

Amendment No. 329

Senate Amendment to Senate Bill No. 49

(BDR 24-382)

Proposed by: Senate Committee on Legislative Operations and Elections**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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

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

SJA/HAC



Date: 4/21/2013

S.B. No. 49—Revises provisions relating to public officers. (BDR 24-382)



SENATE BILL NO. 49—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE SECRETARY OF STATE)

PREFILED DECEMBER 20, 2012

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to public officers. (BDR 24-382)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

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

AN ACT relating to public office; revising provisions relating to the personal use of campaign contributions by candidates; requiring a candidate to report annually the balance in his or her campaign account; ~~requiring a candidate to report certain~~ **making various changes regarding the reporting of campaign** contributions and campaign expenses; ~~within 72 hours after receipt or expenditure; revising the definition of “expenditures”;~~ increasing the amount of a civil penalty that may be imposed for certain violations of laws relating to campaign finance; authorizing the Secretary of State to request equitable relief as a remedy for a violation of laws relating to campaign finance; making various other changes relating to campaign finance; prohibiting public officers, **candidates** and certain persons related to or employed by public officers **or candidates** from accepting or soliciting certain gifts; prohibiting certain persons from giving or offering to give certain gifts to public officers, **candidates** and certain persons related to **public officers or candidates** or employed by public officers; requiring the Director of the Legislative Counsel Bureau to forward certain reports relating to activities of lobbyists to the Secretary of State; authorizing the Secretary of State to enforce provisions relating to the giving and receiving of gifts to public officers, ~~and~~ **and candidates**; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a candidate for public office from spending money received as a campaign contribution for the candidate’s personal use. (NRS 294A.160) **Section 3** of this bill moves the prohibition to a new section and sets forth what constitutes “personal use.” The provisions setting forth what constitutes “personal use” are modeled after federal law. (2 U.S.C. § 439a; 11 C.F.R. § 113.2)

1
2
3
4
5

Existing law requires every candidate for public office to open and maintain a bank account for the deposit of campaign contributions. (NRS 294A.130) **Section 4** of this bill requires a candidate to report annually the balance in his or her account. Section 36.5 of this bill makes this requirement apply prospectively and provides that the balance of any account opened before January 1, 2014, shall be deemed \$0.

Under existing law, every candidate for public office must report to the Secretary of State contributions and campaign expenses greater than \$100 by statutorily scheduled dates. ~~++ during an election year. Existing law also requires candidates to file such a report annually during nonelection years.~~ (NRS 294A.120, 294A.200) Sections 8.5 and 10.5 of this bill require each candidate to include in the required reports the amounts of unspent contributions disposed of pursuant to the provisions of existing law. Sections 6.3 and 6.7 of this bill require each candidate to report contributions, campaign expenses and unspent contributions disposed of on a quarterly basis during nonelection years.

Sections 5 and 6 of this bill require candidates who receive contributions, ~~and~~ incur campaign expenses ~~or make certain expenditures~~ greater than ~~\$1,000~~ \$2,000 during the period for early voting to report those contributions, ~~and~~ campaign expenses ~~or expenditures~~ to the Secretary of State not later than 72 hours after receiving the contribution, ~~and~~ incurring the expense, ~~++ or making the expenditure.~~

Existing law defines campaign expenditures that are required to be reported by candidates, committees and other entities as expenditures made to advocate expressly for or against a candidate, group of candidates or ballot question. The advocacy can be on television, radio, billboards or posters or in newspapers. (NRS 294A.0075) **Section 8** of this bill expands the definition of "expenditures" to include expenditures made for campaign advocacy on an Internet website or in periodicals other than newspapers or by mail. ~~(Section 8 also specifies certain payments of money that are not considered campaign expenditures.)~~

Existing law requires certain persons who make expenditures that are not solicited or approved by a candidate or group of candidates to file contribution and expenditure reports and prohibits contributions from foreign nationals to such persons. (NRS 294A.140, 294A.210, 294A.325) **Sections 7, 9 and 11** of this bill require contribution and expenditure reports from persons who make campaign expenditures that are not coordinated with a candidate or group of candidates, and **section 12** of this bill prohibits contributions from foreign nationals to such persons.

Existing law authorizes the Secretary of State to bring an action in the First Judicial District Court seeking a civil penalty of not more than \$5,000 against a person, committee or entity that does not file a campaign contribution or expense report or fails to register with the Secretary of State as required pursuant to chapter 294A of NRS. (NRS 294A.420) **Section 17** of this bill authorizes the First Judicial District Court, on application by the Secretary of State, to issue an injunction or grant other appropriate equitable relief to ensure compliance with or enforce the provisions of chapter 294A of NRS. **Section 17** also provides that the maximum amount of civil penalty that may be imposed for those violations is the greater of \$5,000 or three times the amount at issue in the civil action.

Existing law requires certain public officers and candidates to report gifts received in excess of an aggregate value of \$200 from a donor during a calendar year on a statement of financial disclosure that such public officers and candidates must file with the Secretary of State. (NRS 281.559, 281.561, 281.571) Existing law also prohibits a member of the Legislature or his or her staff or immediate family from accepting gifts that exceed an aggregate value of \$100 from a lobbyist during a calendar year and prohibits a lobbyist from giving more than \$100 worth of gifts to a member of the Legislature or his or her staff or immediate family during a calendar year. (NRS 218H.930)

Section 29 of this bill prohibits public officers, candidates and persons related to public officers or candidates within the third degree of consanguinity or affinity from accepting or soliciting gifts from a restricted donor. **Section 28** of this bill provides that a restricted donor is a person who: (1) is, or is seeking to be, a party to a contract with a body of which the public officer is a member, ~~++ or to which a candidate is seeking election;~~ (2) is or may be, or is the agent of a person who is or may be, materially or financially affected by the performance or nonperformance of an official duty of the public officer, ~~++ or of the office to which a candidate is seeking election;~~ (3) is, or is the agent of a person who is, the subject of or a party to a matter pending before the body of which the public officer is a member, ~~++ or to which a candidate is seeking election;~~ or (4) is a lobbyist or client of a lobbyist. **Section** ~~1284~~

29 also prohibits such a person from making or offering to make a gift to ~~that~~ a public officer , candidate or person related to ~~that~~ a public officer or candidate. Section 30 of this bill sets forth certain exclusions from the prohibition on giving or accepting gifts. Sections 7, 19, 20, 22, 25-28, 32 and 34-36 of this bill make conforming changes.

Existing law authorizes the Secretary of State to bring an action in the First Judicial District Court seeking a civil penalty against a public officer or candidate for public office who willfully fails to file a statement of financial disclosure or willfully files the statement late. (NRS 281.581) Section 36 of this bill authorizes the Secretary of State to bring an action seeking a civil penalty against: (1) a candidate for public office or public officer who willfully includes inaccurate information or fails to include information in the statement of financial disclosure; (2) a public officer or candidate who accepts or solicits certain gifts; and (3) a restricted donor. Section 36 also authorizes the First Judicial District Court, on application by the Secretary of State, to issue an injunction or grant other appropriate equitable relief to ensure compliance with or enforce the provisions relating to statements of financial disclosure and gifts to public officers and candidates. Section 31 of this bill authorizes the Secretary of State to conduct investigations for the purpose of bringing actions authorized pursuant to section 36.

Section 20 requires the Director of the Legislative Counsel Bureau to forward to the Secretary of State reports that registered lobbyists are required to file with the Director regarding their lobbying activities. (NRS 218H.400) Section 21 of this bill requires the Director to report suspected violations of section 29 to the Secretary of State. Section 21 also authorizes the Director to suspend the registration of a lobbyist at the Nevada Legislature against whom a civil penalty has been imposed for a violation of section 29. (NRS 218H.530)

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

Section 1. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's 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;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports ~~on campaign contributions and expenditures~~ submitted to the Secretary of State pursuant to the provisions of chapter 294A of NRS. ~~{294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.}~~

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.

1 **Sec. 2.** Chapter 294A of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 3 to ~~16, 6.7,~~ inclusive, of this act.

3 **Sec. 3.** 1. *It is unlawful for a candidate to spend money received as a*
4 *campaign contribution for the candidate's personal use.*

5 2. *As used in this section, "personal use" means any use that fulfills a*
6 *commitment, obligation or expense that would exist irrespective of the*
7 *candidate's campaign or duties as a public officer, including, without limitation,*
8 *use for:*

9 (a) *Household items or supplies;*

10 (b) *Mortgage, rent or utility payments related to:*

11 (1) *Except as otherwise provided in subparagraph (2), any real or*
12 *personal property that is owned by the candidate or a member of the candidate's*
13 *family; or*

14 (2) *Real or personal property that is owned by the candidate or a member*
15 *of the candidate's family and used for campaign purposes to the extent the*
16 *payment exceeds the fair market value of the usage of that real or personal*
17 *property;*

18 (c) *Admission to a sporting event, concert, theater event or any other form of*
19 *entertainment unless the event is part of the candidate's campaign or related to*
20 *his or her public office;*

21 (d) *Dues, fees or gratuities at a social club, country club, health club ~~or~~ or*
22 *recreational facility ~~for other nonpolitical organizations~~ unless the dues, fees or*
23 *gratuities are part of a fundraising event that takes place on the organization's*
24 *premises;*

25 (e) *The payment of a salary or other economic benefit to a relative of the*
26 *candidate within the third degree of consanguinity or affinity, unless the relative*
27 *is providing bona fide services to the candidate's campaign;*

28 (f) *Clothing, except for items of clothing that are used in the candidate's*
29 *campaign ~~and are of de minimis value~~ or, if the candidate is a public officer, in*
30 *the ordinary and necessary execution of the duties of the public office; or*

31 (g) *Funeral, cremation or burial expenses.*

32 3. *The term does not include:*

33 (a) *Campaign expenses; or*

34 (b) *The ordinary and necessary expenses incurred in connection with*
35 *holding public office.*

36 **Sec. 4.** 1. *In addition to complying with the requirements set forth in NRS*
37 *294A.120, 294A.200 and 294A.360, every candidate shall report the balance in*
38 *the account opened and maintained by the candidate pursuant to NRS 294A.130*
39 *~~or~~, as of the last calendar day of the reporting period for the report.*

40 2. *A report required pursuant to this section must be filed not later than the*
41 *date on which the candidate must file his or her first report ~~of contributions or~~*
42 *~~campaign expenses~~ in a calendar year pursuant to NRS 294A.120, 294A.200 or*
43 *294A.360.*

44 3. *A report required pursuant to this section must be submitted on the form*
45 *designed and made available by the Secretary of State pursuant to NRS*
46 *294A.373. Each form must be signed by the candidate under an oath to God or*
47 *penalty of perjury. A candidate who signs the form under an oath to God is*
48 *subject to the same penalties as if the candidate had signed the form under*
49 *penalty of perjury.*

50 4. *Except as otherwise provided in NRS 294A.3733, a report required*
51 *pursuant to this section must be filed electronically with the Secretary of State.*

52 5. *A report shall be deemed filed on the date that it is received by the*
53 *Secretary of State.*

1 Sec. 5. 1. In addition to complying with the requirements set forth in NRS
2 294A.120, 294A.125, 294A.128 and 294A.360, a candidate whose name appears
3 on the ballot at a primary election, primary city election, general election, general
4 city election or special election shall report ~~fees~~ :

5 (a) Each contribution received during the period for early voting that is in
6 excess of ~~\$1,000~~ \$2,000; and

7 (b) Contributions received during the period for early voting from a
8 contributor which cumulatively exceed \$2,000.

9 2. The candidate shall report each contribution described in subsection 1
10 not later than 72 hours after ~~receiving~~ :

11 (a) If the contribution ~~is~~ is a contribution of money, the time the
12 contribution is deposited in the account opened and maintained by the candidate
13 pursuant to NRS 294A.130; and

14 (b) If the contribution is a contribution of goods or services provided in kind
15 for which money would have otherwise been paid, the time the candidate knows
16 or should reasonably know that the contribution has been made.

17 ~~2.~~ 3. A report required pursuant to this section must be submitted on the
18 form designed and made available by the Secretary of State pursuant to NRS
19 294A.373. Each form must be signed by the candidate under an oath to God or
20 penalty of perjury. A candidate who signs the form under an oath to God is
21 subject to the same penalties as if the candidate had signed the form under
22 penalty of perjury.

23 ~~3.~~ 4. The name and address of the contributor and the date on which the
24 contribution was received must be included on the report.

25 ~~4.~~ 5. Except as otherwise provided in NRS 294A.3733, a report required
26 pursuant to this section must be filed electronically with the Secretary of State.

27 ~~5.~~ 6. A report shall be deemed filed ~~for~~ at the ~~date~~ time that it is
28 received by the Secretary of State.

29 Sec. 6. 1. In addition to complying with the requirements set forth in NRS
30 294A.200, 294A.286 and 294A.360 ~~fees~~ :

31 (a) A candidate whose name appears on the ballot at a primary election,
32 primary city election, general election, general city election or special election
33 shall report ~~fees~~ :

34 (1) Each campaign expense incurred during the period for early voting
35 that is in excess of ~~\$1,000~~ \$2,000; and

36 (2) Campaign expenses incurred during the period for early voting which
37 are payments to one recipient and cumulatively exceed \$2,000; and

38 (b) A candidate whose name does not appear on the ballot at a primary
39 election, primary city election, general election or general city election shall
40 report:

41 (1) Each expenditure made during the period for early voting on behalf
42 of or against a candidate or group of candidates on the ballot at the election or
43 question or group of questions on the ballot at the election which is in excess of
44 \$2,000; and

45 (2) Expenditures made during the period for early voting on behalf of or
46 against a candidate or group of candidates for office at the election or question or
47 group of questions on the ballot at the election which are made to one recipient
48 and cumulatively exceed \$2,000.

49 2. The candidate shall report expenses and expenditures described in
50 subsection 1 not later than 72 hours after incurring the campaign expense ~~for~~ or
51 making the expenditure.

52 ~~3.~~ 3. A report required pursuant to this section must be submitted on the
53 form designed and made available by the Secretary of State pursuant to NRS

294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

~~4.4~~ 4. Except as otherwise provided in NRS 294A.3733, a report required pursuant to this section must be filed electronically with the Secretary of State.

~~4.4~~ 5. A report shall be deemed filed ~~for~~ at the date time that it is received by the Secretary of State.

Sec. 6.3. 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.125, 294A.128 and 294A.360, a candidate for state, district, county, city or township office at a primary election, general election, primary city election, general city election or special election who is elected to that office shall, for the calendar year immediately following the general election, general city election or special election through the calendar year immediately preceding the next general or general city election for that office, not later than:

(a) April 15, for the period from January 1 through March 31;

(b) July 15, for the period from April 1 through June 30;

(c) October 15, for the period from July 1 through September 30; and

(d) January 15 of the next calendar year, for the period from October 1 through December 31,

report each campaign contribution described in subsection 1 of NRS 294A.120 received during the period.

2. A report required by this section must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, a report required by this section must be filed electronically with the Secretary of State.

4. A report shall be deemed to be filed on the date that it is received by the Secretary of State.

Sec. 6.7. 1. In addition to complying with the requirements set forth in NRS 294A.200, 294A.286 and 294A.360, a candidate for state, district, county, city or township office at a primary election, general election, primary city election, general city election or special election who is elected to the office shall, for the calendar year immediately following the general election, general city election or special election through the calendar year immediately preceding the next general or general city election for that office, not later than:

(a) April 15, for the period from January 1 through March 31;

(b) July 15, for the period from April 1 through June 30;

(c) October 15, for the period from July 1 through September 30; and

(d) January 15 of the next calendar year, for the period from October 1 through December 31,

report each of the campaign expenses described in subsection 1 of NRS 294A.200 incurred during the period, and the amounts disposed of as described in subsection 1 of NRS 294A.200 during the period.

2. A report required by this section must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, a report required by this section must be filed electronically with the Secretary of State.

4. A report shall be deemed to be filed on the date that it is received by the Secretary of State.

Sec. 7. NRS 294A.007 is hereby amended to read as follows:

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

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

(1) Candidate;

(2) 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 **coordinated with or** solicited or approved by the candidate or group; or

(3) Committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates,

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

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

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services provided to a campaign.

Sec. 8. NRS 294A.0075 is hereby amended to read as follows:

294A.0075 ~~§§~~ "Expenditures" means:

~~1. **Those expenditures made**~~

~~**Money paid**~~ for advertising **or communication** on television, radio, billboards, ~~for~~ posters ~~and~~ **or an Internet website**, in newspapers ~~or other periodicals or by mail~~; and

~~2. **All other expenditures made, money paid,**~~

↳ to advocate expressly the election or defeat of a clearly identified candidate or group of candidates or the passage or defeat of a clearly identified question or group of questions on the ballot, including any payments made to a candidate or any person who is related to the candidate within the second degree of consanguinity or affinity.

~~2. **The term does not include payment of money for any communication:**~~

~~(a) **Appearing in a news story, commentary or editorial distributed through the facilities of any television or radio broadcasting station, unless the facilities are owned or controlled by a political party, committee for political action or candidates or**~~

~~(b) **Made during a candidate debate or forum or promoting a candidate debate or forum.**~~

Sec. 8.5. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary, ~~or~~ general **or special** election shall, ~~not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year,~~ **for each period described in subsections 2 to 5, inclusive, report** ~~the following contributions pursuant to the provisions of this section:~~

(a) Each campaign contribution in excess of \$100 received during the period;

(b) Contributions received during the period from a contributor which cumulatively exceed \$100; and

(c) The total of all contributions received during the period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b).

~~1. The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.~~

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; ~~and~~

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election; ~~and~~

(e) January 15 of the following calendar year, for the period from 4 days before the general election through the December 31 immediately following the general election.

↪ report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; ~~and~~

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election; ~~and~~

(e) January 15 of the following calendar year, for the period from 4 days before the general election through the December 31 immediately following the general election.

↪ report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

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

report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions received on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or 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) A district court determines that the petition for recall is legally insufficient pursuant to subsection 6 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.

A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

6. Except as otherwise provided in NRS 294A.3733, reports of campaign contributions must be filed electronically with the Secretary of State.

7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

8. 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.

Sec. 9. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not *coordinated with or* solicited or approved by the candidate or group, and every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of \$100 or makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, 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 the period and contributions received during the period from a contributor which cumulatively exceed \$100. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election,

primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Twenty-one 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 25 days before the primary election or primary city election;

(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;

(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 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 made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form 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 \$100 since the beginning of the current reporting period.

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

(a) Twenty-one 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 25 days before the primary election or primary city election;

(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;

(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 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 made

1 available by the Secretary of State pursuant to NRS 294A.373. The form must be
2 signed by the person or a representative of the committee or political party under an
3 oath to God or penalty of perjury. A person who signs the form under an oath to
4 God is subject to the same penalties as if the person had signed the form under
5 penalty of perjury.

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

10 (a) Seven days before the beginning of early voting by personal appearance for
11 the special election for the office for which the candidate or a candidate in the
12 group of candidates seeks election, for the period from the nomination of the
13 candidate through 12 days before the beginning of early voting by personal
14 appearance for the special election; and

15 (b) Thirty days after the special election, for the remaining period through the
16 special election,

17 ➤ report each campaign contribution in excess of \$100 received during the period
18 and contributions received during the period from a contributor which cumulatively
19 exceed \$100. The report must be completed on the form designed and made
20 available by the Secretary of State pursuant to NRS 294A.373. The form must be
21 signed by the person or a representative of the committee or political party under an
22 oath to God or penalty of perjury. A person who signs the form under an oath to
23 God is subject to the same penalties as if the person had signed the form under
24 penalty of perjury.

25 6. Every person, committee or political party described in subsection 1 which
26 makes an expenditure on behalf of a candidate for office at a special election to
27 determine whether a public officer will be recalled or on behalf of a group of
28 candidates for offices at such special elections shall report each contribution in
29 excess of \$100 received during the period and contributions received during the
30 period from a contributor which cumulatively exceed \$100. The report must be
31 completed on the form designed and made available by the Secretary of State
32 pursuant to NRS 294A.373 and signed by the person or a representative of the
33 committee or political party under an oath to God or penalty of perjury, 30 days
34 after:

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

37 (b) If the special election is not held because a district court determines that the
38 petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040,
39 for the period from the filing of the notice of intent to circulate the petition for
40 recall through the date of the district court's decision.

41 ➤ A person who signs the form under an oath to God is subject to the same
42 penalties as if the person had signed the form under penalty of perjury.

43 7. Except as otherwise provided in NRS 294A.373, the reports of
44 contributions required pursuant to this section must be filed electronically with the
45 Secretary of State.

46 8. A report shall be deemed to be filed on the date that it was received by the
47 Secretary of State.

48 9. Every person, committee or political party described in subsection 1 shall
49 file a report required by this section even if the person, committee or political party
50 receives no contributions.

51 **Sec. 10.** NRS 294A.160 is hereby amended to read as follows:

52 294A.160 1. ~~It is unlawful for a candidate to spend money received as a~~
53 ~~campaign contribution for the candidate's personal use.~~

1 ~~1-2~~ Notwithstanding the provisions of NRS 294A.286, a candidate or public
2 officer may use campaign contributions to pay for any legal expenses that the
3 candidate or public officer incurs in relation to a campaign or serving in public
4 office without establishing a legal defense fund. Any such candidate or public
5 officer shall report any expenditure of campaign contributions to pay for legal
6 expenses in the same manner and at the same time as the report filed pursuant to
7 NRS 294A.120, 294A.200 or 294A.360. A candidate or public officer shall not use
8 campaign contributions to satisfy a civil or criminal penalty imposed by law.

9 ~~1-3~~ 2. Every candidate for a state, district, county, city or township office at a
10 primary, general, primary city, general city or special election who is elected to that
11 office and received contributions that were not spent or committed for expenditure
12 before the primary, general, primary city, general city or special election shall
13 dispose of the money through one or any combination of the following methods:

14 (a) Return the unspent money to contributors;
15 (b) Use the money in the candidate's next election or for the payment of other
16 expenses related to public office or his or her campaign, regardless of whether he or
17 she is a candidate for a different office in the candidate's next election;

18 (c) Contribute the money to:
19 (1) The campaigns of other candidates for public office or for the payment
20 of debts related to their campaigns;

21 (2) A political party; or
22 (3) Any combination of persons or groups set forth in subparagraphs (1)
23 and (2);

24 (d) Donate the money to any tax-exempt nonprofit entity; or
25 (e) Donate the money to any governmental entity or fund of this State or a
26 political subdivision of this State. A candidate who donates money pursuant to this
27 paragraph may request that the money be used for a specific purpose.

28 ~~1-4~~ 3. Every candidate for a state, district, county, city or township office at a
29 primary, general, primary city, general city or special election who withdraws after
30 filing a declaration of candidacy or an acceptance of candidacy or is defeated for
31 that office and who received contributions that were not spent or committed for
32 expenditure before the primary, general, primary city, general city or special
33 election shall, not later than the 15th day of the second month after the election,
34 dispose of the money through one or any combination of the following methods:

35 (a) Return the unspent money to contributors;
36 (b) Contribute the money to:
37 (1) The campaigns of other candidates for public office or for the payment
38 of debts related to their campaigns;

39 (2) A political party; or
40 (3) Any combination of persons or groups set forth in subparagraphs (1)
41 and (2);

42 (c) Donate the money to any tax-exempt nonprofit entity; or
43 (d) Donate the money to any governmental entity or fund of this State or a
44 political subdivision of this State. A candidate who donates money pursuant to this
45 paragraph may request that the money be used for a specific purpose.

46 ~~1-5~~ 4. Every candidate for a state, district, county, city or township office
47 who withdraws after filing a declaration of candidacy or an acceptance of
48 candidacy or is defeated for that office at a primary or primary city election and
49 received a contribution from a person in excess of \$5,000 shall, not later than the
50 15th day of the second month after the election, return any money in excess of
51 \$5,000 to the contributor.

52 ~~1-6~~ 5. Except as otherwise provided in subsection ~~1-7~~ 6, every public officer
53 who:

(a) Holds a state, district, county, city or township office;
(b) Does not run for reelection to that office 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 the public officer's term of office, dispose of those contributions in the manner provided in subsection 3.

~~17-1~~ 6. A public officer who:

(a) Holds a state, district, county, city or township office;
(b) Does not run for reelection to that office and is a candidate for any other office; and

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

➤ may use the unspent campaign contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.360 and 294A.362 ~~and sections 4, 5 and 6 to 6.7, inclusive, of this act~~ for as long as the public officer is a candidate for any office.

~~18-1~~ 7. In addition to the methods for disposing the unspent money set forth in subsections 2, 3, 4 ~~5-5~~ and ~~17-1~~ 6, a Legislator may donate not more than \$500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

~~19-1~~ 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.

~~20-1~~ 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.

~~21-1~~ 10. As used in this section, "contributions" include any interest and other income earned thereon.

Sec. 10.5. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary ~~or~~ general or special election shall, ~~not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year,~~ for each period described in subsections 2 to 5, inclusive, report the following expenses, and amounts disposed of, pursuant to the provisions of this section:

(a) Each of the campaign expenses in excess of \$100 incurred during the period;

(b) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 during the period;

(c) The total of all campaign expenses incurred during the period which are \$100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 which are \$100 or less.

~~➤ on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~2. The provisions of subsection 1 apply to the candidate:~~

~~(a) Beginning the year of the general election for that office, through the year immediately preceding the next general election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.~~

~~3-1~~ 2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; ~~and~~

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election ~~and~~; and

(e) January 15 of the following calendar year, for the period from 4 days before the general election through the December 31 immediately following the general election.

report each of the campaign expenses described in subsection 1 incurred during the period , and the amounts disposed of as described in subsection 1 during the period, on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

~~1-1~~ 3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; ~~and~~

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election ~~and~~; and

(e) January 15 of the following calendar year, for the period from 4 days before the general election through the December 31 immediately following the general election.

report each of the campaign expenses described in subsection 1 incurred during the period , and the amounts disposed of as described in subsection 1 during the period, on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

1 ~~4.5.~~ 4. Except as otherwise provided in subsection ~~4.6.~~ 5, every candidate for
2 a district office at a special election shall, not later than:

3 (a) Seven days before the beginning of early voting by personal appearance for
4 the special election, for the period from the candidate's nomination through 12 days
5 before the beginning of early voting by personal appearance for the special election;
6 and

7 (b) Thirty days after the special election, for the remaining period through the
8 special election,

9 report each of the campaign expenses described in subsection 1 incurred during
10 the period, and the amounts disposed of as described in subsection 1 during the
11 period, on the form designed and made available by the Secretary of State pursuant
12 to NRS 294A.373. Each form must be signed by the candidate under an oath to God
13 or penalty of perjury. A candidate who signs the form under an oath to God is
14 subject to the same penalties as if the candidate had signed the form under penalty
15 of perjury.

16 ~~4.6.~~ 5. Every candidate for state, district, county, municipal or township
17 office at a special election to determine whether a public officer will be recalled
18 shall report each of the campaign expenses described in subsection 1 incurred, and
19 the amounts disposed of as described in subsection 1, on the form designed and
20 made available by the Secretary of State pursuant to NRS 294A.373 and signed by
21 the candidate under an oath to God or penalty of perjury, 30 days after:

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

24 (b) If the special election is not held because a district court determines that the
25 petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040,
26 for the period from the filing of the notice of intent to circulate the petition for
27 recall through the date of the district court's decision.

28 A candidate who signs the form under an oath to God is subject to the same
29 penalties as if the candidate had signed the form under penalty of perjury.

30 ~~4.7.~~ 6. Except as otherwise provided in NRS 294A.373, reports of campaign
31 expenses must be filed electronically with the Secretary of State.

32 ~~4.8.~~ 7. A report shall be deemed to be filed on the date that it was received by
33 the Secretary of State.

34 **Sec. 11.** NRS 294A.210 is hereby amended to read as follows:

35 294A.210 1. Every person who is not under the direction or control of a
36 candidate for an office at a primary election, primary city election, general election
37 or general city election, of a group of such candidates or of any person involved in
38 the campaign of that candidate or group who makes an expenditure on behalf of the
39 candidate or group which is not coordinated with or solicited or approved by the
40 candidate or group, and every committee for political action, political party or
41 committee sponsored by a political party which receives contributions in excess of
42 \$100 or makes an expenditure on behalf of such a candidate or group of candidates
43 shall, not later than January 15 of each year that the provisions of this subsection
44 apply to the person, committee or political party, for the period from January 1 of
45 the previous year through December 31 of the previous year, report each
46 expenditure made during the period on behalf of the candidate, the group of
47 candidates or a candidate in the group of candidates in excess of \$100 on the form
48 designed and made available by the Secretary of State pursuant to NRS 294A.373.
49 The form must be signed by the person or a representative of the committee or
50 political party under an oath to God or penalty of perjury. A person who signs the
51 form under an oath to God is subject to the same penalties as if the person had
52 signed the form under penalty of perjury. The provisions of this subsection apply to
53 the person, committee or political party beginning the year of the general election

1 or general city election for that office through the year immediately preceding the
2 next general election or general city election for that office.

3 2. Every person, committee or political party described in subsection 1 which
4 makes an expenditure on behalf of a candidate for office at a primary election,
5 primary city election, general election or general city election or a group of such
6 candidates shall, if the general election or general city election for the office for
7 which the candidate or a candidate in the group of candidates seeks election is held
8 on or after January 1 and before the July 1 immediately following that January 1,
9 not later than:

10 (a) Twenty-one days before the primary election or primary city election for
11 that office, for the period from the January 1 immediately preceding the primary
12 election or primary city election through 25 days before the primary election or
13 primary city election;

14 (b) Four days before the primary election or primary city election for that
15 office, for the period from 24 days before the primary election or primary city
16 election through 5 days before the primary election or primary city election;

17 (c) Twenty-one days before the general election or general city election for that
18 office, for the period from 4 days before the primary election or primary city
19 election through 25 days before the general election or general city election; and

20 (d) Four days before the general election or general city election for that office,
21 for the period from 24 days before the general election or general city election
22 through 5 days before the general election or general city election,

23 ➤ report each expenditure made during the period on behalf of the candidate, the
24 group of candidates or a candidate in the group of candidates in excess of \$100 on
25 the form designed and made available by the Secretary of State pursuant to NRS
26 294A.373. The form must be signed by the person or a representative of the
27 committee or political party under an oath to God or penalty of perjury. A person
28 who signs the form under an oath to God is subject to the same penalties as if the
29 person had signed the form under penalty of perjury.

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

37 (a) Twenty-one days before the primary election or primary city election for
38 that office, for the period from the January 1 immediately preceding the primary
39 election or primary city election through 25 days before the primary election or
40 primary city election;

41 (b) Four days before the primary election or primary city election for that
42 office, for the period from 24 days before the primary election or primary city
43 election through 5 days before the primary election or primary city election;

44 (c) Twenty-one days before the general election or general city election for that
45 office, for the period from 4 days before the primary election or primary city
46 election through 25 days before the general election or general city election; and

47 (d) Four days before the general election or general city election for that office,
48 for the period from 24 days before the general election or general city election
49 through 5 days before the general election or general city election,

50 ➤ report each expenditure made during the period on behalf of the candidate, the
51 group of candidates or a candidate in the group of candidates in excess of \$100 on
52 the form designed and made available by the Secretary of State pursuant to NRS
53 294A.373. The form must be signed by the person or a representative of the

1 committee or political party under an oath to God or penalty of perjury. A person
2 who signs the form under an oath to God is subject to the same penalties as if the
3 person had signed the form under penalty of perjury.

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

8 (a) Seven days before the beginning of early voting by personal appearance for
9 the special election for the office for which the candidate or a candidate in the
10 group of candidates seeks election, for the period from the nomination of the
11 candidate through 12 days before the beginning of early voting by personal
12 appearance for the special election; and

13 (b) Thirty days after the special election, for the remaining period through the
14 special election,

15 ➤ report each expenditure made during the period on behalf of the candidate, the
16 group of candidates or a candidate in the group of candidates in excess of \$100 on
17 the form designed and made available by the Secretary of State pursuant to NRS
18 294A.373. The form must be signed by the person or a representative of the
19 committee or political party under an oath to God or penalty of perjury. A person
20 who signs the form under an oath to God is subject to the same penalties as if the
21 person had signed the form under penalty of perjury.

22 5. Every person, committee or political party described in subsection 1 which
23 makes an expenditure on behalf of a candidate for office at a special election to
24 determine whether a public officer will be recalled or on behalf of a group of such
25 candidates shall list each expenditure made on behalf of the candidate, the group of
26 candidates or a candidate in the group of candidates in excess of \$100 on the form
27 designed and made available by the Secretary of State pursuant to NRS 294A.373
28 and signed by the person or a representative of the committee or political party
29 under an oath to God or penalty of perjury, 30 days after:

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

32 (b) If the special election is not held because a district court determines that the
33 petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040,
34 for the period from the filing of the notice of intent to circulate the petition for
35 recall through the date of the district court's decision.

36 ➤ A person who signs the form under an oath to God is subject to the same
37 penalties as if the person had signed the form under penalty of perjury.

38 6. Expenditures made within the State or made elsewhere but for use within
39 the State, including expenditures made outside the State for printing, television and
40 radio broadcasting or other production of the media, must be included in the report.

41 7. Except as otherwise provided in NRS 294A.3737, the reports must be filed
42 electronically with the Secretary of State.

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

45 9. A report shall be deemed to be filed on the date that it was received by the
46 Secretary of State. Every person, committee or political party described in
47 subsection 1 shall file a report required by this section even if the person,
48 committee or political party receives no contributions.

49 **Sec. 12.** NRS 294A.325 is hereby amended to read as follows:

50 294A.325 1. A foreign national shall not, directly or indirectly, make a
51 contribution or a commitment to make a contribution to:

52 (a) A candidate;

53 (b) A committee for political action;

1 (c) A committee for the recall of a public officer;

2 (d) A person who is not under the direction or control of a candidate, of a group
3 of candidates or of any person involved in the campaign of the candidate or group
4 who makes an expenditure that is not *coordinated with or* solicited or approved by
5 the candidate or group;

6 (e) A political party or committee sponsored by a political party that makes an
7 expenditure on behalf of a candidate or group of candidates;

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

10 (g) A personal campaign committee or the personal representative of a
11 candidate who receives contributions or makes expenditures that are reported as
12 contributions or expenditures by the candidate; or

13 (h) A nonprofit corporation that is registered or required to be registered
14 pursuant to NRS 294A.225.

15 2. Except as otherwise provided in subsection 3, a candidate, person, group,
16 committee, political party, organization or nonprofit corporation described in
17 subsection 1 shall not knowingly solicit, accept or receive a contribution or a
18 commitment to make a contribution from a foreign national.

19 3. For the purposes of subsection 2, if a candidate, person, group, committee,
20 political party, organization or nonprofit corporation is aware of facts that would
21 lead a reasonable person to inquire whether the source of a contribution is a foreign
22 national, the candidate, person, group, committee, political party, organization or
23 nonprofit corporation shall be deemed to have not knowingly solicited, accepted or
24 received a contribution in violation of subsection 2 if the candidate, person, group,
25 committee, political party, organization or nonprofit corporation requests and
26 obtains from the source of the contribution a copy of current and valid United
27 States passport papers. This subsection does not apply to any candidate, person,
28 group, committee, political party, organization or nonprofit corporation if the
29 candidate, person, group, committee, political party, organization or nonprofit
30 corporation has actual knowledge that the source of the contribution solicited,
31 accepted or received is a foreign national.

32 4. If a candidate, person, group, committee, political party, organization or
33 nonprofit corporation discovers that the candidate, person, group, committee,
34 political party, organization or nonprofit corporation received a contribution in
35 violation of this section, the candidate, person, group, committee, political party,
36 organization or nonprofit corporation shall, if at the time of discovery of the
37 violation:

38 (a) Sufficient money received as contributions is available, return the
39 contribution received in violation of this section not later than 30 days after such
40 discovery.

41 (b) Except as otherwise provided in paragraph (c), sufficient money received as
42 contributions is not available, return the contribution received in violation of this
43 section as contributions become available for this purpose.

44 (c) Sufficient money received as contributions is not available and
45 contributions are no longer being solicited or accepted, not be required to return any
46 amount of the contribution received in violation of this section that exceeds the
47 amount of contributions available for this purpose.

48 5. A violation of any provision of this section is a gross misdemeanor.

49 6. As used in this section:

50 (a) "Foreign national" has the meaning ascribed to it in 2 U.S.C. § 441e.

51 (b) "Knowingly" means that a candidate, person, group, committee, political
52 party, organization or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 12.5. NRS 294A.360 is hereby amended to read as follows:

~~294A.360 1. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:~~

~~(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286.~~

~~2. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:~~

~~(a) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;~~

~~(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;~~

~~(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and~~

~~(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.~~

~~3. ; and~~

~~(e) January 15 of the following calendar year, for the period from 4 days before the general city election through the December 31 immediately following the general city election.~~

2. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; ~~and~~

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

~~4~~ ; and

(e) January 15 of the following calendar year, for the period from 4 days before the general city election through the December 31 immediately following the general city election.

3. Except as otherwise provided in subsection ~~15~~ 4, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

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

~~15~~ 4. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 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 6 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.

Sec. 13. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of \$100 or \$1,000, as is appropriate, that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. Each report of campaign expenses required pursuant to section ~~15~~ 6 of this act must consist of a list of each campaign expense in excess of ~~\$1,000~~ \$2,000 and a list of all campaign expenses incurred during a reporting period which are payments to one recipient and cumulatively exceed \$2,000. The list in each report must state the category and amount of the campaign expense and the date on which the campaign expense was incurred.

3. The categories of expense or expenditure for use on the report of expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;

- (h) Expenses related to special events;
- (i) Expenses related to a legal defense fund;
- (j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;
- (k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; ~~and~~

(l) Amounts disposed of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286; and

(m) Other miscellaneous expenses.

~~4.~~ 4. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection ~~4~~ 2 of NRS 294A.160 or subsection 4 of NRS 294A.286.

Sec. 14. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design forms 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 and sections 5 and 6 of this act,~~ reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286] and reports of account balances required to be filed pursuant to section 4 of this act, this chapter.

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

3. The Secretary of State shall make available to each candidate, person, committee or political party that is required to file a report described in subsection 1:

(a) If the candidate, person, committee or political party has submitted an affidavit to the Secretary of State pursuant to NRS 294A.3733 or 294A.3737, as applicable, a copy of the form; or

(b) If the candidate, person, committee or political party is required to submit the report electronically to the Secretary of State, access through a secure website to the form.

4. If the candidate, person, committee or political party is required to submit electronically a report described in subsection 1, the form must be signed electronically under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

5. The Secretary of State must obtain the advice and consent of the Legislative Commission before making a copy of, or access to, a form designed or revised by the Secretary of State pursuant to this section available to a candidate, person, committee or political party.

Sec. 15. NRS 294A.390 is hereby amended to read as follows:

294A.390 1. The officer from whom a candidate or entity requests a form for:

~~1.~~ (a) A declaration of candidacy;

~~2.~~ (b) An acceptance of candidacy;

~~3.~~ (c) The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

~~144~~ (d) The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter.

2. An explanation of the applicable provisions of:

(a) *Section 4 of this act relating to the reporting of the balance in the separate account required by NRS 294A.130 and the penalties for a violation of those provisions as set forth in NRS 294A.420;*

(b) NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 *and sections 5 ~~and 6~~ to 6.7, inclusive, of this act* 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; ~~11~~ and ~~an explanation of~~

(c) NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 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. 16. 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, 294A.280, 294A.286, 294A.360 and 294A.362, *and sections 6.3 and 6.7 of this act*, 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 the person.

(b) Group of persons advocating the election or defeat of a candidate.

(c) 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 *coordinated with or* solicited or approved by the candidate or group.

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

6. The total contributions received by and expenditures made from a legal defense fund.

Sec. 17. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person, committee 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.250, 294A.270, 294A.280, 294A.286 or 294A.360 *or ~~sections~~ section 4, 5 ~~and 6~~, 6.3 or 6.7 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, committee or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court. *On application by the Secretary of State, the First Judicial District Court may issue an injunction or grant other equitable relief appropriate to ensure compliance with, or enforce, the provisions of this chapter.*

2. Except as otherwise provided in this section, a person, committee or entity that violates an applicable provision of this chapter is subject, *for each violation*, to a civil penalty of not more than ~~[\$5,000 for each violation]~~ *an amount equal to the greater of:*

(a) Five thousand dollars; or

(b) Three times the amount at issue in the civil action,

➤ and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

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

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

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

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

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

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

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

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

Sec. 18. NRS 218H.050 is hereby amended to read as follows:

218H.050 "Expenditure" means any advance, conveyance, *gift*, deposit, distribution, transfer of funds, loan, payment, pledge or subscription of money or anything of value, including cost of entertainment, except the payment of a membership fee otherwise exempted pursuant to NRS 218H.400, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any expenditure while the Legislature is in a regular or special session.

Sec. 19. NRS 218H.060 is hereby amended to read as follows:

218H.060 ~~["Gift" means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.]~~

~~2. "Gift" does not include:~~

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

~~—(b) A commercially reasonable loan made in the ordinary course of business;~~

~~—(c) The cost of entertainment, including the cost of food or beverages; or~~

~~—(d) Anything of value received from:~~

~~(1) A member of the recipient's immediate family; or~~
~~(2) A relative of the recipient or relative of the recipient's spouse within the third degree of consanguinity or from the spouse of any such relative.} has the meaning ascribed to it in section 26 of this act.~~

Sec. 20. NRS 218H.400 is hereby amended to read as follows:

218H.400 1. Each registrant shall file with the Director:

(a) Within 30 days after the close of a regular or special session, a final report signed under penalty of perjury concerning the registrant's lobbying activities; and

(b) Between the 1st and 10th day of the month after each month that the Legislature is in a regular or special session, a report concerning the registrant's lobbying activities during the previous month, whether or not any expenditures were made.

2. *The Director shall forward to the Secretary of State each report filed with the Director pursuant to subsection 1 not later than 7 days after receiving the report.*

3. Each report must:

(a) Be on a form prescribed by the Director; and

(b) Include the total of all expenditures, if any, made by the registrant on behalf of a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant.

~~4. Except as otherwise provided in subsection 6, 7, the report:~~

(a) Must identify each Legislator and each organization whose primary purpose is to provide support for Legislators of a particular political party and House on whose behalf expenditures were made;

(b) Must be itemized with respect to each such Legislator and organization; and

(c) Does not have to include any expenditure made on behalf of a person other than a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, unless the expenditure is made for the benefit of a Legislator or such an organization.

~~5. If expenditures made by or on behalf of a registrant during the previous month exceed \$50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Legislative Commission, in the following categories:~~

(a) Entertainment;

(b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;

(c) Gifts and loans, including, *without limitation, gifts authorized pursuant to section 30 of this act and any other* money, services and anything of value provided to a Legislator, to an organization whose primary purpose is to provide support for Legislators of a particular political party and House, or to any other person for the benefit of a Legislator or such an organization; and

(d) Other expenditures directly associated with legislative action, not including personal expenditures for food, lodging and travel expenses or membership dues.

~~6. The Legislative Commission may authorize an audit or investigation by the Legislative Auditor that is proper and necessary to verify compliance with the provisions of this section. If the Legislative Commission authorizes such an audit or investigation:~~

(a) A lobbyist shall make available to the Legislative Auditor all books, accounts, claims, reports, vouchers and other records requested by the Legislative Auditor in connection with any such audit or investigation.

(b) The Legislative Auditor shall confine requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.

~~6+~~ 7. A report filed pursuant to this section must not itemize with respect to each Legislator an expenditure if the expenditure is the cost of a function to which every Legislator was invited. For the purposes of this subsection, "function" means a party, meal or other social event.

Sec. 21. NRS 218H.530 is hereby amended to read as follows:

218H.530 1. The Director shall:

(a) Make investigations on the Director's own initiative with respect to any irregularities which the Director discovers in the statements and reports filed and with respect to the failure of any person to file a required statement or report and shall make an investigation upon the written complaint of any person alleging a violation of any provision of this chapter.

(b) Report suspected violations of ~~law~~:

(1) Section 29 of this act to the Secretary of State; and

(2) Any other provision of law to the:

~~(1)~~ (I) Legislative Commission; and

~~(2)~~ (II) Attorney General, who shall investigate and take any action necessary to carry out the provisions of this chapter.

2. If an investigation by the Director reveals a violation of any provision of this chapter by a lobbyist, *or if the Director is notified by the Secretary of State pursuant to subsection 5 of NRS 281.581 that a civil penalty has been imposed against a lobbyist pursuant to subsection 2 of NRS 281.581*, the Director may suspend the lobbyist's registration for a specified period or revoke the lobbyist's registration. The Director shall cause notice of such action to be given to each person who employs or uses the lobbyist.

3. A lobbyist whose registration is suspended or revoked by the Director may:

(a) Request a hearing on the matter before the Director;

(b) Appeal to the Legislative Commission from any adverse decision of the Director; and

(c) If the lobbyist's registration is suspended, renew the lobbyist's registration if the Legislature is still in a regular or special session following the period of suspension.

4. A lobbyist whose registration is revoked may, with the consent of the Director, renew the lobbyist's registration if the lobbyist:

(a) Files a registration statement in the form required by NRS 218H.200;

(b) Pays any fee for late filing owed pursuant to NRS 218H.410, plus the fee for registration prescribed by the Legislative Commission; and

(c) If the revocation occurred because of the lobbyist's failure to file an activity report, files that report.

Sec. 22. NRS 218H.930 is hereby amended to read as follows:

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in his or her official actions.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not give to a member of the ~~Legislative Branch~~ *Legislature* or a ~~member of his or her staff or immediate family~~ *person related to the member within the third degree of consanguinity or affinity any gift in violation of section 29 of this act. A member of the Legislature or a person related*

1 *to the member within the third degree of consanguinity or affinity shall not solicit*
2 *or accept any such gift.*

3 *3. A lobbyist shall not give to any member of the Legislative Branch, other*
4 *than a member of the Legislature, gifts that exceed \$100 in value in the aggregate*
5 *in any calendar year.*

6 ~~3.1 A member of the Legislative Branch for a member of his or her staff or~~
7 ~~immediate family shall not solicit anything of value from a registrant or accept any~~
8 ~~gift that exceeds \$100 in aggregate value in any calendar year.~~ *, other than a*
9 *member of the Legislature, shall not solicit or accept gifts from a lobbyist that*
10 *exceed \$100 in value in the aggregate in any calendar year.*

11 4. A person who employs or uses a lobbyist shall not make that lobbyist's
12 compensation or reimbursement contingent in any manner upon the outcome of any
13 legislative action.

14 5. Except during the period permitted by NRS 218H.200, a person shall not
15 knowingly act as a lobbyist without being registered as required by that section.

16 6. Except as otherwise provided in subsection 7, a member of the Legislative
17 or Executive Branch of the State Government and an elected officer or employee of
18 a political subdivision shall not receive compensation or reimbursement other than
19 from the State or the political subdivision for personally engaging in lobbying.

20 7. An elected officer or employee of a political subdivision may receive
21 compensation or reimbursement from any organization whose membership consists
22 of elected or appointed public officers.

23 8. A lobbyist shall not instigate the introduction of any legislation for the
24 purpose of obtaining employment to lobby in opposition to that legislation.

25 9. A lobbyist shall not make, commit to make or offer to make a monetary
26 contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-
27 elect, the Governor or the Governor-elect during the period beginning:

28 (a) Thirty days before a regular session and ending 30 days after the final
29 adjournment of a regular session;

30 (b) Fifteen days before a special session is set to commence and ending 15
31 days after the final adjournment of a special session, if the Governor sets a specific
32 date for the commencement of the special session that is more than 15 days after
33 the Governor issues the proclamation calling for the special session; or

34 (c) The day after the Governor issues a proclamation calling for a special
35 session and ending 15 days after the final adjournment of a special session if the
36 Governor sets a specific date for the commencement of the special session that is 15
37 or fewer days after the Governor issues the proclamation calling for the special
38 session.

39 **Sec. 23.** Chapter 281 of NRS is hereby amended by adding thereto the
40 provisions set forth as sections 24 to 33, inclusive, of this act.

41 **Sec. 24.** *As used in NRS 281.558 to 281.581, inclusive, and sections 24 to*
42 *33, inclusive, of this act, unless the context otherwise requires, the words and*
43 *terms defined in NRS 281.558 and sections 25 to 28, inclusive, of this act have the*
44 *meanings ascribed to them in those sections.*

45 **Sec. 25.** *"Contribution" has the meaning ascribed to it in NRS 294A.007.*

46 **Sec. 26.** 1. *"Gift" means a payment, subscription, advance, forbearance,*
47 *rendering or deposit of money, services or anything of value unless consideration*
48 *of equal or greater value is received.*

49 2. *"Gift" does not include:*

50 (a) *A contribution;*

51 (b) *A commercially reasonable loan made in the ordinary course of business;*
52 *or*

53 (c) *Anything of value received from:*

(1) A member of the recipient's immediate family; or
(2) A relative of the recipient or relative of the recipient's spouse within the third degree of consanguinity or affinity or from the spouse of any such relative.

Sec. 27. 1. "Lobbyist" means a person who communicates directly with a public officer or candidate on behalf of someone other than himself or herself to influence legislative or executive action, whether or not any compensation is received for the communication.

2. The term includes, without limitation, a person who is required to file a registration statement with the Director of the Legislative Counsel Bureau pursuant to NRS 218H.200.

Sec. 28. "Restricted donor" means any person who:

1. Is, or is seeking to be, a party to a contract with a body of which a public officer is a member ~~that~~ or to which a candidate is seeking election;

2. Is or may be, or is the agent of a person who is or may be, materially or financially affected by the performance or nonperformance of ~~that~~ ;

(a) An official duty of ~~that~~ a public officer ; or

(b) An official duty of a public office for which a candidate is seeking election,

in a manner that is distinguishable from the effect on the general public of the performance or nonperformance of the duty;

3. Is, or is the agent of a person who is, the subject of or a party to a matter pending before ~~that~~ a body of which ~~that~~ a public officer is a member ~~that~~ or to which a candidate is seeking election; or

4. Is a lobbyist or a client of a lobbyist.

Sec. 29. 1. Except as otherwise provided in subsection 2 and section 30 of this act:

(a) A public officer, a candidate or a person related to a public officer or candidate within the third degree of consanguinity or affinity shall not accept or solicit a gift, directly or indirectly, from a restricted donor.

(b) A restricted donor shall not give or offer to give a gift, directly or indirectly, to a public officer, a candidate or a person related to ~~that~~ a public officer or candidate within the third degree of consanguinity or affinity.

2. A public officer, a candidate or a person related to a public officer or candidate within the third degree of consanguinity or affinity may accept a gift other than a gift described in section 30 of this act from a restricted donor if the public officer, candidate or person related to the public officer ~~that~~ or candidate, not later than 30 days after receiving the gift, donates the gift or, if the nature of the gift is such that it cannot be donated after it has been accepted, donates an amount equal to the value of the gift:

(a) To any tax-exempt nonprofit entity; or

(b) To any governmental entity or fund of this State or a political subdivision of this State.

Sec. 30. The giving or receiving of any of the following items or services does not violate the provisions of section 29 of this act:

1. Any gift from a restricted donor who is related to ~~that~~ a public officer, a candidate or a person related to ~~that~~ a public officer or candidate within the third degree of consanguinity or affinity, unless the restricted donor is acting as an agent or intermediary for another restricted donor who is not related to the recipient within the third degree of consanguinity or affinity.

2. Materials in any written, audio, visual or digital format that provide information relating to the official duties or functions of the public officer.

3. Any item available or distributed free of charge to members of the general public.

4. Any item from a bona fide charitable, professional, educational or business organization if:

(a) The public officer, the candidate or a person related to the public officer or candidate within the third degree of consanguinity or affinity, as applicable, pays dues to be a member of the organization;

(b) The amount of the dues paid by the public officer, the candidate or a person related to the public officer or candidate is not inconsequential compared with the value of the item received; and

(c) The items are given to all members of the organization without regard to the status of or position held by any member outside of the organization.

5. ~~Reimbursement~~ Provision of food, beverages, registration fees, travel and lodging to the public officer, the candidate or a person related to the public officer or candidate within the third degree of consanguinity or affinity, or reimbursement for any actual expenses for food, beverages, registration fees, travel and lodging paid by the public officer, the candidate or a person related to the public officer or candidate within the third degree of consanguinity or affinity, for attendance or participation at a meeting, panel discussion or other speaking engagement, including, without limitation, a meeting, panel discussion or speaking engagement with an educational component, if the expenses are incurred on a day during which the public officer or candidate participates at the meeting, panel discussion or speaking engagement or during which the public officer travels to or from the meeting, panel discussion or speaking engagement.

6. A plaque or other similar commemorative item of de minimis resale value which is provided as recognition for public service.

7. Food or beverages provided at a meal or reception that is part of an event or program ~~for~~ :

(a) To raise money for or otherwise support an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3); or

(b) At which the public officer, the candidate or a person related to the public officer or candidate within the third degree of consanguinity or affinity is being recognized for public service, if the primary purpose of the event or program is to recognize persons for public service.

8. A nonmonetary item or service with a value of less than \$3, if the public officer, the candidate or a person related to the public officer or candidate within the third degree of consanguinity or affinity does not accept more than one such item or service per calendar day from a restricted donor. For the purposes of this subsection, the value of an item or service is the value of the item or service provided, regardless of the number of restricted donors who contribute to the cost of the item or service.

9. If the body of which the public officer is a member belongs to a state, regional or national organization of governmental agencies, an item or service accepted or solicited by:

(a) The organization as part of a conference, seminar or other meeting held for business or educational purposes; or

(b) The public officer at a scheduled event that is organized or sponsored by the organization, if the item or service is offered to every person who attends the event.

10. If the public officer belongs to a state, regional or national organization of public officers, an item or service accepted or solicited by:

(a) The organization as part of a conference, seminar or other meeting held for business or educational purposes; or

(b) The public officer at a scheduled event that is organized or sponsored by the organization, if the item or service is offered to every person who attends the event.

11. Funeral flowers or memorials ~~provided to a church or nonprofit organization.~~

12. Any gift for a wedding or wedding anniversary.

13. Salary or reimbursement of expenses, paid by the employer of the public officer or the candidate, or by any firm, partnership, association or corporation of which the public officer or candidate is a member or partner, for any actual expenses for food, beverages, travel and lodging paid by the public officer or candidate to attend a meeting or conference, if the public officer or candidate is not entitled to receive a salary or the per diem allowance and travel expenses provided for state officers and employees generally for attending the meeting.

14. Gifts of, or reimbursement of actual expenses for, food, beverages, travel and lodging if:

(a) The public officer is representing the body of which the public officer is a member in a delegation whose sole purpose is to:

(1) Attract a specific business to this State;

(2) Encourage a business already existing in this State to expand or retain operations in this State; or

(3) Develop markets for businesses based in this State or services or goods produced in this State;

(b) The public officer plays a significant role in a presentation to a business being contacted by the delegation; and

(c) The restricted donor providing the gift or reimbursement is not an employee, agent or owner of a business being contacted by the delegation, except that a restricted donor who is an employee, agent or owner of a business being contacted by the delegation may provide a gift of food or beverage to the public officer.

15. An item of de minimis resale value given by a resident of a country other than the United States if the item is given as part of a ceremonial presentation or the giving of the item is customary in that country.

16. Reimbursement for registration fees for a conference or meeting, the purpose of which is to provide information that assists the public officer in the performance of his or her public duties. As used in this subsection, "conference or meeting" does not include a conference or meeting attended by the public officer for personal reasons or for reasons relating to any professional license held by the public officer.

17. A gift which the public officer is required to receive on behalf of the body of which the public officer is a member as a duty or function of the office held by the public officer.

18. If the public officer is a member of the Legislature, food, beverages and entertainment provided at an event or program:

(a) Which takes place during a regular or special session of the Legislature; and

(b) To which every member of the Legislature has been invited.

Sec. 31. 1. If it appears that the provisions of NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act have been violated as described in subsection 2, 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 pursuant to NRS 281.581; 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. The Secretary of State may take action as described in subsection 1 if it appears that:

(a) A candidate for public office or a public officer:

(1) Has willfully failed to file a statement of financial disclosure;

(2) Has willfully failed to file a statement of financial disclosure in a timely manner pursuant to NRS 281.559, 281.561 or 281.572; or

(3) Has willfully included inaccurate information or failed to include complete information in a statement of financial disclosure;

(b) A public officer a candidate or a person related to ~~that~~ a public officer or candidate within the third degree of consanguinity or affinity has accepted or solicited a gift in violation of section 29 of this act; or

(c) A restricted donor has given or offered a gift in violation of section 29 of this act.

3. A person who believes that a violation as described in subsection 2 has occurred 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:

(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 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

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

4. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 3, the Secretary of State shall provide a copy of the notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation. Any response submitted to the notice 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.

5. If the Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 3, that reasonable suspicion exists that a violation of this chapter has occurred, the Secretary of State may conduct an investigation of the alleged violation.

6. If a notice of an alleged violation is received pursuant to subsection 3 not later than 180 days after the date the violation is alleged to have taken place, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 5, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:

(a) Any person alleged in the notice to have committed the violation; or

(b) If the notice does not include the name of a person alleged to have committed the violation, any person whom the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice.

7. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 6, the Secretary of State or designated officer or employee may apply to the court for an order

1 *compelling compliance. A request for an order of compliance may be addressed*
2 *to:*

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

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

9 **Sec. 32.** *Nothing in the provisions of NRS 281.558 to 281.581, inclusive,*
10 *and sections 24 to 33, inclusive, of this act shall be construed to authorize a*
11 *public officer to accept or solicit a gift in violation of the provisions of NRS*
12 *281A.400.*

13 **Sec. 33.** *The Secretary of State may adopt regulations necessary to carry*
14 *out the provisions of NRS 281.558 to 281.581, inclusive, and sections 24 to 33,*
15 *inclusive, of this act.*

16 **Sec. 34.** NRS 281.558 is hereby amended to read as follows:

17 281.558 ~~As used in NRS 281.558 to 281.581, inclusive, "candidate"~~
18 ~~"Candidate"~~ means any person:

- 19 1. Who files a declaration of candidacy;
- 20 2. Who files an acceptance of candidacy; or
- 21 3. Whose name appears on an official ballot at any election.

22 **Sec. 35.** NRS 281.571 is hereby amended to read as follows:

23 281.571 1. Statements of financial disclosure, as approved pursuant to NRS
24 281A.470 or in such electronic form as the Secretary of State otherwise prescribes,
25 must contain the following information concerning the candidate for public office
26 or public officer:

27 (a) The candidate's or public officer's length of residence in the State of
28 Nevada and the district in which the candidate for public office or public officer is
29 registered to vote.

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

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

36 (1) In which the candidate for public office or public officer or a member
37 of the candidate's or public officer's household has a legal or beneficial interest;

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

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

40 (d) The name of each creditor to whom the candidate for public office or public
41 officer or a member of the candidate's or public officer's household owes \$5,000 or
42 more, except for:

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

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

47 (e) If the candidate for public office or public officer has received gifts in
48 excess of an aggregate value of \$200 from a *restricted* donor during the preceding
49 taxable year, a list of all such gifts, including the identity of the donor and value of
50 each gift. ~~1. except:~~

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

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

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

(g) A list of all public offices presently held by the candidate for public office or public officer for which this statement of financial disclosure is required.

2. ~~[[The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~

~~—3—~~ As used in this section, "member of the candidate's or public officer's household" includes:

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

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

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

Sec. 36. NRS 281.581 is hereby amended to read as follows:

281.581 1. If the Secretary of State receives information that a ~~candidate for public office or public officer willfully fails to file a statement of financial disclosure or willfully fails to file a statement of financial disclosure in a timely manner pursuant to NRS 281.559, 281.561 or 281.572.]~~ **violation of NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act has occurred,** the Secretary of State may, after giving notice to ~~that~~ the person or entity ~~[[~~ **alleged to have committed the violation,** cause the appropriate proceedings to be instituted in the First Judicial District Court. ***On application by the Secretary of State, the First Judicial District Court may issue an injunction or grant other equitable relief appropriate to ensure compliance with, or enforce, any applicable provision of NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act.***

2. Except as otherwise provided in this section, a candidate for public office , ~~for~~ public officer **or restricted donor** who ~~willfully fails to file a statement of financial disclosure or willfully fails to file a statement of financial disclosure in a timely manner pursuant to NRS 281.559, 281.561 or 281.572.]~~ **commits a violation described in section 29 of this act** is subject , **for each violation,** to a civil penalty ~~and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.]~~ **of not more than an amount equal to the greater of:**

(a) Five thousand dollars; or

(b) Three times the amount at issue in the civil action.

3. ***A candidate for public office or a public officer who willfully fails to file a statement of financial disclosure or willfully fails to file a statement of financial disclosure in a timely manner pursuant to NRS 281.559, 281.561 or 281.572 is subject to a civil penalty as provided in this subsection.*** The amount of the civil penalty is:

(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$25.

(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$50.

(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$100.

(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$250.

(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$2,000.

4. *A civil penalty imposed pursuant to this section must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and must be deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer. A person who is subject to a civil penalty pursuant to this section is also subject to the payment of court costs and attorney's fees.*

5. *If a civil penalty is imposed pursuant to subsection 2 against a lobbyist who is required to file a registration statement with the Director of the Legislative Counsel Bureau pursuant to NRS 218H.200, the Secretary of State shall immediately notify the Director of the Legislative Counsel Bureau.*

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

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

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

~~15.1~~ 7. As used in this section, "willfully" means intentionally and knowingly.

Sec. 36.5. 1. The provisions of section 4 of this act apply only prospectively.

2. Notwithstanding the provisions of subsection 1 of section 4 of this act, for the purpose of the report required by section 4 of this act, the balance in an account opened before January 1, 2014, by a candidate pursuant to NRS 294A.130 shall be deemed to be \$0 on January 1, 2014.

Sec. 37. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2014, for all other purposes.