

ASSEMBLY BILL NO. 337—ASSEMBLYMAN DALY

MARCH 21, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing campaign practices.
(BDR 24-721)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to campaign practices; requiring a notice of an alleged violation of provisions governing campaign practices to include certain information; requiring the Secretary of State to provide a copy of the notice and any accompanying information to the person alleged in the notice to have committed the violation; authorizing the person to respond within a certain period; authorizing the Secretary of State or a designated officer or employee of the Secretary of State to subpoena witnesses and require the production of documents or records by subpoena when conducting certain investigations relating to campaign practices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law confers authority upon the Secretary of State to conduct
2 investigations concerning alleged violations of chapter 294A of NRS governing
3 campaign practices. Existing law also authorizes a person who believes that any
4 provision of that chapter has been violated to notify the Secretary of State in
5 writing. The notice must be signed by the person and include any information in
6 support of the alleged violation. (NRS 294A.410) This bill specifies the information
7 that must be included in the notice and requires the Secretary of State to provide a
8 copy of the notice and any accompanying information to the person alleged in the
9 notice to have committed the violation. This bill further provides that, when
10 conducting an investigation concerning an alleged violation of that chapter, the
11 Secretary of State may subpoena witnesses and require the production by subpoena
12 of any books, papers, correspondence, memoranda, agreements or other documents
13 or records which the Secretary of State or a designated officer or employee of the
14 Secretary of State determines are relevant or material to the investigation and not



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otherwise obtainable. Finally, this bill authorizes the Secretary of State or a designated officer or employee of the Secretary of State to apply to a court for an order compelling compliance if a person fails to testify or produce the required documents or records.

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

Section 1. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. If it appears that the provisions of this chapter have been violated, the Secretary of State may:

(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or

(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.

2. A person who believes that any provision of this chapter has been violated may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include ~~any~~:

(a) *The full name and address of the person alleging the violation;*

(b) *A clear and concise statement of facts sufficient to establish that the alleged violation occurred;*

(c) *Any evidence substantiating the alleged violation;*

(d) *A citation to the specific provision of this chapter alleged to have been violated;*

(e) *A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and*

(f) *Any other* information in support of the alleged violation.

3. *As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the Secretary of State shall provide a copy of the notice and any accompanying information to the person alleged in the notice to have committed the violation. Within 30 days after receiving the copy, the person may submit a response to the Secretary of State concerning the alleged violation. A response submitted pursuant to this subsection must be accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.*



1 4. When conducting an investigation of an alleged violation
2 received pursuant to subsection 2, the Secretary of State may
3 subpoena witnesses and require the production by subpoena of
4 any books, papers, correspondence, memoranda, agreements or
5 other documents or records which the Secretary of State or a
6 designated officer or employee of the Secretary of State
7 determines;

8 (a) Are relevant or material to the investigation; and

9 (b) Are not otherwise obtainable.

10 5. If a person fails to testify or produce the documents or
11 records required by the Secretary of State or designated officer or
12 employee, the Secretary of State or designated officer or employee
13 may apply to the court for an order compelling compliance. A
14 request for an order of compliance may be addressed to:

15 (a) The district court in and for the county where service may
16 be obtained on the person refusing to testify or produce the
17 documents or records, if the person is subject to service of process
18 in this State; or

19 (b) A court of another state having jurisdiction over the person
20 refusing to testify or produce the documents or records, if the
21 person is not subject to service of process in this State.

