

SENATE BILL NO. 144—SENATOR TITUS

FEBRUARY 22, 2007

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes concerning disclosures relating to contributions to candidates for political office. (BDR 24-63)

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 that a domestic or foreign limited-liability company that makes a campaign contribution to a candidate disclose to the candidate the name and address of any natural person holding an ownership interest of more than 1 percent; requiring a candidate to disclose the name and address of any natural person holding an ownership interest of more than 1 percent in a domestic or foreign limited-liability company which makes a contribution to the candidate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires that a candidate for a state, district, county or township
2 office at a primary or general election file a report of campaign contributions and
3 expenditures and disclose the name and address of any contributor that donated in
4 excess of \$100. (NRS 294A.120, 294A.125) This bill requires that a domestic or
5 foreign limited-liability company making a contribution to a candidate disclose to
6 the candidate the name and address of any person with an ownership interest of
7 more than 1 percent in the limited-liability company. A candidate would then be
8 required to disclose on a report of campaign contributions and expenditures the
9 name and address of any person with an ownership interest of more than 1 percent
10 in a limited-liability company that made a contribution to the candidate in excess of
11 \$100.



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

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *“Domestic limited-liability company” has the meaning ascribed to it in NRS 92A.030.*

Sec. 3. *“Foreign limited-liability company” has the meaning ascribed to it in NRS 86.051.*

Sec. 4. NRS 294A.002 is hereby amended to read as follows:
294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.004 to 294A.009, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 294A.112 is hereby amended to read as follows:

294A.112 1. A person shall not:

- (a) Make a contribution in the name of another person;
- (b) Knowingly allow his name to be used to cause a contribution to be made in the name of another person or assist in the making of a contribution in the name of another person;
- (c) Knowingly assist a person to make a contribution in the name of another person; or
- (d) Knowingly accept a contribution made by a person in the name of another person.

2. *A domestic or foreign limited-liability company that makes a contribution to a candidate shall disclose to the candidate receiving the contribution the name of each natural person who holds an ownership interest of 1 percent or more in the domestic or foreign limited-liability company.*

3. As used in this section, “make a contribution in the name of another person” includes, without limitation:

- (a) Giving money or an item of value, all or part of which was provided by another person, without disclosing the source of the money or item of value to the recipient at the time the contribution is made; and
- (b) Giving money or an item of value, all or part of which belongs to the person who is giving the money or item of value, and claiming that the money or item of value belongs to another person.

Sec. 6. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 he received during the period and contributions received during the period from a



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1 contributor which cumulatively exceed \$100. The provisions of this
2 subsection apply to the candidate beginning the year of the general
3 election for that office through the year immediately preceding the
4 next general election for that office.

5 2. Every candidate for state, district, county or township office
6 at a primary or general election shall, if the general election for the
7 office for which he is a candidate is held on or after January 1 and
8 before the July 1 immediately following that January 1, not later
9 than:

10 (a) Seven days before the primary election for that office, for the
11 period from the January 1 immediately preceding the primary
12 election through 12 days before the primary election;

13 (b) Seven days before the general election for that office, for the
14 period from 11 days before the primary election through 12 days
15 before the general election; and

16 (c) July 15 of the year of the general election for that office, for
17 the period from 11 days before the general election through June 30
18 of that year,

19 ➔ report each campaign contribution in excess of \$100 he receives
20 during the period and contributions received during the period from
21 a contributor which cumulatively exceed \$100. The report must be
22 completed on the form designed and provided by the Secretary of
23 State pursuant to NRS 294A.373. Each form must be signed by the
24 candidate under penalty of perjury.

25 3. Every candidate for state, district, county or township office
26 at a primary or general election shall, if the general election for the
27 office for which he is a candidate is held on or after July 1 and
28 before the January 1 immediately following that July 1, not later
29 than:

30 (a) Seven days before the primary election for that office, for the
31 period from the January 1 immediately preceding the primary
32 election through 12 days before the primary election; and

33 (b) Seven days before the general election for that office, for the
34 period from 11 days before the primary election through 12 days
35 before the general election,

36 ➔ report each campaign contribution in excess of \$100 he received
37 during the period and contributions received during the period from
38 a contributor which cumulatively exceed \$100. The report must be
39 completed on the form designed and provided by the Secretary of
40 State pursuant to NRS 294A.373. Each form must be signed by the
41 candidate under penalty of perjury.

42 4. Except as otherwise provided in subsection 5, every
43 candidate for a district office at a special election shall, not later
44 than:



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1 (a) Seven days before the special election, for the period from
2 his nomination through 12 days before the special election; and

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

5 report each campaign contribution in excess of \$100 he received
6 during the period and contributions received during the reporting
7 period from a contributor which cumulatively exceed \$100. The
8 report must be completed on the form designed and provided by the
9 Secretary of State pursuant to NRS 294A.373. Each form must be
10 signed by the candidate under penalty of perjury.

11 5. Every candidate for state, district, county, municipal or
12 township office at a special election to determine whether a public
13 officer will be recalled shall list each of the campaign contributions
14 that he receives on the form designed and provided by the Secretary
15 of State pursuant to NRS 294A.373 and signed by the candidate
16 under penalty of perjury, 30 days after:

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

20 (b) A district court determines that the petition for recall is
21 legally insufficient pursuant to subsection 5 of NRS 306.040, for the
22 period from the filing of the notice of intent to circulate the petition
23 for recall through the date of the district court's decision.

24 6. Reports of campaign contributions must be filed with the
25 officer with whom the candidate filed the declaration of candidacy
26 or acceptance of candidacy. A candidate may mail or transmit the
27 report to that officer by regular mail, certified mail, facsimile
28 machine or electronic means. A report shall be deemed to be filed
29 with the officer:

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

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

35 7. Every county clerk who receives from candidates for
36 legislative or judicial office, including, without limitation, the office
37 of justice of the peace or municipal judge, reports of campaign
38 contributions pursuant to this section shall file a copy of each report
39 with the Secretary of State within 10 working days after he receives
40 the report.

41 8. The name and address of the contributor *and, if the*
42 *contributor is a domestic or foreign limited-liability company, the*
43 *name and address of each natural person who holds an ownership*
44 *interest of 1 percent or more in the domestic or foreign limited-*
45 *liability company*, and the date on which the contribution was



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received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 7. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which he receives contributions in excess of \$10,000, list each of the contributions that he receives and the expenditures in excess of \$100 made in that year.

(b) Each year after the year in which he received contributions in excess of \$10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions that he received and the expenditures in excess of \$100 made in that year.

2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. The name and address of the contributor *and, if the contributor is a domestic or foreign limited-liability company, the name and address of each natural person who holds an ownership interest of 1 percent or more in the domestic or foreign limited-liability company*, and the date on which the contribution was received must be included on the list for each contribution in excess of \$100 and contributions that a contributor has made cumulatively in excess of that amount.

4. The report must be filed:

(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(1) On the date it was mailed if it was sent by certified mail.

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

(b) On or before January 15 of the year immediately after the year for which the report is made.

5. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice



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1 of the peace or municipal judge, a report of contributions and
2 expenditures pursuant to subsection 4 shall file a copy of the report
3 with the Secretary of State within 10 working days after he receives
4 the report.

