

Amendment No. 801

Senate Amendment to Assembly Bill No. 80 First Reprint	(BDR 24-170)
Proposed by: Senate Committee on Legislative Operations and Elections	
Amends: Summary: No Title: No 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.

JLW/BJE



Date: 5/22/2007

A.B. No. 80—Requires certain business entities that engage in certain political activities to register with the Secretary of State. (BDR 24-170)



ASSEMBLY BILL NO. 80—COMMITTEE ON ELECTIONS,
PROCEDURES, ETHICS, AND CONSTITUTIONAL AMENDMENTS

FEBRUARY 8, 2007

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

SUMMARY—Requires certain business entities that engage in certain political activities to register with the Secretary of State. (BDR 24-170)

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 certain business entities to register with and provide certain identifying information to the Secretary of State before engaging in certain political activities; requiring the Secretary of State to make such information available on his Internet website; requiring certain business entities that make expenditures on behalf of a candidate or group of candidates or who advocate the passage or defeat of a question or group of questions on a ballot to file certain campaign finance reports; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain entities, including committees for political action and nonprofit corporations, must register with and provide certain information to the Secretary of State before engaging in certain political activities. (NRS 294A.0055, 294A.230, 294A.375) Under existing law, the definition of the term "committee for political action" excludes business associations that are required to file documentation of organization with the Secretary of State. (NRS 294A.0055) **Sections 2 and 3** of this bill provide that business entities ~~[for which the owners, investors, officers, directors, members or other organizers are disclosed in a public record]~~ must register with and provide to the Secretary of State certain identifying information before the business entity may solicit or receive contributions, make contributions or make expenditures designed to affect the outcome of an election ~~or~~ **except a business entity for which: (1) the owners, investors, officers, directors, members or other organizers are disclosed in a public record; or (2) the business purpose is disclosed in a public record that clearly identifies a specific business in a manner that is verifiable.** **Section 3** also requires the Secretary of State to make such information available on the Internet website of the Secretary of State.

Under existing law, certain persons and entities which make an expenditure on behalf of a candidate or group of candidates, advocate the passage or defeat of a ballot question or group of questions, or initiate or circulate a petition for a constitutional amendment or a statewide measure proposed by initiative or referendum, are required to report the receipt of certain campaign contributions and report certain campaign expenditures. (NRS 294A.004, 294A.005, 294A.007, 294A.140, 294A.150, 294A.210, 294A.220) **Sections 5-9** of this bill

apply the same requirements to business entities that are required to register with the Secretary of State pursuant to **section 3** of this bill that engage in such activities.

Existing law requires the Secretary of State to prepare and make available for public inspection a compilation of certain contributions, loans and expenditures made by certain persons and entities in supporting or opposing a ballot question or candidate. (NRS 294A.400)

Section 13 of this bill requires the Secretary of State to include within that compilation the same types of contributions, loans and expenditures if made by a business entity that is required to register with the Secretary of State pursuant to **section 3** of this bill.

Existing law provides that if a person or entity fails to file a report or registration form as required pursuant to certain sections of chapter 294A of NRS, the person or entity may be subject to a civil penalty recovered in a civil action brought by the Secretary of State in the First Judicial District Court. (NRS 294A.420) **Section 14** of this bill applies the same provisions to business entities that are required to register with the Secretary of State pursuant to **section 3** of this bill.

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. *“Business entity” means any corporation, company or other form of business organization . The term does not include a business entity for which ~~the~~ :*

1. The owners, investors, officers, directors, members or other organizers of the entity are ~~not~~ disclosed in any public record ~~is~~ ; or

2. The business purpose of the entity is disclosed in a public record that clearly identifies a specific business in a manner that is verifiable.

Sec. 3. *1. A business entity shall register with the Secretary of State by submitting the completed form described in subsection 2 before it engages in any of the following activities in this State:*

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures,

↪ designed to affect the outcome of any primary election, primary city election, general election, general city election, special election or question on the ballot.

2. The form must require:

(a) The name of the business entity;

(b) The purpose for which it was organized;

(c) The names and addresses of each owner, investor, officer, director, member or other organizer of the entity;

(d) If the business entity is affiliated with any other organization, the name, address and telephone number of each such organization;

(e) The name, address and telephone number of its resident agent, if any;

(f) A designation of the activities listed in subsection 1 in which it intends to engage; and

(g) Any other information deemed necessary by the Secretary of State.

3. The Secretary of State shall, in a timely manner, include on the portion of his Internet website that is devoted to information concerning elections and campaigns the information required pursuant to subsection 2.

1 **Sec. 4.** NRS 294A.002 is hereby amended to read as follows:

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

5 **Sec. 4.5.** NRS 294A.0055 is hereby amended to read as follows:

6 294A.0055 1. “Committee for political action” means any group of natural
7 persons or entities that solicits or receives contributions from any other person,
8 group or entity and:

9 (a) Makes or intends to make contributions to candidates or other persons; or

10 (b) Makes or intends to make expenditures,
11 ➤ designed to affect the outcome of any primary, general or special election or
12 question on the ballot.

13 2. “Committee for political action” does not include:

14 (a) An organization made up of legislative members of a political party whose
15 primary purpose is to provide support for their political efforts.

16 (b) An entity solely because it provides goods or services to a candidate or
17 committee in the regular course of its business at the same price that would be
18 provided to the general public.

19 (c) An individual natural person.

20 (d) An individual corporation or other business ~~entity~~ *organization* who has
21 filed articles of incorporation or other documentation of organization with the
22 Secretary of State pursuant to title 7 of NRS.

23 (e) A labor union.

24 (f) A personal campaign committee or the personal representative of a
25 candidate who receives contributions or makes expenditures that are reported as
26 campaign contributions or expenditures by the candidate.

27 (g) A committee for the recall of a public officer.

28 **Sec. 5.** NRS 294A.007 is hereby amended to read as follows:

29 294A.007 1. “Contribution” means a gift, loan, conveyance, deposit,
30 payment, transfer or distribution of money or of anything of value other than the
31 services of a volunteer, and includes:

32 (a) The payment by any person, other than a candidate, of compensation for the
33 personal services of another person which are rendered to a:

34 (1) Candidate;

35 (2) Person who is not under the direction or control of a candidate or group
36 of candidates or of any person involved in the campaign of the candidate or group
37 who makes an expenditure on behalf of the candidate or group which is not
38 solicited or approved by the candidate or group;

39 (3) Committee for political action, political party , ~~for~~ committee
40 sponsored by a political party *or business entity* which makes an expenditure on
41 behalf of a candidate or group of candidates; or

42 (4) Person or group of persons organized formally or informally ,
43 *including a business entity*, who advocates the passage or defeat of a question or
44 group of questions on the ballot,

45 ➤ without charge to the candidate, person, committee or political party.

46 (b) The value of services provided in kind for which money would have
47 otherwise been paid, such as paid polling and resulting data, paid direct mail, paid
48 solicitation by telephone, any paid paraphernalia that was printed or otherwise
49 produced to promote a campaign and the use of paid personnel to assist in a
50 campaign.

51 2. As used in this section, “volunteer” means a person who does not receive
52 compensation of any kind, directly or indirectly, for the services he provides to a
53 campaign.

1 **Sec. 6.** NRS 294A.140 is hereby amended to read as follows:

2 294A.140 1. Every person who is not under the direction or control of a
3 candidate for office at a primary election, primary city election, general election or
4 general city election, of a group of such candidates or of any person involved in the
5 campaign of that candidate or group who makes an expenditure on behalf of the
6 candidate or group which is not solicited or approved by the candidate or group,
7 and every committee for political action, political party , ~~and~~ committee
8 sponsored by a political party *and business entity* which makes an expenditure on
9 behalf of such a candidate or group of candidates shall, not later than January 15 of
10 each year that the provisions of this subsection apply to the person, committee , ~~or~~
11 political party ~~or~~ *or business entity*, for the period from January 1 of the previous
12 year through December 31 of the previous year, report each campaign contribution
13 in excess of \$100 he or it received during the period and contributions received
14 during the period from a contributor which cumulatively exceed \$100. The
15 provisions of this subsection apply to the person, committee , ~~or~~ political party *or*
16 *business entity* beginning the year of the general election or general city election
17 for that office through the year immediately preceding the next general election or
18 general city election for that office.

19 2. Every person, committee , ~~or~~ political party *or business entity* described
20 in subsection 1 which makes an expenditure on behalf of the candidate for office at
21 a primary election, primary city election, general election or general city election or
22 on behalf of a group of such candidates shall, if the general election or general city
23 election for the office for which the candidate or a candidate in the group of
24 candidates seeks election is held on or after January 1 and before the July 1
25 immediately following that January 1, not later than:

26 (a) Seven days before the primary election or primary city election for that
27 office, for the period from the January 1 immediately preceding the primary
28 election or primary city election through 12 days before the primary election or
29 primary city election;

30 (b) Seven days before the general election or general city election for that
31 office, for the period from 11 days before the primary election or primary city
32 election through 12 days before the general election or general city election; and

33 (c) July 15 of the year of the general election or general city election for that
34 office, for the period from 11 days before the general election or general city
35 election through June 30 of that year,

36 ☛ report each campaign contribution in excess of \$100 received during the period
37 and contributions received during the period from a contributor which cumulatively
38 exceed \$100. The report must be completed on the form designed and provided by
39 the Secretary of State pursuant to NRS 294A.373. The form must be signed by the
40 person or a representative of the committee , ~~or~~ political party *or business entity*
41 under penalty of perjury.

42 3. The name and address of the contributor and the date on which the
43 contribution was received must be included on the report for each contribution in
44 excess of \$100 and contributions which a contributor has made cumulatively in
45 excess of \$100 since the beginning of the current reporting period.

46 4. Every person, committee , ~~or~~ political party *or business entity* described
47 in subsection 1 which makes an expenditure on behalf of a candidate for office at a
48 primary election, primary city election, general election or general city election or
49 on behalf of a group of such candidates shall, if the general election or general city
50 election for the office for which the candidate or a candidate in the group of
51 candidates seeks election is held on or after July 1 and before the January 1
52 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election for that office, 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 that office, 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 campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed 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 committee, ~~for~~ political party *or business entity* under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person, committee, ~~for~~ political party *or business entity* described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate 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 campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed 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 committee, ~~for~~ political party *or business entity* under penalty of perjury.

6. Every person, committee, ~~for~~ political party *or business entity* described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed 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 committee, ~~for~~ political party *or business entity* 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.

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

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. A person or entity may file the report with 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. 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.

10. Every person, committee, ~~for~~ political party *or business entity* described in subsection 1 shall file a report required by this section even if he or it receives no contributions.

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

294A.150 1. Every person or group of persons organized formally or informally, *including a business entity*, 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, *including a business entity*, 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, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, 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 received during that period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed 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 *or business entity* under penalty of perjury. The provisions of this subsection apply to the person or group of persons ~~for~~ *or business entity*:

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

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

2. 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 January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, *including a business entity*, 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 January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, *including a business entity*, 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. A person, ~~for~~ group of persons *or business entity* 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;

(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; 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 June 30 of that year,

➤ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed 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 *or business entity* under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was 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.

4. 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, *including a business entity*, 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, *including a business entity*, 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, ~~for~~ group of persons *or business entity* 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, ~~for~~ group of persons *or business entity* 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 campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed 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 *or business entity* under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally, *including a business entity*, 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 that 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,

1 report each campaign contribution in excess of \$100 received during the period
2 and contributions received during the period from a contributor which cumulatively
3 exceed \$100. The report must be completed on the form designed and provided by
4 the Secretary of State pursuant to NRS 294A.373. The form must be signed by the
5 person or a representative of the group *or business entity* under penalty of perjury.

6 6. Every person or group of persons organized formally or informally ,
7 *including a business entity*, who advocates the passage or defeat of a question or
8 group of questions on the ballot at a special election to determine whether a public
9 officer will be recalled shall report each of the contributions received on the form
10 designed and provided by the Secretary of State pursuant to NRS 294A.373 and
11 signed by the person or a representative of the group *or business entity* under
12 penalty of perjury, 30 days after:

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

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

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

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

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

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

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

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

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

33 9. If the person or group of persons , *including a business entity*, is
34 advocating passage or defeat of a group of questions or is receiving or expending
35 money to support a group of petitions for constitutional amendments, a group of
36 petitions for statewide measures proposed by initiative or referendum or a group of
37 petitions for both constitutional amendments and statewide measures proposed by
38 initiative or referendum, the reports must be itemized by question or petition.

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

42 **Sec. 8.** NRS 294A.210 is hereby amended to read as follows:

43 294A.210 1. Every person who is not under the direction or control of a
44 candidate for an office at a primary election, primary city election, general election
45 or general city election, of a group of such candidates or of any person involved in
46 the campaign of that candidate or group who makes an expenditure on behalf of the
47 candidate or group which is not solicited or approved by the candidate or group,
48 and every committee for political action, political party , ~~for~~ committee sponsored
49 by a political party *or business entity* which makes an expenditure on behalf of
50 such a candidate or group of candidates shall, not later than January 15 of each year
51 that the provisions of this subsection apply to the person, committee , ~~for~~ political
52 party ~~H~~ *or business entity*, for the period from January 1 of the previous year
53 through December 31 of the previous year, report each expenditure made during the

1 period on behalf of the candidate, the group of candidates or a candidate in the
2 group of candidates in excess of \$100 on the form designed and provided by
3 the Secretary of State pursuant to NRS 294A.373. The form must be signed by the
4 person or a representative of the committee, ~~for~~ political party *or business entity*
5 under penalty of perjury. The provisions of this subsection apply to the person,
6 committee, ~~for~~ political party *or business entity* beginning the year of the general
7 election or general city election for that office through the year immediately
8 preceding the next general election or general city election for that office.

9 2. Every person, committee, ~~for~~ political party *or business entity* described
10 in subsection 1 which makes an expenditure on behalf of a candidate for office at a
11 primary election, primary city election, general election or general city election or a
12 group of such candidates shall, if the general election or general city election for the
13 office for which the candidate or a candidate in the group of candidates seeks
14 election is held on or after January 1 and before the July 1 immediately following
15 that January 1, not later than:

16 (a) Seven days before the primary election or primary city election for that
17 office, for the period from the January 1 immediately preceding the primary
18 election or primary city election through 12 days before the primary election or
19 primary city election;

20 (b) Seven days before the general election or general city election for that
21 office, for the period from 11 days before the primary election or primary city
22 election through 12 days before the general election or general city election; and

23 (c) July 15 of the year of the general election or general city election for that
24 office, for the period from 11 days before the general election or general city
25 election through the June 30 of that year,

26 ➤ report each expenditure made during the period on behalf of the candidate, the
27 group of candidates or a candidate in the group of candidates in excess of \$100 on
28 the form designed and provided by the Secretary of State pursuant to NRS
29 294A.373. The form must be signed by the person or a representative of the
30 committee, ~~for~~ political party *or business entity* under penalty of perjury.

31 3. Every person, committee, ~~for~~ political party *or business entity* described
32 in subsection 1 which makes an expenditure on behalf of a candidate for office at a
33 primary election, primary city election, general election or general city election or
34 on behalf of a group of such candidates shall, if the general election or general city
35 election for the office for which the candidate or a candidate in the group of
36 candidates seeks election is held on or after July 1 and before the January 1
37 immediately following that July 1, not later than:

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

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

45 ➤ report each expenditure made during the period on behalf of the candidate, the
46 group of candidates or a candidate in the group of candidates in excess of \$100 on
47 the form designed and provided by the Secretary of State pursuant to NRS
48 294A.373. The form must be signed by the person or a representative of the
49 committee, ~~for~~ political party *or business entity* under penalty of perjury.

50 4. Except as otherwise provided in subsection 5, every person, committee, ~~for~~
51 political party *or business entity* described in subsection 1 which makes an
52 expenditure on behalf of a candidate for office at a special election or on behalf of a
53 group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate 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 the candidate, the group of candidates or a candidate in the group of candidates 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 committee, ~~for~~ political party *or business entity* under penalty of perjury.

5. Every person, committee, ~~for~~ political party *or business entity* described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates 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 committee, ~~for~~ political party *or business entity* 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 must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. 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. 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.

10. Every person, committee, ~~for~~ political party *or business entity* described in subsection 1 shall file a report required by this section even if he or it receives no contributions.

Sec. 9. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every person or group of persons organized formally or informally, *including a business entity*, 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, *including a business entity*, who initiates or circulates a petition for a

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

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

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

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

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

36 (b) Seven days before the general election or general city election, for the
37 period from 11 days before the primary election or primary city election through 12
38 days before the general election or general city election; and

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

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

47 3. If a question is on the ballot at a primary election or primary city election
48 and the general election or general city election immediately following that primary
49 election or primary city election is held on or after July 1 and before the January 1
50 immediately following that July 1, every person or group of persons organized
51 formally or informally, *including a business entity*, who advocates the passage or
52 defeat of the question or a group of questions that includes the question shall
53 comply with the requirements of this subsection. If a question is on the ballot at a

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

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

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

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

24 4. Except as otherwise provided in subsection 5, every person or group of
25 persons organized formally or informally , *including a business entity*, who
26 advocates the passage or defeat of a question or group of questions on the ballot at a
27 special election shall, not later than:

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

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

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

37 5. Every person or group of persons organized formally or informally ,
38 *including a business entity*, who advocates the passage or defeat of a question or
39 group of questions on the ballot at a special election to determine whether a public
40 officer will be recalled shall list each expenditure made during the period on behalf
41 of or against the question, the group of questions or a question in the group of
42 questions on the ballot in excess of \$100 on the form designed and provided by the
43 Secretary of State pursuant to NRS 294A.373 and signed by the person or a
44 representative of the group *or business entity* under penalty of perjury, 30 days
45 after:

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

48 (b) If the special election is not held because a district court determines that the
49 petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040,
50 for the period from the filing of the notice of intent to circulate the petition for
51 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 or 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. 10. 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 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.

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 *and business entity* that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party, ~~for~~ group *or business entity* that is required to use the form.

Sec. 11. NRS 294A.382 is hereby amended to read as follows:

294A.382 The Secretary of State shall not request or require a candidate, person, group of persons, committee, ~~for~~ political party *or business entity* to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided pursuant to NRS 294A.373.

Sec. 12. NRS 294A.390 is hereby amended to read as follows:

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

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230, ~~for~~ a committee for the recall of a public officer pursuant to NRS 294A.250 ~~or~~ *or a business entity that wishes to engage in certain political activity pursuant to section 3 of this act*; or

4. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360,

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

Sec. 13. 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 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, ~~for~~ group of persons *or business entity* on behalf of or against a question or group of questions on the ballot.

(c) Group of persons *or business entity* 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, *including a business entity*, who advocates the passage or defeat of a question or group of questions on the ballot.

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

Sec. 14. 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,

1 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230,
2 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 *or section 3 of*
3 *this act* is subject to a civil penalty of not more than \$5,000 for each violation and
4 payment of court costs and attorney's fees. The civil penalty must be recovered in a
5 civil action brought in the name of the State of Nevada by the Secretary of State in
6 the First Judicial District Court and deposited by the Secretary of State for credit to
7 the State General Fund in the bank designated by the State Treasurer.

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

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

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

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

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

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

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

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