

SENATE BILL NO. 281—SENATOR TOWNSEND

MARCH 16, 2009

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing the reporting of campaign contributions and expenditures. (BDR 24-800)

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 campaign practices; revising provisions governing the use and reporting of campaign contributions and expenditures; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, candidates, committees for political action, political parties,
2 business entities, committees sponsored by a political party, committees for the
3 recall of a public officer and certain persons, groups of persons or entities making
4 expenditures on behalf of candidates, in support of the passage or defeat of ballot
5 questions or in support of a petition for the placement of a constitutional
6 amendment or statewide measure on a ballot are required to file periodic reports
7 with the Secretary of State or a county clerk or city clerk disclosing campaign
8 contributions accepted, dispositions of unspent contributions and expenditures
9 made over a certain elapsed period. (Chapter 294A of NRS) **Sections 1-23 and 25-**
10 **34** of this bill repeal these sections and replace them with requirements that the
11 candidates, current public officers and the same other persons and entities must
12 disclose each campaign contribution accepted in excess of \$100 and those accepted
13 from the same contributor that cumulatively exceed \$100, each disposition of an
14 unspent contribution that exceeds \$100, each contribution from an anonymous or
15 unidentifiable contributor of \$100 or more and each expenditure made in excess of
16 \$100, along with the appropriate names and addresses, within 48 hours after the
17 acceptance, disposition or expenditure, by entering that information through a
18 secure connection to a link on the Internet website of the Secretary of State.
19 **Sections 11-15** require the Secretary of State to create links for such candidates,
20 current public officers and the same other persons and entities and specify that the
21 links must be available to such persons and entities through a secure connection for
22 the entering of each such campaign contribution accepted, disposition of an unspent
23 or anonymous contribution, expenditure made, and contributions to, and
24 expenditures made from, a legal defense fund within that 48-hour period. **Sections**



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11-15 also specify that the links must be available to the public for the viewing of all entries made by the candidate, public officer and other persons and entities. For candidates and current public officers, sections 11 and 15-17 also require that the links on the Internet website of the Secretary of State calculate and show to the candidate, the public officer and the public the balance of money that is available to the candidate or public officer, taking into account the most recent entry of such a campaign contribution, disposition of an unspent or anonymous contribution or expenditure.

Section 24 of this bill prohibits a candidate or elected public officer from using unspent campaign contributions in his future elections for the same or a different office. (NRS 294A.160)

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

Section 1. NRS 293.128 is hereby amended to read as follows:
293.128 1. To qualify as a major political party, any organization must, under a common name:

(a) On January 1 preceding any primary election, have been designated as a political party on the applications to register to vote of at least 10 percent of the total number of registered voters in this State; or

(b) File a petition with the Secretary of State not later than the last Friday in April before any primary election signed by a number of registered voters equal to or more than 10 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

2. If a petition is filed pursuant to paragraph (b) of subsection 1, the names of the voters need not all be on one document, but each document of the petition must be verified by the circulator thereof to the effect that the signers are registered voters of this State according to his best information and belief and that the signatures are genuine and were signed in his presence. Each document of the petition must bear the name of a county, and only registered voters of that county may sign the document. The documents which are circulated for signature must then be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last Friday in April preceding a primary election.

3. In addition to the requirements set forth in subsection 1, each organization which wishes to qualify as a political party must file with the Secretary of State a certificate of existence which includes the:

(a) Name of the political party;

(b) Names and addresses of its officers;

(c) Names of the members of its executive committee; ~~and~~



(d) Name of the person who is authorized by the party to act as registered agent in this State ~~[]~~; and

(e) Name and description of any committee sponsored by the political party.

4. A political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate ~~[]~~, *including, without limitation, the fact that it has sponsored a new committee.*

Sec. 2. NRS 293.171 is hereby amended to read as follows:

293.171 1. To qualify as a minor political party, an organization must file with the Secretary of State a certificate of existence which includes the:

(a) Name of the political party;

(b) Names of its officers;

(c) Names of the members of its executive committee; ~~[and]~~

(d) Name of the person authorized to file the list of its candidates for partisan office with the Secretary of State ~~[]~~; and

(e) Name and description of any committee sponsored by the political party.

2. A copy of the constitution or bylaws of the party must be affixed to the certificate.

3. A minor political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate ~~[]~~, *including, without limitation, the fact that it has sponsored a new committee.*

4. The constitution or bylaws of a minor political party must provide a procedure for the nomination of its candidates in such a manner that only one candidate may be nominated for each office.

5. A minor political party whose candidates for partisan office do not appear on the ballot for the general election must file a notice of continued existence with the Secretary of State not later than the second Friday in August preceding the general election.

6. A minor political party which fails to file a notice of continued existence as required by subsection 5 ceases to exist as a minor political party in this State.

Sec. 3. NRS 293.185 is hereby amended to read as follows:

293.185 **1.** The declaration of candidacy, the certificate of candidacy and the acceptance of candidacy must be filed during regular office hours, as follows:

~~[]~~ **(a)** For United States Senator, Representative in Congress, statewide offices, State Senators and Assemblymen to be elected from districts comprising more than one county, and all other offices whose districts comprise more than one county, with the Secretary of State.



~~(2-)~~ (b) For Representative in Congress and district offices voted for wholly within one county, State Senators and Assemblymen to be elected from districts comprising but one or part of one county, county and township officers, with the county clerk.

2. Within 48 hours after receipt of a declaration of candidacy, certificate of candidacy or acceptance of candidacy for a district office, voted for wholly within one county, or State Senator or Assemblyman, to be elected from a district comprising but one or part of one county, the county clerk shall notify the Secretary of State of its receipt.

Sec. 4. 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~~ *links for the disclosure of* campaign contributions, ~~and~~ expenditures ~~submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283, 294A.360 and 294A.362 and all reports on~~, *disposition of unspent or anonymous contributions, and* contributions received by and expenditures made from a legal defense fund ~~submitted to the Secretary of State pursuant to NRS 294A.286~~, *required pursuant to sections 11 to 21, inclusive, of this act.*

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

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

Sec. 5. NRS 293C.145 is hereby amended to read as follows:

293C.145 1. Except as otherwise provided in NRS 293C.115, a general city election must be held in each city of population category three on the first Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter, as determined by ordinance.



2. There must be one mayor and three or five councilmen, as the city council shall provide, by ordinance, for each city of population category three. Unless the terms of office of the mayor and the councilmen are extended by an ordinance adopted pursuant to NRS 293C.115, the terms of office of the mayor and the councilmen are 4 years, which terms must be staggered. The mayor and councilmen elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115. If a city council thereafter increases the number of councilmen, it shall, by lot, stagger the initial terms of the additional members.

3. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the general city election must file a declaration of candidacy with the city clerk not less than 60 days nor more than 70 days before the day of the general city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the city council by ordinance or resolution.

4. *Within 48 hours after receipt of a declaration of candidacy, certificate of candidacy or acceptance of candidacy for a city office, a city clerk shall notify the Secretary of State of its receipt.*

5. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for councilmen must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.

Sec. 6. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. Except as otherwise provided in NRS 293C.115, a primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the first Tuesday after the first Monday in April of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days nor more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing



1 fees collected by the city clerk must be deposited to the credit of the
2 general fund of the city.

3 3. *Within 48 hours after receipt of a declaration of candidacy,*
4 *certificate of candidacy or acceptance of candidacy for a city*
5 *office, a city clerk shall notify the Secretary of State of its receipt.*

6 4. All candidates, except as otherwise provided in NRS
7 266.220, must be voted upon by the electors of the city at large.

8 ~~[4]~~ 5. If, in a primary city election held in a city of population
9 category one or two, one candidate receives more than a majority of
10 votes cast in that election for the office for which he is a candidate,
11 his name alone must be placed on the ballot for the general city
12 election. If, in the primary city election, no candidate receives a
13 majority of votes cast in that election for the office for which he is a
14 candidate, the names of the two candidates receiving the highest
15 number of votes must be placed on the ballot for the general city
16 election.

17 **Sec. 7.** NRS 293C.180 is hereby amended to read as follows:

18 293C.180 1. If at 5 p.m. on the last day for filing a
19 declaration of candidacy, there is only one candidate who has filed
20 for nomination for an office, that candidate must be declared elected
21 and no election may be held for that office.

22 2. Except as otherwise provided in subsection 1, if not more
23 than twice the number of candidates to be elected have filed for
24 nomination for an office, the names of those candidates must be
25 omitted from all ballots for a primary city election and placed on all
26 ballots for a general city election.

27 3. If more than twice the number of candidates to be elected
28 have filed for nomination for an office, the names of the candidates
29 must appear on the ballot for a primary city election. Except as
30 otherwise provided in subsection ~~[4]~~ 5 of NRS 293C.175, those
31 candidates who receive the highest number of votes at that election,
32 not to exceed twice the number to be elected, must be declared
33 nominees for the office.

34 **Sec. 8.** Chapter 294A of NRS is hereby amended by adding
35 thereto the provisions set forth as sections 9 to 21, inclusive, of this
36 act.

37 **Sec. 9.** *A person who is not under the direction or control of*
38 *a candidate for office at a primary election, primary city election,*
39 *general election or general city election, of a group of such*
40 *candidates or of any person involved in the campaign of that*
41 *candidate or group who makes an expenditure on behalf of*
42 *the candidate or group which is not solicited or approved by the*
43 *candidate or group shall, before making such an expenditure,*
44 *register with the Secretary of State on a form provided by the*
45 *Secretary of State. The form must indicate the name of the person*



1 *and such other information deemed necessary by the Secretary of*
2 *State.*

3 **Sec. 10.** *Each person or group of persons organized formally*
4 *or informally, including a business entity, who advocates the*
5 *passage or defeat of a question or group of questions on the ballot*
6 *at a primary election, primary city election, general election or*
7 *general city election, before engaging in any such advocacy in this*
8 *State, shall register with the Secretary of State on a form provided*
9 *by the Secretary of State. The form must include the name of the*
10 *person, group of persons or business entity and such other*
11 *information deemed necessary by the Secretary of State.*

12 **Sec. 11.** *1. The Secretary of State shall create on his*
13 *Internet website a link for each candidate, except United States*
14 *Senator and Representative in Congress, within 48 hours after*
15 *the:*

16 *(a) Candidate notifies the Secretary of State, in accordance*
17 *with the provisions of subsection 1 of NRS 294A.130, that he has*
18 *opened a separate account pursuant to NRS 294A.130;*

19 *(b) Candidate files his declaration or acceptance of candidacy*
20 *at the Office of the Secretary of State;*

21 *(c) Secretary of State receives notice from the county clerk*
22 *pursuant to subsection 2 of NRS 293.185 that a declaration of*
23 *candidacy or acceptance of candidacy has been filed at the office*
24 *of the county clerk; or*

25 *(d) Secretary of State receives notice from the city clerk*
26 *pursuant to subsection 4 of NRS 293C.145 or subsection 3 of NRS*
27 *293C.175 that a declaration of candidacy or acceptance of*
28 *candidacy has been filed at the office of the city clerk,*

29 *↳ whichever occurs earlier.*

30 *2. Each link created pursuant to subsection 1 must be:*

31 *(a) Available to the candidate or his agent, through a secure*
32 *connection, to enter on-line each campaign contribution accepted,*
33 *expenditure made and the disposition of any unspent or*
34 *anonymous contributions pursuant to the requirements of sections*
35 *16 and 17 of this act; and*

36 *(b) Accessible to the public to view:*

37 *(1) Each campaign contribution accepted, expenditure*
38 *made and the disposition of any unspent or anonymous*
39 *contributions for that candidate, as entered by that candidate or*
40 *his agent pursuant to sections 16 and 17 of this act; and*

41 *(2) The balance of money available to the candidate in the*
42 *account maintained pursuant to NRS 294A.130 on a particular*
43 *date, including, without limitation, the most recent entry of a*
44 *campaign contribution, expenditure or the disposition of any*



1 *unspent or anonymous contribution as made by the candidate or*
2 *his agent pursuant to sections 16 and 17 of this act.*

3 *3. The Secretary of State shall maintain the link for a*
4 *candidate until:*

5 *(a) The Secretary receives notice that the separate account*
6 *opened by that person pursuant to NRS 294A.130 has been closed;*

7 *(b) The person has ceased to hold a public office and has not*
8 *filed a declaration or acceptance of candidacy for a public office*
9 *for three consecutive election cycles; or*

10 *(c) For a candidate who has not previously held public office*
11 *and is defeated, 6 months after the election at which the candidate*
12 *was defeated,*

13 *↳ whichever occurs earlier.*

14 *4. The calculation of the balance available to the candidate*
15 *on a particular date that is required to be accessible to the public*
16 *to view pursuant to subparagraph (2) of paragraph (b) of*
17 *subsection 2 must include only what is required to be entered by*
18 *the candidate or his agent pursuant to sections 16 and 17 of this*
19 *act. Contributions, dispositions and expenditures of an amount*
20 *less than the minimum required pursuant to sections 16 and 17 of*
21 *this act are not required to be included in this balance.*

22 **Sec. 12.** *1. The Secretary of State shall create on his*
23 *Internet website a link for each:*

24 *(a) Person who is not under the direction or control of a*
25 *candidate for office at a primary election, primary city election,*
26 *general election or general city election, of a group of such*
27 *candidates or of any person involved in the campaign of that*
28 *candidate or group who makes an expenditure on behalf of*
29 *the candidate or group which is not solicited or approved by the*
30 *candidate or group within 48 hours after receipt of the registration*
31 *of the person pursuant to section 9 of this act.*

32 *(b) Committee for political action within 48 hours after receipt*
33 *of its registration pursuant to NRS 294A.230.*

34 *(c) Political party within 48 hours after receipt of its certificate*
35 *of existence pursuant to NRS 293.128 or 293.171.*

36 *(d) Committee sponsored by a political party which makes an*
37 *expenditure on behalf of a candidate or group of candidates*
38 *within 48 hours after receipt of a certificate of existence or of an*
39 *amended certificate of existence pursuant to subsection 4 of NRS*
40 *293.128 or subsection 3 of NRS 293.171, as applicable, indicating*
41 *the existence or new creation of such a committee.*

42 *(e) Business entity within 48 hours after receipt of its*
43 *registration pursuant to NRS 294A.377.*

44 *2. Each link created pursuant to subsection 1 must be:*



1 (a) Available to the person, committee, political party or
2 business entity, or agent thereof, through a secure connection, to
3 enter on-line each campaign contribution accepted and
4 expenditure made by the person, committee, political party or
5 business entity pursuant to the requirements of section 18 of this
6 act; and

7 (b) Accessible to the public to view each campaign
8 contribution accepted and expenditure made by that person,
9 committee, political party or business entity, as entered by that
10 person, committee, political party or business entity, or agent
11 thereof, pursuant to section 18 of this act.

12 3. The Secretary of State shall maintain the link for each
13 person, committee, political party and business entity described in
14 subsection 1 until the person, committee, political party or
15 business entity, or agent thereof, notifies the Secretary of State
16 that the person, committee, political party or business entity has
17 ceased to make expenditures on behalf of any candidate or group
18 of candidates or until the Secretary of State determines that the
19 person, committee, political party or business entity has ceased
20 making such expenditures.

21 **Sec. 13.** 1. The Secretary of State shall create on his
22 Internet website a link for each:

23 (a) Person or group of persons organized formally or
24 informally, including a business entity, who advocates the passage
25 or defeat of a question or group of questions on the ballot at a
26 primary election, primary city election, general election or general
27 city election within 48 hours after receipt of the registration of the
28 person, group of persons or business entity pursuant to section 10
29 of this act.

30 (b) Person or group of persons organized formally or
31 informally, including a business entity, who advocates the passage
32 or defeat of a constitutional amendment or statewide measure
33 proposed by an initiative or referendum within 48 hours after
34 receipt of the statement of organization of the person, group of
35 persons or business entity pursuant to NRS 294A.281.

36 2. Each link created pursuant to subsection 1 must be:

37 (a) Available to the person, group of persons or business
38 entity, or agent thereof, through a secure connection, to enter on-
39 line each campaign contribution accepted and expenditure made
40 by the person, group of persons or business entity pursuant to the
41 requirements of section 19 of this act; and

42 (b) Accessible to the public to view each campaign
43 contribution accepted and expenditure made by that person, group
44 of persons or business entity as entered by that person, group of



1 *persons or business entity, or agent thereof, pursuant to section 19*
2 *of this act.*

3 *3. The Secretary of State shall maintain the link for each*
4 *person, group of persons or business entity described in subsection*
5 *1 until:*

6 *(a) The person, group of persons or business entity, or agent*
7 *thereof, notifies the Secretary of State that the person, group of*
8 *persons or business entity has ceased to:*

9 *(1) Advocate the passage or defeat of a question or group of*
10 *questions on a ballot; or*

11 *(2) Advocate the passage or defeat of a constitutional*
12 *amendment or statewide measure proposed by initiative or*
13 *referendum; or*

14 *(b) The Secretary of State determines that the person, group of*
15 *persons or business entity has ceased making such expenditures.*

16 **Sec. 14.** *1. The Secretary of State shall create on his*
17 *Internet website a link for each committee for the recall of a*
18 *public officer within 48 hours after receipt of the registration of*
19 *the committee pursuant to NRS 294A.250.*

20 *2. Each link created pursuant to subsection 1 must be:*

21 *(a) Available to the agent of the committee for the recall of a*
22 *public officer, through a secure connection, to enter on-line each*
23 *campaign contribution accepted and expenditure made by the*
24 *committee pursuant to the requirements of section 20 of this act;*
25 *and*

26 *(b) Accessible to the public to view each campaign*
27 *contribution accepted and expenditure made by that committee for*
28 *the recall of a public officer, as entered by the agent of the*
29 *committee, pursuant to section 20 of this act.*

30 *3. The Secretary of State shall maintain the link for each*
31 *committee for the recall of a public officer until:*

32 *(a) If the petition for the purpose of recalling a public officer*
33 *is not filed before the expiration of the notice of intent, 30 days*
34 *after the expiration of the notice of intent.*

35 *(b) If a court does not order a special election for the recall of*
36 *the public officer, 30 days after the court determines that an*
37 *election will not be held.*

38 *(c) If a special election to recall a public officer is held, 30*
39 *days after that election.*

40 **Sec. 15.** *1. The Secretary of State shall create on his*
41 *Internet website a link for each administrator of a legal defense*
42 *fund within 48 hours after the Secretary of State receives*
43 *notification of the creation of a legal defense fund pursuant to*
44 *NRS 294A.286.*

45 *2. Each link created pursuant to subsection 1 must be:*



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1 (a) Available to the administrator of the legal defense fund or
2 his agent, through a secure connection, to enter on-line each
3 contribution accepted and expenditure made pursuant to the
4 requirements of section 21 of this act; and

5 (b) Accessible to the public to view:

6 (1) Each contribution accepted and expenditure made, as
7 entered by the administrator or his agent pursuant to section 21 of
8 this act.

9 (2) The balance of money available in the legal defense
10 fund on a particular date, including, without limitation, the most
11 recent entry of a contribution or expenditure as made by the
12 administrator or his agent pursuant to section 21 of this act.

13 3. The Secretary of State shall maintain the link for an
14 administrator of a legal defense fund until the Secretary of State
15 receives notice that the legal defense fund has been dissolved.

16 **Sec. 16.** 1. Except as otherwise provided in subsection 2,
17 each candidate or his agent shall, within 48 hours after the
18 candidate:

19 (a) Accepts a campaign contribution in excess of \$100 from a
20 contributor or a contribution which, when added to other
21 contributions from that same contributor, exceeds \$100; or

22 (b) Makes an expenditure in excess of \$100 in support of his
23 campaign,

24 ↳ disclose that amount and the name and address of the person
25 who made the contribution or the person to whom the expenditure
26 was distributed by entering the information, through the secure
27 connection, on the link of the candidate on the Internet website of
28 the Secretary of State created pursuant to section 11 of this act.

29 2. The provisions of subsection 1 do not apply to a person
30 until 5 days after he opens a separate account for his campaign
31 contributions in accordance with the provisions of NRS 294A.130.
32 On or before the sixth day after the candidate opens the account,
33 he or his agent shall enter, through the secure connection, on the
34 link of the candidate on the Internet website of the Secretary of
35 State created pursuant to section 11 of this act each contribution
36 accepted in excess of \$100 from a contributor or a contribution
37 which, when added to other contributions accepted from that same
38 contributor, exceeds \$100 and each expenditure in excess of \$100
39 made before that day.

40 **Sec. 17.** 1. Except as otherwise provided in subsection 2,
41 each candidate or his agent shall, within 48 hours after disposing
42 of an amount in excess of \$100 of unspent contributions pursuant
43 to NRS 294A.160 or disposing of a contribution of \$100 or more
44 from an anonymous or unidentifiable contributor pursuant to
45 NRS 294A.190, disclose that amount and the name of the person



1 or entity to whom the amount was distributed by entering the
2 information, through the secure connection, on the link of the
3 candidate on the Internet website of the Secretary of State created
4 pursuant to section 11 of this act.

5 2. The provisions of subsection 1 do not apply to a person
6 until 5 days after he opens a separate account for his campaign
7 contributions in accordance with the provisions of NRS 294A.130.
8 On or before the sixth day after the candidate opens the account,
9 the candidate or his agent shall enter separately, through the
10 secure connection, on the link of the candidate on the Internet
11 website of the Secretary of State created pursuant to section 11 of
12 this act, the disposition of any unspent contributions in an amount
13 in excess of \$100 or of any contributions from an anonymous or
14 unidentifiable contributor of \$100 or more made before that day.

15 **Sec. 18.** 1. Except as otherwise provided in subsection 2,
16 each person who is not under the direction or control of a
17 candidate for office at a primary election, primary city election,
18 general election or general city election, of a group of such
19 candidates or of any person involved in the campaign of that
20 candidate or group who makes an expenditure on behalf of
21 the candidate or group which is not solicited or approved by the
22 candidate or group and each committee for political action,
23 political party, committee sponsored by a political party and
24 business entity which makes an expenditure on behalf of a
25 candidate or group of candidates shall, within 48 hours after the
26 person, committee, political party or business entity:

27 (a) Accepts a campaign contribution in excess of \$100 from a
28 contributor or a contribution which, when added to other
29 contributions from that same contributor, exceeds \$100; or

30 (b) Makes an expenditure in excess of \$100 on behalf of the
31 candidate or group of candidates,

32 ➡ disclose that amount and the name and address of the person
33 who made the contribution or the person to whom the expenditure
34 was distributed by entering the information, through the secure
35 connection, on the link of the person, committee, political party or
36 business entity on the Internet website of the Secretary of State
37 created pursuant to section 12 of this act.

38 2. The provisions of subsection 1 do not apply to a person,
39 committee, political party or business entity described in
40 subsection 1 until 5 days after:

41 (a) The person registers with the Secretary of State pursuant to
42 section 9 of this act;

43 (b) The committee for political action registers pursuant to
44 NRS 294A.230;



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1 (c) The political party files its certificate of existence pursuant
2 to NRS 293.128 or 293.171;

3 (d) The political party has filed an amended certificate of
4 existence pursuant to subsection 4 of NRS 293.128 or subsection 3
5 of NRS 293.171, indicating the new creation of a committee
6 sponsored by the political party; or

7 (e) The business entity registers with the Secretary of State
8 pursuant to NRS 294A.377.

9 3. On or before the sixth day after the appropriate
10 registration or filing, the person, committee, political party or
11 business entity, or its agent, shall enter separately, through the
12 secure connection, on the link of the person, committee, political
13 party or business entity on the Internet website of the Secretary of
14 State created pursuant to section 12 of this act, each contribution
15 accepted in excess of \$100 from a contributor or a contribution
16 which, when added to other contributions accepted from that same
17 contributor, exceeds \$100 and each expenditure in excess of \$100
18 made before that day.

19 **Sec. 19. 1.** Except as otherwise provided in subsection 3,
20 each person or group of persons organized formally or informally,
21 including a business entity, who advocates the passage or defeat of
22 a question or group of questions on the ballot at a primary
23 election, primary city election, general election or general city
24 election, or agent thereof, shall, within 48 hours after the person,
25 group of persons or business entity:

26 (a) Accepts a campaign contribution in excess of \$100 from a
27 contributor or a contribution which, when added to other
28 contributions from that same contributor, exceeds \$100; or

29 (b) Makes an expenditure in excess of \$100 on behalf of or
30 against the question or group of questions,

31 ➡ disclose that amount and the name and address of the person
32 who made the contribution or the person to whom the expenditure
33 was distributed by entering the information, through the secure
34 connection, on the link of the person, group of persons or business
35 entity on the Internet website of the Secretary of State created
36 pursuant to section 13 of this act.

37 2. Except as otherwise provided in subsection 3, each person
38 or group of persons organized formally or informally, including a
39 business entity, who advocates the passage or defeat of a
40 constitutional amendment or statewide measure proposed by an
41 initiative or referendum, or agent thereof, shall, within 48 hours
42 after the person, group of persons or business entity:

43 (a) Accepts a campaign contribution in excess of \$100 from a
44 contributor or a contribution which, when added to other
45 contributions from that same contributor, exceeds \$100; and



1 (b) Makes an expenditure in excess of \$100 to support the
2 initiation or circulation of the petition,
3 ↳ disclose that amount and the name and address of the person
4 who made the contribution or the person to whom the expenditure
5 was distributed by entering the information, through the secure
6 connection, on the link of the person, group of persons or business
7 entity on the Internet website of the Secretary of State created
8 pursuant to section 13 of this act.

9 3. The provisions of this section do not apply until 5 days
10 after the:

11 (a) Person or group of persons:

12 (1) Organized formally or informally who advocates the
13 passage or defeat of a question or group of questions on the ballot
14 at a primary election, primary city election, general election or
15 general city election registers with the Secretary of State pursuant
16 to section 10 of this act; or

17 (2) Who advocates the passage or defeat of a constitutional
18 amendment or statewide measure proposed by an initiative or
19 referendum files a statement of organization with the Secretary of
20 State pursuant to NRS 294A.281; or

21 (b) Business entity registers with the Secretary of State
22 pursuant to NRS 294A.377.

23 4. On or before the sixth day after the appropriate
24 registration or filing, the person, group of persons or business
25 entity, or agent thereof, shall enter separately, through the secure
26 connection, on the link of the person, group of persons or business
27 entity on the Internet website of the Secretary of State created
28 pursuant to section 13 of this act, each contribution accepted in
29 excess of \$100 from a contributor or a contribution which, when
30 added to other contributions accepted from that same contributor,
31 exceeds \$100 and each expenditure in excess of \$100 made before
32 that day. Upon request, the Secretary of State may grant an
33 extension to a person, group of persons or business entity who
34 advocates the passage or defeat of a constitutional amendment or
35 a statewide measure proposed by an initiative or referendum and
36 who received or expended money in excess of \$10,000 to comply
37 with the requirement to disclose separately each such contribution
38 accepted and such expenditure made before that day if he
39 determines that the \$10,000 was accepted or expended in a
40 substantial number of separate contributions or expenditures in
41 excess of \$100.

42 **Sec. 20. 1.** Except as otherwise provided in subsection 2,
43 each committee for the recall of a public officer, or agent thereof,
44 shall, within 48 hours after the committee:



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1 (a) *Accepts a campaign contribution in excess of \$100 from a*
2 *contributor or a contribution which, when added to other*
3 *contributions from that same contributor, exceeds \$100; or*

4 (b) *Makes an expenditure in excess of \$100,*
5 *↪ disclose that amount and the name and address of the person*
6 *who made the contribution or the person to whom the expenditure*
7 *was distributed by entering the information, through the secure*
8 *connection, on the link of the committee on the Internet website of*
9 *the Secretary of State created pursuant to section 14 of this act.*

10 2. *The provisions of subsection 1 do not apply to a committee*
11 *for the recall of a public officer until 5 days after the committee*
12 *has registered with the Secretary of State pursuant to NRS*
13 *294A.250. On or before the sixth day after the registration, the*
14 *committee for the recall of a public officer, or agent thereof, shall*
15 *enter separately, through the secure connection, on the link of the*
16 *committee for the recall of a public officer on the Internet website*
17 *of the Secretary of State created pursuant to section 14 of this act,*
18 *each contribution accepted in excess of \$100 from a contributor or*
19 *a contribution which, when added to other contributions accepted*
20 *from that same contributor, exceeds \$100 and each expenditure in*
21 *excess of \$100 made before that day.*

22 **Sec. 21.** 1. *Except as otherwise provided in subsection 2,*
23 *each candidate or his agent shall, within 48 hours after the*
24 *administrator of the candidate's legal defense fund accepts a*
25 *contribution from a contributor or makes an expenditure from the*
26 *legal defense fund, disclose that amount and the name and*
27 *address of the person who made the contribution or the person to*
28 *whom the expenditure was distributed by entering the information,*
29 *through the secure connection, on the link of the administrator on*
30 *the Internet website of the Secretary of State created pursuant to*
31 *section 15 of this act.*

32 2. *The provisions of subsection 1 do not apply until 5 days*
33 *after the Secretary of State receives notification of the creation a*
34 *legal defense fund in accordance with the provisions of NRS*
35 *294A.286. On or before the sixth day after the Secretary of State*
36 *receives such notification, the candidate or his agent shall enter,*
37 *through the secure connection, on the link of the administrator on*
38 *the Internet website of the Secretary of State created pursuant to*
39 *section 15 of this act each contribution accepted from a*
40 *contributor and each expenditure made before that day.*

41 **Sec. 22.** NRS 294A.0055 is hereby amended to read as
42 follows:

43 294A.0055 1. "Committee for political action" means any
44 group of natural persons or entities that solicits or receives
45 contributions from any other person, group or entity and:



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

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

2. "Committee for political action" does not include:

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

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

(c) An individual natural person.

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

(e) A labor union.

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

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

Sec. 23. NRS 294A.130 is hereby amended to read as follows:

294A.130 1. Every candidate for state, district, county, city or township office shall, not later than 1 week after he receives minimum campaign contributions of \$100, open and maintain a separate account in a financial institution for the deposit of any campaign contributions he receives. The candidate shall not commingle the money in the account with money collected for other purposes. *Not later than 3 days after opening the separate account, the candidate shall notify the Secretary of State.*

2. The candidate may close the separate account:

(a) If he was a candidate in a special election ~~and~~ *and lost*, after that election;

(b) If he lost in the primary election, after the primary election; or

(c) If he won the primary election ~~and~~ *and lost in the general election*, after the general election,

➔ and as soon as all payments of money committed have been made.

3. A candidate who is elected to public office shall maintain the separate account during his tenure in office and may close the separate account after he ceases to hold public office and all payments of money committed have been made.



1 **4. Not later than 3 days after closing the separate account,**
2 **the candidate shall notify the Secretary of State.**

3 **Sec. 24.** NRS 294A.160 is hereby amended to read as follows:

4 294A.160 1. It is unlawful for a candidate to spend money
5 received as a campaign contribution for his personal use.

6 2. Every candidate for a state, district, county, city or township
7 office at a primary, general, primary city, general city or special
8 election who is elected to that office and received contributions that
9 were not spent or committed for expenditure before the primary,
10 general, primary city, general city or special election shall:

11 (a) Return the unspent money to contributors;

12 (b) Use the money ~~[in his next election or]~~ for the payment of
13 other expenses related to public office or his campaign ; ~~;~~
14 ~~regardless of whether he is a candidate for a different office in his~~
15 ~~next election;]~~

16 (c) Contribute the money to:

17 (1) ~~[The]~~ **Except as otherwise provide in subsection 4, the**
18 campaigns of other candidates for public office or for the payment
19 of debts related to their campaigns;

20 (2) A political party;

21 (3) A person or group of persons advocating the passage or
22 defeat of a question or group of questions on the ballot; or

23 (4) Any combination of persons or groups set forth in
24 subparagraphs (1), (2) and (3);

25 (d) Donate the money to any tax-exempt nonprofit entity; or

26 (e) Dispose of the money in any combination of the methods
27 provided in paragraphs (a) to (d), inclusive.

28 3. Every candidate for a state, district, county, city or township
29 office at a primary, general, primary city, general city or special
30 election who is not elected to that office and received contributions
31 that were not spent or committed for expenditure before the primary,
32 general, primary city, general city or special election shall, not later
33 than the 15th day of the second month after his defeat:

34 (a) Return the unspent money to contributors;

35 (b) Contribute the money to:

36 (1) ~~[The]~~ **Except as otherwise provided in subsection 4, the**
37 campaigns of other candidates for public office or for the payment
38 of debts related to their campaigns;

39 (2) A political party;

40 (3) A person or group of persons advocating the passage or
41 defeat of a question or group of questions on the ballot; or

42 (4) Any combination of persons or groups set forth in
43 subparagraphs (1), (2) and (3);

44 (c) Donate the money to any tax-exempt nonprofit entity; or



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(d) Dispose of the money in any combination of the methods provided in paragraphs (a), (b) and (c).

4. *A candidate who is required to dispose of unspent campaign contributions pursuant to subsection 2 or 3 shall not donate any of the money to a separate account that he establishes pursuant to NRS 294A.130.*

5. Every candidate for a state, district, county, city or township office who is defeated at a primary or primary city election and received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after his defeat, return any money in excess of \$5,000 to the contributor.

~~[5-]~~ 6. Every public officer who:

(a) Holds a state, district, county, city or township office;

(b) Does not run for reelection and is not a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

shall, not later than the 15th day of the second month after the expiration of his term of office, dispose of those contributions in the manner provided in subsection 3.

~~[6-]~~ 7. In addition to the methods for disposing the unspent money set forth in subsections 2, 3 and ~~[4-]~~ 5, a Legislator may donate not more than \$500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

~~[7-]~~ 8. Any contributions received before a candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 3.

~~[8-]~~ 9. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~[9-]~~ 10. As used in this section, "contributions" include any interest and other income earned thereon.

Sec. 25. NRS 294A.286 is hereby amended to read as follows:

294A.286 ~~[1-]~~ A person who administers a legal defense fund shall ~~[1-]~~

~~—(a) Within], within~~ 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State. ~~[1-]~~ and

~~—(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report any contribution received by or expenditure made from the legal defense fund.~~



~~2. The reports required by paragraph (b) of 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 administrator of the legal defense fund under penalty of perjury.~~

~~3. The reports required by paragraph (b) of 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.]~~

Sec. 26. NRS 294A.287 is hereby amended to read as follows:

294A.287 1. A person shall not make a contribution or contributions to the legal defense fund of a candidate or public officer in an amount which exceeds \$10,000 during the applicable period prescribed in NRS 294A.100 pertaining to the office the candidate is seeking or that the public officer holds.

2. *A candidate or public officer who receives a contribution to his legal defense fund of \$100 or more from an anonymous or unidentifiable contributor shall, within 10 days after he receives the contribution, deliver the money to the State Treasurer or donate the money to a nonprofit entity. The State Treasurer shall deposit the money in the State General Fund.*

3. A candidate or public officer shall not accept a contribution to his legal defense fund that is made in violation of subsection 1 ~~1~~ ~~3.] or 2.~~

4. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 27. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election;

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate ~~1] or~~ *an opponent of the candidate, [for a person, party, committee or business entity required to report expenditures pursuant to NRS 294A.210.]*

↪ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, party, committee or business entity providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election; and

(b) Contains the name of the candidate,

↪ shall be deemed to comply with the provisions of this section.



1 3. As used in this section, "publish" means the act of:
2 (a) Printing, posting, broadcasting, mailing or otherwise
3 disseminating; or

4 (b) Causing to be printed, posted, broadcasted, mailed or
5 otherwise disseminated.

6 **Sec. 28.** NRS 294A.350 is hereby amended to read as follows:

7 294A.350 ~~[(a)]~~ Every candidate for state, district, county,
8 municipal or township office shall ~~file the reports of~~ *disclose*
9 campaign contributions and ~~expenses~~ *expenditures as* required by
10 ~~[NRS 294A.120, 294A.128, 294A.200 and 294A.360 and reports of]~~
11 *sections 16 and 17 of this act, and disclose* contributions received
12 by and expenditures made from a legal defense fund ~~[required by~~
13 ~~NRS 294A.286,]~~ *as required by section 21 of this act,* even though
14 he:

15 ~~[(a)]~~ 1. Withdraws his candidacy;

16 ~~[(b)]~~ *Receives no campaign contributions;*

17 ~~—[(c)]~~ *Has no campaign expenses;*

18 ~~—[(d)]~~ 2. Is removed from the ballot by court order; or

19 ~~[(e)]~~ 3. Is the subject of a petition to recall and the special
20 election is not held.

21 ~~[(2.)—A candidate who withdraws his candidacy pursuant to NRS~~
22 ~~293.202 may file simultaneously all the reports of campaign~~
23 ~~contributions and expenses required by NRS 294A.120, 294A.128,~~
24 ~~294A.200 and 294A.360 and the report of contributions received by~~
25 ~~and expenditures made from a legal defense fund required by NRS~~
26 ~~294A.286, so long as each report is filed on or before the last day~~
27 ~~for filing the respective report pursuant to NRS 294A.120,~~
28 ~~294A.200 or 294A.360.]~~

29 **Sec. 29.** NRS 294A.380 is hereby amended to read as follows:

30 294A.380 1. The Secretary of State may adopt and
31 promulgate regulations, prescribe forms in accordance with the
32 provisions of this chapter and take such other actions as are
33 necessary for the implementation and effective administration of the
34 provisions of this chapter.

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

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

43 (b) The Secretary of State shall, in determining whether an
44 entity or group is a committee for political action, disregard any
45 action taken by a group or entity that would otherwise constitute a



1 committee for political action if it appears such action is taken for
2 the purpose of avoiding the ~~reporting~~ *disclosure* requirements of
3 this chapter.

4 **Sec. 30.** NRS 294A.390 is hereby amended to read as follows:

5 294A.390 The officer from whom a candidate or entity
6 requests a form for:

7 1. A declaration of candidacy;

8 2. An acceptance of candidacy;

9 3. The registration of a committee for political action pursuant
10 to NRS 294A.230, a committee for the recall of a public officer
11 pursuant to NRS 294A.250 or a business entity that wishes to
12 engage in certain political activity pursuant to NRS 294A.377; *or*

13 4. The reporting of the creation of a legal defense fund
14 pursuant to ~~NRS 294A.286; or~~

15 ~~5. The reporting of campaign contributions, expenses or~~
16 ~~expenditures pursuant to NRS 294A.120, 294A.128, 294A.140,~~
17 ~~294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280,~~
18 ~~294A.283 or 294A.360 and the reporting of contributions received~~
19 ~~by and expenditures made from a legal defense fund pursuant to]~~
20 NRS 294A.286,

21 ➔ shall furnish the candidate *or entity* with the necessary forms for
22 ~~reporting~~ *filing or registering* and copies of the regulations
23 adopted by the Secretary of State pursuant to this chapter. An
24 explanation of the applicable provisions of NRS 294A.100,
25 ~~294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210,~~
26 ~~294A.220, 294A.270, 294A.280, 294A.283 or 294A.360]~~ *294A.130,*
27 *294A.160 and 294A.190 and sections 16 to 20, inclusive, of this act*
28 relating to the making, accepting ~~for reporting~~ *and disclosing*
29 campaign contributions, expenses or expenditures *and the*
30 *disposition of unspent and anonymous contributions*, and the
31 penalties for a violation of those provisions as set forth in NRS
32 294A.100 or 294A.420, and an explanation of NRS ~~294A.286 and]~~
33 *294A.287 and section 21 of this act* relating to the accepting ~~for~~
34 ~~reporting~~ *and disclosing* of contributions received by and
35 expenditures made from a legal defense fund and the penalties for a
36 violation of those provisions as set forth in NRS 294A.287 and
37 294A.420, must be developed by the Secretary of State and
38 provided upon request. The candidate or entity shall acknowledge
39 receipt of the material.

40 **Sec. 31.** NRS 294A.420 is hereby amended to read as follows:

41 294A.420 1. If the Secretary of State receives information
42 that a person or entity that is subject to the provisions of ~~NRS~~
43 ~~294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210,~~
44 ~~294A.220, 294A.230, 294A.270, 294A.280, 294A.283, 294A.286,~~
45 ~~294A.360 or 294A.377]~~ *sections 16 to 21, inclusive, of this act* has



1 not, *in a timely manner, entered the required information on the*
2 *link on the appropriate Internet website or has not* filed a ~~report~~
3 ~~or~~ form for registration *or statement of organization, as*
4 *appropriate,* pursuant to ~~[the applicable provisions of those~~
5 ~~sections.] NRS 293.128, 293.171, 294A.230, 294A.250, 294A.281~~
6 *or 294A.377, or section 9 or 10 of this act,* the Secretary of State
7 may, after giving notice to that person or entity, cause the
8 appropriate proceedings to be instituted in the First Judicial District
9 Court.

10 2. Except as otherwise provided in this section, a person or
11 entity that violates an applicable provision of NRS 294A.112,
12 ~~[294A.120,]~~ 294A.128, 294A.130, ~~[294A.140, 294A.150,]~~
13 294A.160, ~~[294A.200, 294A.210, 294A.220,]~~ 294A.230,
14 ~~[294A.270, 294A.280, 294A.283,]~~ *294A.250, 294A.281,* 294A.286,
15 294A.300, 294A.310 ~~[, 294A.360]~~ or 294A.377, *or section 9, 10 or*
16 *16 to 21, inclusive, of this act* is subject to a civil penalty of not
17 more than \$5,000 for each violation and payment of court costs and
18 attorney's fees. The civil penalty must be recovered in a civil action
19 brought in the name of the State of Nevada by the Secretary of State
20 in the First Judicial District Court and deposited by the Secretary of
21 State for credit to the State General Fund in the bank designated by
22 the State Treasurer.

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

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

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

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

33 ~~—A civil penalty imposed pursuant to this subsection against a~~
34 ~~public officer who by law is not entitled to receive compensation for~~
35 ~~his office or a candidate for such an office must not exceed a total of~~
36 ~~\$100 if the public officer or candidate received no contributions and~~
37 ~~made no expenditures during the relevant reporting periods.~~

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

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



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

Sec. 32. NRS 281A.420 is hereby amended to read as follows:

281A.420 1. Except as otherwise provided in subsection 2, 3 or 4, a public officer may vote upon a matter if the benefit or detriment accruing to him as a result of the decision either individually or in a representative capacity as a member of a general business, profession, occupation or group is not greater than that accruing to any other member of the general business, profession, occupation or group.

2. Except as otherwise provided in subsection 3, in addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

(a) His acceptance of a gift or loan;

(b) His pecuniary interest; or

(c) His commitment in a private capacity to the interests of others.

➔ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his pecuniary interest or his commitment in a private capacity to the interests of others where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed in a private capacity is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others.

3. In a county whose population is 400,000 or more, a member of a county or city planning commission shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

(a) His acceptance of a gift or loan;

(b) His direct pecuniary interest; or

(c) His commitment to a member of his household or a person who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity.

➔ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his direct pecuniary interest or his commitment described in paragraph (c)



1 where the resulting benefit or detriment accruing to him or to the
2 other persons whose interests to which the member is committed is
3 not greater than that accruing to any other member of the general
4 business, profession, occupation or group. The presumption set forth
5 in this subsection does not affect the applicability of the
6 requirements set forth in subsection 4 relating to the disclosure of
7 the direct pecuniary interest or commitment.

8 4. A public officer or employee shall not approve, disapprove,
9 vote, abstain from voting or otherwise act upon any matter:

10 (a) Regarding which he has accepted a gift or loan;

11 (b) Which would reasonably be affected by his commitment in a
12 private capacity to the interest of others; or

13 (c) In which he has a pecuniary interest,

14 ➔ without disclosing sufficient information concerning the gift,
15 loan, commitment or interest to inform the public of the potential
16 effect of the action or abstention upon the person who provided the
17 gift or loan, upon the person to whom he has a commitment, or upon
18 his interest. Except as otherwise provided in subsection 6, such a
19 disclosure must be made at the time the matter is considered. If the
20 officer or employee is a member of a body which makes decisions,
21 he shall make the disclosure in public to the Chairman and other
22 members of the body. If the officer or employee is not a member of
23 such a body and holds an appointive office, he shall make the
24 disclosure to the supervisory head of his organization or, if he holds
25 an elective office, to the general public in the area from which he is
26 elected. This subsection does not require a public officer to disclose
27 any campaign contributions that the public officer ~~reported~~
28 *disclosed* pursuant to ~~NRS 294A.120 or 294A.125~~ *sections 16 and*
29 *17 of this act* or any contributions to a legal defense fund that the
30 public officer ~~reported~~ *disclosed* pursuant to ~~NRS 294A.286~~
31 *section 21 of this act* in a timely manner.

32 5. Except as otherwise provided in NRS 241.0355, if a public
33 officer declares to the body or committee in which the vote is to be
34 taken that he will abstain from voting because of the requirements of
35 this section, the necessary quorum to act upon and the number of
36 votes necessary to act upon the matter, as fixed by any statute,
37 ordinance or rule, is reduced as though the member abstaining were
38 not a member of the body or committee.

39 6. After a member of the Legislature makes a disclosure
40 pursuant to subsection 4, he may file with the Director of the
41 Legislative Counsel Bureau a written statement of his disclosure.
42 The written statement must designate the matter to which the
43 disclosure applies. After a Legislator files a written statement
44 pursuant to this subsection, he is not required to disclose orally his
45 interest when the matter is further considered by the Legislature or



1 any committee thereof. A written statement of disclosure is a public
2 record and must be made available for inspection by the public
3 during the regular office hours of the Legislative Counsel Bureau.

4 7. The provisions of this section do not, under any
5 circumstances:

6 (a) Prohibit a member of the legislative branch from requesting
7 or introducing a legislative measure; or

8 (b) Require a member of the legislative branch to take any
9 particular action before or while requesting or introducing a
10 legislative measure.

11 8. As used in this section, "commitment in a private capacity to
12 the interests of others" means a commitment to a person:

13 (a) Who is a member of his household;

14 (b) Who is related to him by blood, adoption or marriage within
15 the third degree of consanguinity or affinity;

16 (c) Who employs him or a member of his household;

17 (d) With whom he has a substantial and continuing business
18 relationship; or

19 (e) Any other commitment or relationship that is substantially
20 similar to a commitment or relationship described in this subsection.

21 **Sec. 33.** NRS 294A.120, 294A.125, 294A.128, 294A.140,
22 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280,
23 294A.283, 294A.360, 294A.362, 294A.365, 294A.373, 294A.382
24 and 294A.400 are hereby repealed.

25 **Sec. 34.** 1. The program by which links are created on the
26 Internet website of the Secretary of State pursuant to the provisions
27 of sections 11 to 15, inclusive, of this act must be operable not later
28 than January 1, 2010.

29 2. Each existing political party that is sponsoring a committee
30 on the date of passage and approval of this act shall file its amended
31 certificate of existence, indicating the existence of a committee
32 sponsored by the political party, with the Secretary of State on or
33 before December 31, 2009.

34 3. Each candidate who, on December 31, 2009, is subject to the
35 requirements of NRS 294A.120 and 294A.200 and each candidate
36 for a city office who is subject to the requirements of these sections
37 through the operation of NRS 294A.360 shall:

38 (a) File the reports required by subsection 1 of NRS 294A.120,
39 NRS 294A.125 and subsection 1 of NRS 294A.200, as applicable,
40 on or before January 15, 2010, with the appropriate filing officer;

41 (b) At the same time as the report filed pursuant to paragraph
42 (a), report to that officer, on a form prescribed by the Secretary of
43 State, the amount of money that was available to him, as of
44 December 31, 2009, in his separate account opened pursuant to NRS
45 294A.130 as of December 31, 2009; and



(c) Begin disclosing contributions accepted, expenditures made and dispositions of unspent and anonymous contributions pursuant to sections 16 and 17 of this act on January 1, 2010.

4. A county clerk who receives the report pursuant to paragraph (b) of subsection 3 from a candidate for a district office voted for wholly within one county or a State Senator or Assemblyman to be elected from a district comprising but one or part of one county shall immediately forward that report to the Secretary of State.

5. Any person who opens a separate account pursuant to NRS 294A.130 in the calendar year 2009 and is not subject to the requirements of NRS 294A.120 and 294A.200 or NRS 294A.125 shall, not later than January 15, 2010, on a form prescribed by the Secretary of State, report the amount of money available to him, as of December 31, 2009, in that separate account to the appropriate filing officer or, if he is a candidate for a district office voted for wholly within one county or a State Senator or Assemblyman to be elected from a district comprising but one or part of one county, to the Secretary of State.

6. Each person, group or entity described in section 9 or 10 of this act which exists or which makes expenditures or advocates the passage or defeat of a ballot question, as indicated in those sections on the date of passage and approval of this act, shall register with the Secretary of State, on or before December 31, 2009.

7. The persons, groups, committees, political parties and business entities that, on December 31, 2009, are subject to the requirements of NRS 294A.140, 294A.150, 294A.210, 294A.220, 294A.270 or 294A.280 shall:

(a) File the reports required by subsection 1 of NRS 294A.140, NRS 294A.150, 294A.210, 294A.220, 294A.270 and 294A.280 on or before January 15, 2010; and

(b) Begin disclosing contributions accepted and expenditures made pursuant to sections 18, 19 and 20 of this act on January 1, 2010.

Sec. 35. 1. This section and sections 11 to 15, inclusive, of this act become effective upon passage and approval for purposes of creating the appropriate links and any computer programs necessary for such links to operate on the Internet website of the Secretary of State, as required by those sections, and on January 1, 2010, for all other purposes.

2. Sections 1 to 10, inclusive, 16 to 31, inclusive, 33 and 34 of this act become effective on January 1, 2010.

3. Section 32 of this act becomes effective on January 16, 2010.



LEADLINES OF REPEALED SECTIONS

294A.120 Candidate to report contributions received; Candidates subject to requirement; deadline; period covered; form; filing; details to be included in report.

294A.125 Candidate who receives contributions in excess of \$10,000 in year before year of election required to report contributions received and expenditures made before year of election; procedure for reporting; contents of report.

294A.128 Candidate required to report loan guaranteed by third party, forgiveness of loan or written commitment for contribution; procedure for reporting; contents of report.

294A.140 Certain persons, entities and political organizations that make expenditures on behalf of candidate or group of candidates to report contributions received; deadline; period covered; form; filing.

294A.150 Person or group of persons, including business entities, advocating passage or defeat of question on ballot who receives or expends money in excess of \$10,000 to report contributions received; period covered; form; filing.

294A.200 Candidate to report campaign expenses: Candidates subject to requirement; deadline; period covered; form; filing.

294A.210 Certain persons, entities and political organizations that make expenditures on behalf of candidate or group of candidates to report expenditures; deadline; period covered; form; filing.

294A.220 Person or group of persons, including business entities, advocating passage or defeat of question on ballot who receives or expends money in excess of \$10,000 to report expenditures; deadline; period covered; form; filing.

294A.270 Committee to report contributions received or made; deadline; period covered; form; filing; details to be included in report.

294A.280 Committee to report expenditures; deadline; period covered; form; filing.

294A.283 Reporting of contributions and expenditures; period covered; deadline; form; filing.

294A.360 Time when candidate for city office must file reports.



294A.362 Candidate to report campaign contributions in form of goods and services provided in kind; period covered; form.

294A.365 Categorization of expenditures and expenses in reports required; categories for use in reports.

294A.373 Universal form for reporting of contributions, expenditures and expenses: Design by Secretary of State; limitation; approval by Legislative Commission; copies.

294A.382 Secretary of State prohibited from requesting or requiring listing of certain small expenditures or campaign expenses.

294A.400 Compilation by Secretary of State of reported contributions, expenditures and loans; public inspection.

