

Amendment No. 579

Senate Amendment to Senate Bill No. 49 First Reprint (BDR 24-382)

Proposed by: Senator Kieckhefer

Amendment Box: Replaces Amendment No. 567.

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.

SHORT FORM AMENDMENT

Sections 3, 4.5, 5.5, 10, 13, 15, 17, 36.5 and 36.7 of this act are the only sections affected by this amendment.

HAC/TMC



Date: 4/23/2013

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



The Title of Senate Bill No. 49 is hereby amended as follows:

1 AN ACT relating to public office; revising provisions relating to the personal use of
2 campaign contributions by candidates; requiring a candidate to report
3 annually the balance in his or her campaign account; requiring certain
4 persons who do not file declarations of candidacy, acceptances of
5 candidacy or appear on an election ballot within a certain period to
6 dispose of unspent contributions; making various changes regarding the
7 reporting of campaign contributions and campaign expenses; increasing
8 the amount of a civil penalty that may be imposed for certain violations of
9 laws relating to campaign finance; authorizing the Secretary of State to
10 request equitable relief as a remedy for a violation of laws relating to
11 campaign finance; making various other changes relating to campaign
12 finance; prohibiting public officers, candidates and certain persons related
13 to or employed by public officers or candidates from accepting or
14 soliciting certain gifts; prohibiting certain persons from giving or offering
15 to give certain gifts to public officers, candidates and certain persons
16 related to public officers or candidates or employed by public officers;
17 requiring the Director of the Legislative Counsel Bureau to forward certain
18 reports relating to activities of lobbyists to the Secretary of State;
19 authorizing the Secretary of State to enforce provisions relating to the
20 giving and receiving of gifts to public officers and candidates; and
21 providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

22 Existing law provides that a person becomes a candidate if: (1) he or she files a
23 declaration or an acceptance of candidacy; (2) his or her name appears on an official
24 ballot at any election; or (3) he or she receives contributions in excess of \$100. (NRS
25 294A.005) Section 10 of this bill provides that a person who qualifies as a candidate by
26 receiving contributions in excess of \$100 must dispose of the unspent campaign
27 contributions within 4 years after the qualifying event if the person does not: (1) file a
28 declaration or an acceptance of candidacy; or (2) appear on an official ballot at any
29 election.

30 Under existing law, a former public officer may use unspent campaign contributions
31 in a future election. (NRS 294A.160) Section 10 provides that a former public officer
32 may not use unspent campaign contributions in a future election unless, within 4 years
33 after the expiration of his or her term of office, the former public officer: (1) files a
34 declaration of candidacy or an acceptance of candidacy; or (2) appears on an official
35 ballot at any election.

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

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

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 4.5 and 5.5 of this bill require a candidate who receives contributions or incurs campaign expenses greater than \$2,000 to report those contributions and campaign expenses to the Secretary of State not later than the fifth day of the following month during the period: (1) beginning on the day that the candidate files a declaration or acceptance of candidacy; and (2) ending on the day before the period of early voting begins.

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

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 29** also

prohibits such a person from making or offering to make a gift to a public officer, candidate or person related to 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)

Section 3 of Senate Bill No. 49 is hereby amended as follows:

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

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

(a) Household items or supplies;

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

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

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

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

(d) Dues, fees or gratuities at a social club, country club, health club or recreational facility unless the dues, fees or gratuities are part of a fundraising event that takes place on the organization's premises;

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

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

- 1 (g) *Funeral, cremation or burial expenses.*
2 3. *The term does not include:*
3 (a) *Campaign expenses; or*
4 (b) *The ordinary and necessary expenses incurred in connection with*
5 *holding public office.*

Section 4.5 of Senate Bill No. 49 is hereby amended as follows:

- 6 Sec. 4.5. 1. In addition to complying with the requirements set forth in
7 NRS 294A.120, 294A.125, 294A.128 and 294A.360, a candidate who files a
8 declaration of candidacy or an acceptance of candidacy for a primary election,
9 primary city election, general election, general city election or special election
10 shall report:
11 (a) Each contribution received that is in excess of \$2,000; and
12 (b) Contributions received from a contributor which cumulatively exceed
13 \$2,000.
14 2. The candidate shall report contributions described in subsection 1:
15 (a) Not later than the fifth day of the month following the month in which
16 the contributions are received; and
17 (b) During the period beginning on the day on which the candidate files the
18 declaration of candidacy or acceptance of candidacy and ending on the day
19 before the period for early voting begins.
20 3. A report required pursuant to this section must be submitted on the form
21 designed and made available by the Secretary of State pursuant to NRS
22 294A.373. Each form must be signed by the candidate under an oath to God or
23 penalty of perjury. A candidate who signs the form under an oath to God is
24 subject to the same penalties as if the candidate had signed the form under
25 penalty of perjury.
26 4. The name and address of the contributor and the date on which the
27 contribution was received must be included on the report.
28 5. Except as otherwise provided in NRS 294A.3733, a report required
29 pursuant to this section must be filed electronically with the Secretary of State.
30 6. A report shall be deemed filed at the time that it is received by the
31 Secretary of State.

Section 5.5 of Senate Bill No. 49 is hereby amended as follows:

- 32 Sec. 5.5. 1. In addition to complying with the requirements set forth in
33 NRS 294A.200, 294A.286 and 294A.360, a candidate who files a declaration of
34 candidacy or an acceptance of candidacy for a primary election, primary city
35 election, general election, general city election or special election shall report:
36 (a) Each campaign expense incurred that is in excess of \$2,000; and
37 (b) Campaign expenses incurred which are payments to one recipient and
38 cumulatively exceed \$2,000.
39 2. The candidate shall report campaign expenses described in subsection 1:
40 (a) Not later than the fifth day of the month following the month in which
41 the campaign expenses are incurred; and

(b) During the period beginning on the day on which the candidate files the declaration of candidacy or acceptance of candidacy and ending on the day before the period for early voting begins.

3. A report required pursuant to 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.

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.

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

Section 10 of Senate Bill No. 49 is hereby amended as follows:

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

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

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

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

(a) Return the unspent money to contributors;

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

(c) Contribute the money to:

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

(2) A political party; or

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

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

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

~~4.~~ 3. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who withdraws after filing a declaration of candidacy or an acceptance of candidacy or is defeated for that office and who received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special

election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

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

(2) A political party; or

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

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

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

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

~~16-4~~ 5. Except as otherwise provided in ~~subsection~~ subsections 7, 8, 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 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819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000 every and 8, a person who qualifies as a candidate in accordance with the definition set forth in subsection 4 of NRS 294A.005 by receiving contributions in excess of \$100 but who, within 4 years after the qualifying event, does not:

(a) File a declaration of candidacy or an acceptance of candidacy; or

(b) Appear on an official ballot at any election,

shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 3.

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 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 paragraph (a), (c), (d) or (e) of subsection 12.2.

7. 16. A Subject to the restrictions set forth in subsection 8, 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 to 6.7, inclusive, of this act for as long as the public officer is a candidate for any office.

8. 17. If, within 4 years after the expiration of his or her term of office, a former public officer described in subsection 7 does not:

(a) File a declaration of candidacy or an acceptance of candidacy; or

(b) Appear on an official ballot at any election,

the former public officer shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in paragraphs (a), (c), (d) and (e) of subsection 2.

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

~~10.~~ 10. 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 ~~10~~ 2.

~~11.~~ 11. 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.

~~12.~~ 12. As used in this section, "contributions" include any interest and other income earned thereon.

Section 13 of Senate Bill No. 49 is hereby amended as follows:

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 5.5 or 6 of this act must consist of a list of each campaign expense in excess of \$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.

~~3-4~~ 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 ~~1-1~~ 2 of NRS 294A.160 or subsection 4 of NRS 294A.286.

Section 15 of Senate Bill No. 49 is hereby amended as follows:

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:

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

~~1-2~~ (b) An acceptance of candidacy;

~~1-3~~ (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

~~1-4~~ (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 ~~4.5~~ 4.5 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 ; ~~1-1~~ and ~~1-2~~ *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.

Section 17 of Senate Bill No. 49 is hereby amended as follows:

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 section 4, 5, 6, 6.3 or 6.7 of this act~~ *this chapter* 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.

Section 36.5 of Senate Bill No. 49 is hereby amended as follows:

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.

Section 36.7 of Senate Bill No. 49 is hereby amended as follows:

Sec. 36.7. 1. A former public officer shall, on or before December 31, 2018:

1 (a) File a declaration of candidacy or an acceptance of candidacy;
2 (b) Appear on an official ballot at any election held in the State; or
3 (c) Dispose of unspent contributions through one or any combination of
4 the methods set forth in paragraphs (a), (c), (d) and (e) of subsection 2 of NRS
5 294A.160, as amended by section 10 of this act.

6 2. A former public officer is subject to the reporting requirements set
7 forth in chapter 294A of NRS for as long as the former public officer has
8 unspent contributions. The provisions of this subsection apply to contributions
9 remaining from a previous election and contributions that the former public
10 officer has received since the expiration of his or her term of office.

11 3. A former public officer who violates a provision of this section is
12 subject to the same penalties and procedure as if the person has violated the
13 provisions of chapter 294A of NRS. In enforcing the provisions of this section,
14 the Secretary of State has the powers prescribed in NRS 294A.410 and
15 294A.420.

16 4. As used in this section:

17 (a) "Contributions" include any interest and other income earned thereon.

18 (b) "Former public officer" means a person who, as of January 1, 2014:

19 (1) Previously held a state, district, county, city or township office;

20 (2) Does not currently hold that or any other office; and

21 (3) Has contributions that are not spent or committed for expenditure
22 remaining from a previous election.