

SENATE BILL NO. 425—SENATORS TITUS, WIENER, HORSFORD,
CARE, COFFIN, LEE, SCHNEIDER AND WOODHOUSE

MARCH 19, 2007

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to campaign practices. (BDR 24-905)

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; prohibiting certain officers of certain political subdivisions from soliciting or accepting contributions during certain periods; providing certain exceptions; providing that a “political purpose” includes a legal defense fund; making various other changes to provisions relating to campaign practices; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill prohibits an elected officer of a political subdivision of
2 this State, or a person appointed to fill the unexpired term of such an officer, from
3 soliciting or accepting monetary contributions from any person for a political
4 purpose during the period: (1) beginning 30 days before the person files an
5 application or request that requires any official action by the elected officer; and (2)
6 ending 30 days after the date on which the elected officer or governing body of the
7 political subdivision takes final action on the application or request. **Section 1** also
8 provides a “safe harbor” provision for an officer who accepts a contribution during
9 the specified period but returns the contribution within a certain time after learning
10 that an application or request will be or has been filed and provides that a “political
11 purpose” includes a legal defense fund.

12 Existing law prohibits a member of the Legislature, the Lieutenant Governor,
13 the Lieutenant Governor-Elect, the Governor or the Governor-Elect from soliciting
14 or accepting monetary contributions for any political purpose during a certain
15 period before and after a legislative session. **Section 2** of this bill provides that a
16 “political purpose” includes a legal defense fund.



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 a new section to read as follows:

1. Except as otherwise provided in subsections 2 and 3, it is unlawful for an elected officer of a political subdivision of the State of Nevada to solicit or accept any monetary contribution from any person, or solicit or accept a commitment from a person to make such a contribution for any political purpose during the period:

(a) Beginning 30 days before the date on which the person files any application or request that requires any official action by the elected officer or governing body of the political subdivision; and

(b) Ending 30 days after the date on which the elected officer or governing body of the political subdivision takes final action on the application or request.

2. If an elected officer:

(a) Does not know that a person intends to file an application or request that will require official action by the elected officer or governing body of the political subdivision;

(b) Accepts a monetary contribution from the person; and

(c) Returns the monetary contribution in full within 5 business days after learning that the person intends to file such an application or request, or within 5 business days after the application or request is filed, whichever is earlier,

the acceptance of such a monetary contribution is not a violation of this section.

3. This section does not prohibit the payment of a salary or other compensation or income to an elected officer during the period described in subsection 1 if it is made for services provided as a part of his regular employment or is additional income to which he is entitled.

4. As used in this section:

(a) "Elected officer" means any person who has been elected to an office of a political subdivision or appointed to fill such an office for the remainder of the unexpired term.

(b) "Political purpose" includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.

(c) "Political subdivision" includes, without limitation, a city council, board of county commissioners, regional water authority, redevelopment agency, regional transportation commission and zoning board. The term does not include a fire protection district,



irrigation district, school district, local or general improvement district or soil conservation district.

Sec. 2. NRS 294A.300 is hereby amended to read as follows:

294A.300 1. It is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or

(c) The day after the Governor issues a proclamation calling for a special session of the Legislature and ending 15 days after the final adjournment of a special session of the Legislature if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.

2. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor or the Governor during a session of the Legislature if it is made for services provided as a part of his regular employment or is additional income to which he is entitled.

3. As used in this section, "political purpose" includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.

Sec. 3. 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 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 1 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. 4. This act becomes effective upon passage and approval.

