

## Amendment No. 604

Assembly Amendment to Assembly Bill No. 335

(BDR 24-1195)

**Proposed by:** Assembly Committee on Elections, Procedures, Ethics, and  
Constitutional Amendments

**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

KMG



Date: 4/23/2007

A.B. No. 335—Makes various changes related to elective offices. (BDR 24-1195)



ASSEMBLY BILL NO. 335—ASSEMBLYMEN CONKLIN, OCEGUERA, KOIVISTO, BUCKLEY, SMITH, ANDERSON, DENIS, GANSERT, GERHARDT, GOICOECHEA, GRADY, KIRKPATRICK, MANENDO, PARKS, PARNELL, PIERCE AND SEGERBLOM

MARCH 15, 2007

JOINT SPONSORS: SENATORS TITUS, CARLTON AND HORSFORD

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

SUMMARY—Makes various changes related to ~~selective offices.~~ **public office.**  
(BDR 24-1195)

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

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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.~~ **public office**; prescribing the period during which elected **and certain appointed** public officers may solicit and accept campaign contributions; requiring the Secretary of State to design a single form to be used for all statements of financial disclosure and reports of campaign contributions and expenditures; **requiring that certain reports concerning elections, campaign finance and the financial disclosure of public officers be made available to the public on the Internet**; amending the definition of “gift”; requiring governing bodies of local governments to regulate the activities of lobbyists in their jurisdictions; requiring that statements of financial disclosure be submitted to filing officers and made available to the public; providing a civil penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

**Section 2** of this bill prohibits an elected public officer, or a public officer appointed to fill the unexpired term of an elected public officer, from soliciting or accepting a campaign contribution except during the period beginning 12 months before the date of ~~the~~ **each** general election and ending 3 months after the date of ~~the~~ **each** general election. **Section 1 of this bill does not apply to Legislators, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect.**

Existing law requires the Commission on Ethics to design the form used for statements of financial disclosure that are required to be submitted by public officers pursuant to NRS 281.559 and 281.561. (NRS 281.471) Existing law also requires public officers to submit statements of financial disclosure to the Commission on Ethics. (NRS 281.559, 281.561)

**Section ~~14~~ 6** of this bill requires the Secretary of State to design a single form to be used for all statements of financial disclosure and all campaign expenditure and contribution reports. **Such form must be available on the Secretary of State's Internet website. Sections ~~14~~ and ~~20~~ 26 and 27** of this bill require certain public officers and candidates for public office to submit statements of financial disclosure to filing officers. **Sections 1, 3-8, 26 and 27 of this bill also require various forms concerning elections, campaign finance and financial disclosure, and the information contained in those completed forms, to be available on the Internet website of the Secretary of State. Section ~~14~~ 17** of this bill defines "filing officer" as the Secretary of State, county or city clerk or any other officer authorized by law to receive designations and declarations of candidacy, certificates and acceptances of nominations or any other nomination papers.

**Sections ~~14 and 12~~ 10 and 18** of this bill provide that ~~the cost of attending an event hosted or conducted by a charitable~~ **costs and expenses associated with the attendance at an event relating to public office or at an event that benefits an organization that is exempt from the provisions of section 501(c) of the Internal Revenue Code** is not a "gift" for purposes of lobbying and the code of ethical standards for public officers and employees.

**Sections ~~15 and 7~~ 11 and 13** of this bill require the governing bodies of **certain** local governments to regulate the activities of lobbyists who lobby elected officers **or certain appointed officers** of those local governments.

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**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.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362.

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.

~~Section 1.~~ **Sec. 2.** Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

**1. It is unlawful for an elected public officer or a public officer appointed to fill the unexpired term of an elected public officer to solicit or accept any contribution, or solicit or accept a commitment to make such a contribution, except during the period:**

(a) **Beginning 12 months before the date of ~~the~~ each general election; and**

(b) ~~Except as otherwise provided in subsection 2, ending~~ **Ending 3 months after the date of ~~the~~ each general election.**

2. ~~[Notwithstanding the provisions of subsection 1, a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor and the Governor-Elect may not solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the periods set forth in NRS 294A.300.]~~

~~3.]~~ As used in this section:

(a) "General election" means:

(1) If the elected public officer or public officer appointed to fill the unexpired term of an elected public officer is a city official, the general city election held pursuant to NRS 293C.140.

(2) If the elected public officer or public officer appointed to fill the unexpired term of an elected public officer is not a city official, the general election held pursuant to NRS 293.12755.

(b) "Public officer" ~~[means]~~:

(1) Except as otherwise provided in subparagraph (2), means a person elected or appointed to a position which:

~~[(1)]~~ (I) Is established by the Constitution or a statute of this State, or by a charter or ordinance of a political subdivision of this State; and

~~[(2)]~~ (II) Involves the continuous exercise, as part of the regular and permanent administration of the government, of a public power, trust or duty.

(2) Does not include any person who is subject to the provisions of NRS 294A.300.

**Sec. 3. NRS 294A.128 is hereby amended to read as follows:**

294A.128 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives a loan which is guaranteed by a third party, forgiveness of a loan previously made to the candidate or a written commitment for a contribution shall, for the period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report:

(a) If a loan received by the candidate was guaranteed by a third party, the amount of the loan and the name and address of each person who guaranteed the loan;

(b) If a loan received by the candidate was forgiven by the person who made the loan, the amount that was forgiven and the name and address of the person who forgave the loan; and

(c) If the candidate received a written commitment for a contribution, the amount committed to be contributed and the name and address of the person who made the written commitment.

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 reports required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

4. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report pursuant to subsection 1 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

5. Within a reasonable time after the Secretary of State receives a report or copy of a report pursuant to this section, the Secretary of State shall post the report on his Internet website.

**Sec. 4. NRS 294A.230 is hereby amended to read as follows:**

294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by him.

2. The form must require:

- (a) The name of the committee;
- (b) The purpose for which it was organized;
- (c) The names, addresses and telephone numbers of its officers;
- (d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;
- (e) The name, address and telephone number of its resident agent; and
- (f) Any other information deemed necessary by the Secretary of State.

3. A committee for political action shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.

4. The Secretary of State shall include on his Internet website ~~the~~ :

(a) The information required pursuant to subsection 2 ~~the~~ within a reasonable time after he receives the information; and

(b) The form for registering a committee for political action.

**Sec. 5. NRS 294A.250 is hereby amended to read as follows:**

294A.250 1. Each committee for the recall of a public officer shall register with the Secretary of State, on a form provided by him. Each form must include:

- ~~the~~ (a) The name of the committee;
- ~~the~~ (b) The purpose for which it was organized;
- ~~the~~ (c) The names and addresses of its officers; and
- ~~the~~ (d) If the committee is organized and located outside this State, the name and address of its resident agent.

2. The Secretary of State shall include on his Internet website the form for registering a committee for the recall of a public officer and, within a reasonable time after receiving the information, the information required to be included on the form by each committee for the recall of a public officer pursuant to subsection 1.

~~Sec. 2.~~ **Sec. 6. NRS 294A.373 is hereby amended to read as follows:**

294A.373 1. The Secretary of State shall design a single form to be used for all ~~reports~~ :

(a) Reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 ~~the~~; and

(b) Financial disclosure statements that are required to be filed pursuant to NRS 281.559 and 281.561.

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

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party and group that is required to file a report or statement described in subsection 1. The Secretary of State shall also make the form designed pursuant to this section available on his Internet website.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before ~~providing~~ :

(a) Providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party or group that is required to use the form ~~the~~; and

*(b) Making the form designed or revised by the Secretary of State pursuant to this section available on his Internet website.*

**Sec. 7. NRS 294A.380 is hereby amended to read as follows:**

294A.380 1. The Secretary of State may adopt and promulgate regulations, prescribe forms in accordance with the provisions of this chapter and take such other actions as are necessary for the implementation and effective administration of the provisions of this chapter.

2. For the purposes of implementing and administering the provisions of this chapter regulating committees for political action:

(a) The Secretary of State shall, in determining whether an entity or group is a committee for political action, consider a group's or entity's division or separation into units, sections or smaller groups only if it appears that such division or separation was for a purpose other than for avoiding the reporting requirements of this chapter.

(b) The Secretary of State shall, in determining whether an entity or group is a committee for political action, disregard any action taken by a group or entity that would otherwise constitute a committee for political action if it appears such action is taken for the purpose of avoiding the reporting requirements of this chapter.

**3. The Secretary of State shall:**

*(a) Make available on his Internet website any form he prescribes pursuant to subsection 1; and*

*(b) Within a reasonable time after he receives any such completed form, post the completed form on his Internet website.*

**Sec. 8. 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, prepare and make available for public inspection *, including, without limitation, on his Internet website,* 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. 3.]~~ **Sec. 9.** 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.]~~ **Sec. 10.** NRS 218.908 is hereby amended to read as follows:

218.908 1. "Gift" means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.

2. "Gift" does not include ~~[a]~~ :

(a) A political contribution of money or services related to a political campaign ~~[a]~~ ;

(b) A commercially reasonable loan made in the ordinary course of business ~~[a]~~ [cost of entertainment, including] [the cost of attendance at an event hosted or conducted by a charitable organization, the] ;

(c) The cost of food or beverages ~~[, or anything]~~ ;

(d) Anything of value received from a member of the recipient's immediate family or from a relative of the recipient or his spouse within the ~~[third]~~ fifth degree of consanguinity or from the spouse of any such relative ~~[As used in this subsection, "charitable organization" means an]~~ ; or

(e) Costs and expenses associated with the attendance of a member of the Legislative Branch, or the spouse or guest of such a member of the Legislative Branch, at an event relating to public office or at an event that benefits an



1 *organization which the Secretary of the Treasury has determined is an exempt*  
2 *organization pursuant to the provisions of section 501(c) of the Internal Revenue*  
3 *Code, 26 U.S.C. § 501(c).*

4 ~~[Sec. 5.]~~ *Sec. 11.* Chapter 244 of NRS is hereby amended by adding  
5 thereto a new section to read as follows:

6 *1. Each board of county commissioners shall enact ordinances that regulate*  
7 *the activities of lobbyists who lobby ~~[elected]~~ :*

8 *(a) Elected officers of the county; or*

9 *(b) Appointed officers of the county ~~[Such]~~ who the board of county*  
10 *commissioners has determined have policymaking authority.*

11 *2. The ordinances required pursuant to subsection 1 must set forth*  
12 *~~[registration]~~ :*

13 *(a) Registration and reporting requirements for such lobbyists and provide*  
14 *that reports submitted by lobbyists are open to public inspection.*

15 *(b) Standards for elected and appointed officers of the county relating to the*  
16 *acceptance and disclosure of contributions from persons who have a personal*  
17 *interest in a matter before the elected or appointed officer.*

18 ~~[Sec. 6.]~~ *Sec. 12.* NRS 245.110 is hereby amended to read as follows:

19 245.110 The provisions of the Nevada Ethics in Government Law , ~~[H]~~ NRS  
20 281.411 to 281.581, inclusive ~~[H]~~ , and sections ~~[11 and 12]~~ *17 and 18 of this act*  
21 do not prohibit any county officer from purchasing the warrants of the State or of  
22 any other county, or to prevent any county officer from selling or transferring such  
23 warrants or scrip as he may receive for his services, but none other.

24 ~~[Sec. 7.]~~ *Sec. 13.* Chapter 268 of NRS is hereby amended by adding  
25 thereto a new section to read as follows:

26 *1. Each city council shall adopt ordinances that regulate the activities of*  
27 *lobbyists who lobby ~~[elected]~~ :*

28 *(a) Elected officers of the city ~~[Such]~~ ; or*

29 *(b) Appointed officers of the city whom the city council has determined have*  
30 *policymaking authority.*

31 *2. The ordinances required pursuant to subsection 1 must set forth*  
32 *~~[registration]~~ :*

33 *(a) Registration and reporting requirements for such lobbyists and provide*  
34 *that reports submitted by lobbyists are open to public inspection.*

35 *(b) Standards for elected and appointed officers of the city relating to the*  
36 *acceptance and disclosure of contributions from persons who have a personal*  
37 *interest in a matter before the elected or appointed officer.*

38 ~~[Sec. 8.]~~ *Sec. 14.* NRS 268.380 is hereby amended to read as follows:

39 268.380 The provisions of the Nevada Ethics in Government Law , ~~[H]~~ NRS  
40 281.411 to 281.581, inclusive ~~[H]~~ , and sections ~~[11 and 12]~~ *17 and 18 of this act*  
41 do not prohibit any city officer from purchasing the warrants of the State or of any  
42 other city or county, or prevent any city officer from selling or transferring such  
43 warrants or scrip as he may receive for his services, but none other.

44 ~~[Sec. 9.]~~ *Sec. 15.* NRS 269.070 is hereby amended to read as follows:

45 269.070 The provisions of the Nevada Ethics in Government Law , ~~[H]~~ NRS  
46 281.411 to 281.581, inclusive ~~[H]~~ , and sections ~~[11 and 12]~~ *17 and 18 of this act*  
47 do not prohibit any town officer from purchasing the warrants of the State or of any  
48 other city, town or county, or prevent any town officer from selling or transferring  
49 such warrants or scrip as he may receive for his services, but none other.

50 ~~[Sec. 10.]~~ *Sec. 16.* Chapter 281 of NRS is hereby amended by adding  
51 thereto the provisions set forth as sections ~~[11 and 12]~~ *17 and 18* of this act.

52 ~~[Sec. 11.]~~ *Sec. 17. "Filing officer" means the Secretary of State, county*  
53 *or city clerk or any other officer authorized by law to receive designations and*



1 *declarations of candidacy, certificates and acceptances of nomination or any*  
2 *other nomination papers.*

3 ~~Sec. 12.~~ *Sec. 18. 1. "Gift" means a payment, subscription, advance,*  
4 *forbearance, rendering or deposit of money, services or anything of value unless*  
5 *consideration of equal or greater value is received.*

6 2. "Gift" does not include ~~the~~ ;  
7 (a) A political contribution of money or services related to a political  
8 campaign ~~the~~ ;

9 (b) A commercially reasonable loan made in the ordinary course of business  
10 ~~the cost of attendance at an event hosted or conducted by a charitable~~  
11 ~~organization, the~~ ;

12 (c) The cost of food or beverages ~~or anything~~ ;

13 (d) Anything of value received from a member of the recipient's immediate  
14 family or from a relative of the recipient or his spouse within the ~~third~~ fifth  
15 degree of consanguinity or from the spouse of any such relative ~~As used in this~~  
16 ~~subsection, "charitable organization" means~~ ; or

17 (e) Costs and expenses associated with the attendance of a public officer, or  
18 the spouse or guest of a public officer, at an event relating to public office or at  
19 an event that benefits an organization which the Secretary of the Treasury has  
20 determined is an exempt organization pursuant to the provisions of section 501(c)  
21 of the Internal Revenue Code, 26 U.S.C. § 501(c).

22 ~~Sec. 13.~~ *Sec. 19. NRS 281.005 is hereby amended to read as follows:*

23 281.005 As used in this chapter:

24 1. Except as limited for the purposes of NRS 281.411 to 281.581, inclusive,  
25 and sections ~~11 and 12~~ 17 and 18 of this act, "public officer" means a person  
26 elected or appointed to a position which:

27 (a) Is established by the Constitution or a statute of this State, or by a charter or  
28 ordinance of a political subdivision of this State; and

29 (b) Involves the continuous exercise, as part of the regular and permanent  
30 administration of the government, of a public power, trust or duty.

31 2. "Special use vehicle" means any vehicle designed or used for the  
32 transportation of persons or property off paved highways.

33 ~~Sec. 14.~~ *Sec. 20. NRS 281.411 is hereby amended to read as follows:*

34 281.411 NRS 281.411 to 281.581, inclusive, and sections ~~11 and 12~~ 17 and  
35 18 of this act may be cited as the Nevada Ethics in Government Law.

36 ~~Sec. 15.~~ *Sec. 21. NRS 281.431 is hereby amended to read as follows:*

37 281.431 As used in NRS 281.411 to 281.581, inclusive, and sections ~~11 and~~  
38 ~~12~~ 17 and 18 of this act, unless the context otherwise requires, the words and  
39 terms defined in NRS 281.432 to 281.4375, inclusive, and sections ~~11 and 12~~ 17  
40 and 18 of this act have the meanings ascribed to them in those sections.

41 ~~Sec. 16.~~ *Sec. 22. NRS 281.4647 is hereby amended to read as follows:*

42 281.4647 1. Each county whose population is more than 10,000 and each  
43 city whose population is more than 10,000 and that is located within such a county  
44 shall pay an assessment for the costs incurred by the Commission each biennium in  
45 carrying out its functions pursuant to NRS 281.411 to 281.581, inclusive ~~1~~, and  
46 sections ~~11 and 12~~ 17 and 18 of this act. The total amount of money to be  
47 derived from assessments paid pursuant to this subsection for a biennium must be  
48 determined by the Legislature in the legislatively approved budget of the  
49 Commission for that biennium. The assessments must be apportioned among each  
50 such city and county based on the proportion that the total population of the city or  
51 the total population of the unincorporated area of the county bears to the total  
52 population of all such cities and the unincorporated areas of all such counties in this  
53 State.

2. On or before July 1 of each odd-numbered year, the Executive Director shall, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, determine for the next ensuing biennium the amount of the assessments due for each city and county that is required to pay an assessment pursuant to subsection 1. The assessments must be paid to the Commission in semiannual installments that are due on or before August 1 and February 1 of each year of the biennium. The Executive Director shall send out a billing statement to each such city or county which states the amount of the semiannual installment payment due from the city or county.

3. Any money that the Commission receives pursuant to subsection 2:

(a) Must be deposited in the State Treasury, accounted for separately in the State General Fund and credited to the budget account for the Commission;

(b) May only be used to carry out NRS 281.411 to 281.581, inclusive, **and sections ~~11 and 12~~ 17 and 18 of this act** and only to the extent authorized for expenditure by the Legislature; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

4. If any installment payment is not paid on or before the date on which it is due, the Executive Director shall make reasonable efforts to collect the delinquent payment. If the Executive Director is not able to collect the arrearage, he shall submit a claim for the amount of the unpaid installment payment to the Department of Taxation. If the Department of Taxation receives such a claim, the Department shall deduct the amount of the claim from money that would otherwise be allocated from the Local Government Tax Distribution Account to the city or county that owes the installment payment and shall transfer that amount to the Commission.

5. As used in this section, "population" means the current population estimate for that city or county as determined and published by the Department of Taxation and the demographer employed pursuant to NRS 360.283.

**Sec. 23. NRS 281.481 is hereby amended to read as follows:**

281.481 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend ~~(improperly)~~ to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.

2. A public officer or employee shall not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person. As used in this subsection:

(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281.501.

(b) "Unwarranted" means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a significant pecuniary interest.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.

5. If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available

1 to people generally, he shall not use the information to further the pecuniary  
2 interests of himself or any other person or business entity.

3 6. A public officer or employee shall not suppress any governmental report or  
4 other document because it might tend to affect unfavorably his pecuniary interests.

5 7. A public officer or employee, other than a member of the Legislature, shall  
6 not use governmental time, property, equipment or other facility to benefit his  
7 personal or financial interest. This subsection does not prohibit:

8 (a) A limited use of governmental property, equipment or other facility for  
9 personal purposes if:

10 (1) The public officer who is responsible for and has authority to authorize  
11 the use of such property, equipment or other facility has established a policy  
12 allowing the use or the use is necessary as a result of emergency circumstances;

13 (2) The use does not interfere with the performance of his public duties;

14 (3) The cost or value related to the use is nominal; and

15 (4) The use does not create the appearance of impropriety;

16 (b) The use of mailing lists, computer data or other information lawfully  
17 obtained from a governmental agency which is available to members of the general  
18 public for nongovernmental purposes; or

19 (c) The use of telephones or other means of communication if there is not a  
20 special charge for that use.

21 ➤ If a governmental agency incurs a cost as a result of a use that is authorized  
22 pursuant to this subsection or would ordinarily charge a member of the general  
23 public for the use, the public officer or employee shall promptly reimburse the cost  
24 or pay the charge to the governmental agency.

25 8. A member of the Legislature shall not:

26 (a) Use governmental time, property, equipment or other facility for a  
27 nongovernmental purpose or for the private benefit of himself or any other person.  
28 This paragraph does not prohibit:

29 (1) A limited use of state property and resources for personal purposes if:

30 (I) The use does not interfere with the performance of his public duties;

31 (II) The cost or value related to the use is nominal; and

32 (III) The use does not create the appearance of impropriety;

33 (2) The use of mailing lists, computer data or other information lawfully  
34 obtained from a governmental agency which is available to members of the general  
35 public for nongovernmental purposes; or

36 (3) The use of telephones or other means of communication if there is not a  
37 special charge for that use.

38 (b) Require or authorize a legislative employee, while on duty, to perform  
39 personal services or assist in a private activity, except:

40 (1) In unusual and infrequent situations where the employee's service is  
41 reasonably necessary to permit the Legislator or legislative employee to perform his  
42 official duties; or

43 (2) Where such service has otherwise been established as legislative  
44 policy.

45 9. A public officer or employee shall not attempt to benefit his personal or  
46 financial interest through the influence of a subordinate.

47 10. A public officer or employee shall not seek other employment or contracts  
48 through the use of his official position.

49 ~~[Sec. 17.]~~ **Sec. 24.** NRS 281.541 is hereby amended to read as follows:

50 281.541 1. Any department, board, commission or other agency of the State  
51 or the governing body of a county or an incorporated city may establish a  
52 specialized or local ethics committee to complement the functions of the  
53 Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of his own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct his inquiry to that committee instead of the Commission.

~~[(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:~~

~~(1) Submitted, at least 60 days before its anticipated distribution, to the Commission for review; and~~

~~(2) Upon review, approved by the Commission.]~~

2. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

3. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

(a) The public officer or employee acts in contravention of the opinion; or

(b) The requester discloses the content of the opinion.

~~[Sec. 18.]~~ **Sec. 25.** NRS 281.552 is hereby amended to read as follows:

281.552 1. Every public officer shall acknowledge that he has received, read and understands the statutory ethical standards. The acknowledgment must be on a form prescribed by the Commission and must accompany the first statement of financial disclosure that the public officer is required to file with the ~~[Commission]~~ **filing officer** pursuant to NRS 281.559 or ~~[the Secretary of State pursuant to NRS]~~ 281.561.

2. The ~~[Commission and the Secretary of State]~~ **filing officer** shall retain an acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

3. Willful refusal to execute and file the acknowledgment required by this section constitutes nonfeasance in office and is a ground for removal pursuant to NRS 283.440.

~~[Sec. 19.]~~ **Sec. 26.** NRS 281.559 is hereby amended to read as follows:

281.559 1. Except as otherwise provided in subsection 2, if a public officer who was appointed to the office for which he is serving is entitled to receive annual compensation of \$6,000 or more for serving in that office, he shall file with the ~~[Commission]~~ **filing officer** a statement of financial disclosure, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after his appointment.

(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.

2. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the requirements of subsection 1 for every other public office to which he is appointed and in which he is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial

1 Conduct. Such a statement of financial disclosure must include, without limitation,  
2 all information required to be included in a statement of financial disclosure  
3 pursuant to NRS 281.571.

4 ~~{The Commission}~~ *Filing officers other than the Secretary of State* shall  
5 provide written notification to the Secretary of State of the public officers who  
6 failed to file the statements of financial disclosure required by subsection 1 or who  
7 failed to file those statements in a timely manner. The notice must be sent within 30  
8 days after the deadlines set forth in subsection 1 and must include:

9 (a) The name of each public officer who failed to file his statement of financial  
10 disclosure within the period before the notice is sent;

11 (b) The name of each public officer who filed his statement of financial  
12 disclosure after the deadlines set forth in subsection 1 but within the period before  
13 the notice is sent;

14 (c) For the first notice sent after the public officer filed his statement of  
15 financial disclosure, the name of each public officer who filed his statement of  
16 financial disclosure after the deadlines set forth in subsection 1 but within the  
17 period before the notice is sent; and

18 (d) For each public officer listed in paragraph (c), the date on which the  
19 statement of financial disclosure was due and the date on which the public officer  
20 filed the statement.

21 5. In addition to the notice provided pursuant to subsection 4, the  
22 ~~{Commission}~~ *filing officer* shall notify the Secretary of State of each public officer  
23 who files a statement of financial disclosure more than 30 days after the deadlines  
24 set forth in subsection 1. The notice must include the information described in  
25 paragraphs (c) and (d) of subsection 4.

26 6. A statement of financial disclosure shall be deemed to be filed with the  
27 ~~{Commission}~~ *filing officer*:

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

29 (b) On the date that it was received by the ~~{Commission}~~ *filing officer* if the  
30 statement was sent by regular mail, transmitted by facsimile machine or electronic  
31 means, or delivered personally.

32 7. *The filing officer shall ~~maintain~~ :*

33 *(a) Maintain files of statements of financial disclosure filed pursuant to this*  
34 *section and make the statements available for public inspection ~~if~~ ; and*

35 *(b) Submit a copy of each statement of financial disclosure filed pursuant to*  
36 *this section to the Secretary of State within 10 working days after receiving it.*

37 8. *Within a reasonable time after the Secretary of State receives a statement*  
38 *of financial disclosure or a copy of a statement of financial disclosure pursuant*  
39 *to this section, the Secretary of State shall post the statement of financial*  
40 *disclosure on his Internet website.*

41 ~~{§ 9.}~~ *9. The Secretary of State shall prescribe, by regulation, procedures for*  
42 *the submission of statements of financial disclosure filed pursuant to this section.*

43 ~~{Sec. 20.}~~ *Sec. 27.* NRS 281.561 is hereby amended to read as follows:

44 281.561 1. Each candidate for public office who will be entitled to receive  
45 annual compensation of \$6,000 or more for serving in the office that he is seeking  
46 and, except as otherwise provided in subsection 2, each public officer who was  
47 elected to the office for which he is serving shall file with the ~~{Secretary of State}~~  
48 *filing officer* a statement of financial disclosure, as follows:

49 (a) A candidate for nomination, election or reelection to public office shall file  
50 a statement of financial disclosure no later than the 10th day after the last day to  
51 qualify as a candidate for the office; and

52 (b) Each public officer shall file a statement of financial disclosure on or  
53 before January 15 of each year of the term, including the year the term expires.

2. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

3. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

4. A statement of financial disclosure shall be deemed to be filed with the ~~{Secretary of State}~~ *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 ~~{Secretary of State}~~ *filing officer* if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

5. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the ~~{Commission}~~ *Secretary of State* pursuant to NRS ~~{281.471}~~ *294A.373*.

6. *The filing officer shall maintain:*

*(a) Maintain files of statements of financial disclosure filed pursuant to this section and make the statements available for public inspection;* ~~and~~

*(b) Submit a copy of each statement of financial disclosure filed pursuant to this section to the Secretary of State within 10 working days after receiving it.*

*7. Within a reasonable time after the Secretary of State receives a statement of financial disclosure or a copy of a statement of financial disclosure pursuant to this section, the Secretary of State shall post the statement of financial disclosure on his Internet website.*

~~{7}~~ *8.* The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section. ~~{maintain files of such statements and make the statements available for public inspection.}~~

~~{Sec. 21}~~ *Sec. 28.* NRS 281.571 is hereby amended to read as follows:

281.571 1. Statements of financial disclosure, ~~{as approved pursuant to NRS 281.541 or}~~ in such form as the ~~{Commission otherwise prescribes,}~~ *Secretary of State prescribes pursuant to NRS 294A.373*, must contain the following information concerning the candidate for public office or public officer:

(a) His length of residence in the State of Nevada and the district in which he is registered to vote.

(b) Each source of his income, or that of any member of his household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but, if that is the case, a general source such as "professional services" must be disclosed.

(c) A list of the specific location and particular use of real estate, other than a personal residence:

(1) In which he or a member of his household has a legal or beneficial interest;

(2) Whose fair market value is \$2,500 or more; and

(3) That is located in this State or an adjacent state.

(d) The name of each creditor to whom he or a member of his household owes \$5,000 or more, except for:

(1) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and

(2) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

(e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of \$200 from a donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift, except:

(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.

(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.

(f) A list of each business entity with which he or a member of his household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

(g) A list of all public offices presently held by him for which this statement of financial disclosure is required.

2. The ~~{Commission}~~ **filing officer** shall distribute or cause to be distributed the forms required for such a statement to each candidate for public office and public officer who is required to file one. The ~~{Commission}~~ **filing officer** is not responsible for the costs of producing or distributing a form for filing statements of financial disclosure which is prescribed **by the Secretary of State** pursuant to ~~{subsection 1 of NRS 281.541}~~ **NRS 294A.373**.

3. As used in this section:

(a) "Business entity" means an organization or enterprise operated for economic gain, including a proprietorship, partnership, firm, business, trust, joint venture, syndicate, corporation or association.

(b) "Household" includes:

(1) The spouse of a candidate for public office or public officer;

(2) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and

(3) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.

~~{Sec. 22.}~~ **Sec. 29.** NRS 281.573 is hereby amended to read as follows:

281.573 1. Except as otherwise provided in subsection 2, statements of financial disclosure required by the provisions of NRS 281.559 ~~{,}~~ **and** 281.561 ~~{and 281.571}~~ must be retained by the ~~{Commission or Secretary of State}~~ **filing officer** for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.

~~{Sec. 23.}~~ **Sec. 30.** NRS 281.574 is hereby amended to read as follows:

281.574 1. A list of each public officer who is required to file a statement of financial disclosure must be submitted electronically to the ~~{Commission and to the Secretary of State,}~~ **filing officer**, in a form prescribed by the ~~{Commission,}~~ **Secretary of State**, on or before December 1 of each year by:

(a) ~~{Each county clerk for all public officers of the county and other local governments within the county other than cities;~~

~~—(b) Each city clerk for all public officers of the city;~~



1 ~~—(e)~~ The Director of the Legislative Counsel Bureau for all public officers of  
2 the Legislative Branch; and

3 ~~[(d)]~~ (b) The Chief of the Budget Division of the Department of  
4 Administration for all public officers of the Executive Branch.

5 2. ~~{The Secretary of State, each county clerk, or the registrar of voters of the~~  
6 ~~county if one was appointed pursuant to NRS 244.164, and each city clerk shall~~  
7 ~~submit electronically to the Commission, and each county clerk, or the registrar of~~  
8 ~~voters of the county if one was appointed pursuant to NRS 244.164, and each city~~  
9 ~~clerk}~~ *Each filing officer other than the Secretary of State* shall submit  
10 electronically to the Secretary of State, in a form prescribed by the ~~{Commission,}~~  
11 *Secretary of State*, a list of each candidate for public office who filed a declaration  
12 of candidacy or acceptance of candidacy with that *filing* officer within 10 days after  
13 the last day to qualify as a candidate for the applicable office.

14 ~~{Sec. 24.}~~ *Sec. 31.* NRS 281.575 is hereby amended to read as follows:

15 281.575 ~~{The Secretary of State and each county clerk, or the registrar of~~  
16 ~~voters of the county if one was appointed pursuant to NRS 244.164, or city clerk}~~  
17 *Each filing officer* who receives from a candidate for public office a declaration of  
18 candidacy, acceptance of candidacy or certificate of candidacy shall give to the  
19 candidate the form prescribed by the ~~{Commission}~~ *Secretary of State pursuant to*  
20 *NRS 294A.373* for the making of a statement of financial disclosure, accompanied  
21 by instructions on how to complete the form, where it must be filed and the time by  
22 which it must be filed.