*
32 *status as a volunteer;*

33 2. *Is receiving or will receive any compensation for*
34 *circulating the petition shall disclose to signers of the petition his*
35 *status as a paid circulator.*

36 **Sec. 19.** (Deleted by amendment.)

37 **Sec. 20.** NRS 295.015 is hereby amended to read as follows:

38 295.015 1. Before a petition for initiative or referendum may
39 be presented to the registered voters for their signatures, a copy of
40 the petition for initiative or referendum, including the description
41 required pursuant to NRS 295.009, must be placed on file with the
42 Secretary of State.

43 2. Upon receipt of a petition for initiative or referendum placed
44 on file pursuant to subsection 1 ~~the~~:



1 ***(a) The*** Secretary of State shall consult with the Fiscal Analysis
2 Division of the Legislative Counsel Bureau to determine if the
3 initiative or referendum may have any anticipated financial effect on
4 the State or local governments if the initiative or referendum is
5 approved by the voters. If the Fiscal Analysis Division determines
6 that the initiative or referendum may have an anticipated financial
7 effect on the State or local governments if the initiative or
8 referendum is approved by the voters, the Division must prepare a
9 fiscal note that includes an explanation of any such effect.

10 ***(b) The Secretary of State shall consult with the Legislative***
11 ***Counsel regarding the petition for initiative or referendum. The***
12 ***Legislative Counsel may provide technical suggestions regarding***
13 ***the petition for initiative or referendum.***

14 3. Not later than 10 business days after the Secretary of State
15 receives a petition for initiative or referendum filed pursuant to
16 subsection 1, the Secretary of State shall post a copy of the petition,
17 including the description required pursuant to NRS 295.009 , ~~and~~
18 any fiscal note prepared pursuant to subsection 2 ~~and~~ ***and any***
19 ***suggestions made by the Legislative Counsel pursuant to***
20 ***subsection 2,*** on his Internet website.

