

SENATE BILL NO. 157—SENATORS WIENER, HORSFORD, DENIS,
PARKS, BREEDEN; COPENING, LESLIE AND MANENDO

FEBRUARY 16, 2011

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing the donation of
unspent campaign contributions. (BDR 24-6)

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

~

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

AN ACT relating to elections; authorizing the donation of unspent
campaign contributions to a governmental entity or fund
of this State or a political subdivision of this State; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes the manner in which a candidate for a state, district,
2 county, city or township office, whether elected or not, is required to dispose of
3 campaign contributions that were not spent or committed for expenditure before the
4 election. (NRS 294A.160) This bill authorizes a candidate to donate unspent
5 campaign contributions to any governmental entity or fund of this State or a
6 political subdivision of this State and allows the candidate to request that such
7 donations be used for a specific purpose.

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

1 **Section 1.** NRS 294A.160 is hereby amended to read as
2 follows:

3 294A.160 1. It is unlawful for a candidate to spend money
4 received as a campaign contribution for the candidate's personal
5 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,



* S B 1 5 7 *

1 general, primary city, general city or special election shall ~~§~~
2 *dispose of the money through one or any combination of the*
3 *following methods:*

4 (a) Return the unspent money to contributors;

5 (b) Use the money in the candidate's next election or for the
6 payment of other expenses related to public office or his or her
7 campaign, regardless of whether he or she is a candidate for a
8 different office in the candidate's next election;

9 (c) Contribute the money to:

10 (1) The campaigns of other candidates for public office or for
11 the payment of debts related to their campaigns;

12 (2) A political party;

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

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

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

18 ~~(e) *Dispose of the money in any combination of the methods*~~
19 ~~*provided in paragraphs (a) to (d), inclusive.*~~ *Donate the money to*
20 *any governmental entity or fund of this State or a political*
21 *subdivision of this State. A candidate who donates money*
22 *pursuant to this paragraph may request that the money be used for*
23 *a specific purpose.*

24 3. Every candidate for a state, district, county, city or township
25 office at a primary, general, primary city, general city or special
26 election who is not elected to that office and received contributions
27 that were not spent or committed for expenditure before the primary,
28 general, primary city, general city or special election shall, not later
29 than the 15th day of the second month after the candidate's defeat
30 ~~§~~, *dispose of the money through one or any combination of the*
31 *following methods:*

32 (a) Return the unspent money to contributors;

33 (b) Contribute the money to:

34 (1) The campaigns of other candidates for public office or for
35 the payment of debts related to their campaigns;

36 (2) A political party;

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

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

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

42 ~~(d) *Dispose of the money in any combination of the methods*~~
43 ~~*provided in paragraphs (a), (b) and (c).*~~ *Donate the money to any*
44 *governmental entity or fund of this State or a political subdivision*
45 *of this State. A candidate who donates money pursuant to this*



1 *paragraph may request that the money be used for a specific*
2 *purpose.*

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

8 5. Every public officer who:

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

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

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

14 ➤ shall, not later than the 15th day of the second month after the
15 expiration of the public officer's term of office, dispose of those
16 contributions in the manner provided in subsection 3.

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

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

26 8. The court shall, in addition to any penalty which may be
27 imposed pursuant to NRS 294A.420, order the candidate or public
28 officer to dispose of any remaining contributions in the manner
29 provided in this section.

30 9. As used in this section, "contributions" include any interest
31 and other income earned thereon.

32 **Sec. 2.** This act becomes effective upon passage and approval.

