

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.

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

AN ACT relating to public office; revising provisions relating to the personal use of campaign contributions by candidates for public office and public officers; requiring candidates to report annually the balance in their campaign accounts; making various changes regarding the reporting of campaign contributions and campaign expenses; revising provisions governing the enforcement of laws relating to campaigns, candidates and public officers administered by the Secretary of State; making various other changes relating to campaigns, candidates and public officers; prohibiting public officers and candidates from accepting or soliciting certain items of value from certain restricted donors; prohibiting certain restricted donors from giving or offering to give certain items of value to public officers and candidates; revising the Nevada Lobbying Disclosure Act; 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 items of value; providing penalties; and providing other matters properly relating thereto.



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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, clarifies that the prohibition applies to public officers and adds a definition of "personal use" that is modeled after federal law. (2 U.S.C. § 439a; 11 C.F.R. § 113.1) **Sections 7 and 10** of this bill make conforming changes. (NRS 294A.007, 294A.160)

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 clarify the reporting requirements for contributions and expenses and 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.

Existing law provides for a period of early voting before election day for certain primary, general and special elections. (NRS 293.356-293.361, 293C.355-293C.361) **Section 5** of this bill requires candidates who receive monetary or in-kind contributions greater than \$2,000 during the period of early voting to report those contributions to the Secretary of State not later than 11:59 p.m. on the third calendar day after the day on which the monetary contribution is deposited in the candidate's account or the candidate knows or reasonably should know that the in-kind contribution has been made. (Chapter 294A of NRS)

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.

Sections 11.5, 12.5 and 13-16 of this bill make conforming changes relating to campaign contributions and expenditures, campaign accounts and campaign reporting. (NRS 294A.286, 294A.360, 294A.365, 294A.373, 294A.390, 294A.400)

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 281.558-281.581) **Sections 23-36 and 36.7** of this bill create a new chapter of NRS which is administered by the Secretary



of State and which contains the existing provisions governing statements of financial disclosure and new provisions that prohibit, with certain exceptions: (1) a public officer or candidate from willfully soliciting or accepting, directly or indirectly, any item of value from a restricted donor; and (2) a restricted donor from willfully giving or offering to give, directly or indirectly, any item of value to a public officer or candidate.

Section 26 defines the type of items that are classified as an "item of value," and **section 28** defines the type of person who is classified as a "restricted donor." **Section 29** contains the general prohibitions, and **section 30** sets forth specific exceptions to those general prohibitions. **Section 35** identifies which items of value accepted by a public officer or candidate must be disclosed on each statement of financial disclosure. (NRS 281.571) **Sections 7 and 24-36** also enact and revise various provisions to implement the new chapter and to 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) **Sections 28.9 and 36** provide that the Secretary of State must bring such an action in the district court for the county where the defendant resides or maintains a place of business or, if the defendant does not reside or maintain a place of business in the State of Nevada, the First Judicial District Court. In addition, **section 36** authorizes the Secretary of State to bring such an action seeking a civil penalty against a public officer, candidate or restricted donor who willfully violates the provisions of the new chapter relating to items of value. **Section 36** also authorizes the 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 the new chapter.

Finally, the Nevada Lobbying Disclosure Act requires lobbyists to register with the Director of the Legislative Counsel Bureau and file certain reports regarding their lobbying activities before the Legislature. (Chapter 218H of NRS) The Lobbying Act also prohibits a lobbyist from giving a State Legislator or a member of his or her staff or immediate family any gifts that exceed \$100 in value in the aggregate in any calendar year and prohibits those persons from soliciting or accepting any such gifts. (NRS 218H.930)

Sections 17.2-22 of this bill amend the Lobbying Act to conform its provisions with the provisions of the new chapter relating to items of value. **Section 20** requires the Director to forward to the Secretary of State the reports that registered lobbyists are required to file regarding their lobbying activities. (NRS 218H.400) **Section 21** 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 against whom a civil penalty has been imposed for a violation of **section 29**. (NRS 218H.530) **Section 22** prohibits a lobbyist from willfully giving or offering to give, directly or indirectly, any item of value to a State Legislator in violation of **section 29** and prohibits a State Legislator from willfully soliciting or accepting, directly or indirectly, any such item of value from a lobbyist. (NRS 218H.930)



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 ~~for 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.

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

Sec. 3. 1. *It is unlawful for a candidate or public officer to spend money received as a campaign contribution for his or her personal use or for a purpose prohibited by NRS 294A.160.*

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 the public officer's duties as a public officer. The term does not include:



- 1 (a) Campaign expenses;
- 2 (b) The ordinary and necessary expenses incurred in
- 3 connection with holding the public office; or
- 4 (c) Any use or disposition of campaign contributions
- 5 authorized or required by NRS 294A.160.

6 **Sec. 4. 1.** In addition to complying with the requirements

7 set forth in NRS 294A.120, 294A.200 and 294A.360, every

8 candidate shall report the balance in the account opened and

9 maintained by the candidate pursuant to NRS 294A.130, as of the

10 last calendar day of the reporting period for the report.

11 2. A report required pursuant to this section must be filed not

12 later than the date on which the candidate must file his or her first

13 report in a calendar year pursuant to NRS 294A.120, 294A.200 or

14 294A.360.

15 3. A report required pursuant to this section must be

16 submitted on the form designed and made available by the

17 Secretary of State pursuant to NRS 294A.373. Each form must be

18 signed by the candidate under an oath to God or penalty of

19 perjury. A candidate who signs the form under an oath to God is

20 subject to the same penalties as if the candidate had signed the

21 form under penalty of perjury.

22 4. Except as otherwise provided in NRS 294A.3733, a report

23 required pursuant to this section must be filed electronically with

24 the Secretary of State.

25 5. A report shall be deemed filed on the date that it is received

26 by the Secretary of State.

27 **Sec. 5. 1.** In addition to complying with the requirements

28 set forth in NRS 294A.120, 294A.125, 294A.128 and 294A.360, a

29 candidate whose name appears on the ballot at a primary election,

30 primary city election, general election, general city election or

31 special election shall report:

32 (a) Each contribution received during the period for early

33 voting that is in excess of \$2,000; and

34 (b) Contributions received during the period for early voting

35 from a contributor which cumulatively exceed \$2,000.

36 2. The candidate shall report each contribution described in

37 subsection 1 not later than 11:59 p.m. on the third calendar day

38 after:

39 (a) If the contribution is a contribution of money, the day on

40 which the contribution is deposited in the account opened and

41 maintained by the candidate pursuant to NRS 294A.130; and

42 (b) If the contribution is a contribution of goods or services

43 provided in kind for which money would have otherwise been

44 paid, the day on which the candidate knows or reasonably should

45 know that the contribution has been made.



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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. The name and address of the contributor and the date on which the contribution was received must be included on the report.

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

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

Sec. 6. (Deleted by amendment.)

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.



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

- 10 (a) *April 15, for the period from January 1 through March 31;*
11 (b) *July 15, for the period from April 1 through June 30;*
12 (c) *October 15, for the period from July 1 through*
13 *September 30; and*
14 (d) *January 15 of the next calendar year, for the period from*
15 *October 1 through December 31,*

16 ↪ *report each of the campaign expenses described in subsection 1*
17 *of NRS 294A.200 incurred during the period, and the amounts*
18 *disposed of as described in subsection 1 of NRS 294A.200 during*
19 *the period.*

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

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

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

32 **Sec. 7.** NRS 294A.007 is hereby amended to read as follows:
33 294A.007 1. "Contribution" means a ~~gift~~ loan,
34 conveyance, deposit, payment, transfer or distribution of money ,
35 ~~services~~ or ~~of~~ anything of value , other than the services of a
36 volunteer. ~~and~~

37 2. *The term includes ~~it~~, without limitation:*

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

- 41 (1) Candidate;
42 (2) Person who is not under the direction or control of a
43 candidate or group of candidates or of any person involved in the
44 campaign of the candidate or group who makes an expenditure on



1 behalf of the candidate or group which is not solicited or approved
2 by the candidate or group; or

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

6 ➤ without charge to the candidate, person, committee or political
7 party.

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

13 ~~{2}~~ 3. *For the purposes of section 3 of this act and NRS*
14 *294A.160, the term also includes, without limitation, any interest*
15 *or other income earned from a contribution.*

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

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

20 294A.0075 "Expenditures" means:

21 1. ~~{Those expenditures made}~~ *Money paid* for advertising *or*
22 *communication* on television, radio, billboards, posters ~~{and}~~ *or an*
23 *Internet website*, in newspapers ~~{}~~ *or other periodicals or by mail;*
24 and

25 2. All other ~~{expenditures made,}~~ *money paid,*
26 ➤ to advocate expressly the election or defeat of a clearly identified
27 candidate or group of candidates or the passage or defeat of a clearly
28 identified question or group of questions on the ballot, including any
29 payments made to a candidate or any person who is related to the
30 candidate within the second degree of consanguinity or affinity.

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

33 294A.120 1. Every candidate for state, district, county or
34 township office at a primary , ~~{or}~~ *or special* election shall,
35 ~~{not later than January 15 of each year, for the period from~~
36 ~~January 1 of the previous year through December 31 of the previous~~
37 ~~year,}~~ *for each period described in subsections 2 to 5, inclusive,*
38 *report {} the following contributions pursuant to the provisions of*
39 *this section:*

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

42 (b) Contributions received during the period from a contributor
43 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).

~~† → 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;



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

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

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

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

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

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

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

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

33 5. Every candidate for state, district, county, municipal or
34 township office at a special election to determine whether a public
35 officer will be recalled shall list each of the campaign contributions
36 received on the form designed and made available by the Secretary
37 of State pursuant to NRS 294A.373 and signed by the candidate
38 under an oath to God or penalty of perjury, 30 days after:

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

42 (b) A district court determines that the petition for recall is
43 legally insufficient pursuant to subsection 6 of NRS 306.040, for the
44 period from the filing of the notice of intent to circulate the petition
45 for recall through the date of the district court's decision.



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

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

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

9 8. The name and address of the contributor and the date on
10 which the contribution was received must be included on the report
11 for each contribution in excess of \$100 and contributions which a
12 contributor has made cumulatively in excess of that amount since
13 the beginning of the current reporting period.

14 **Sec. 9.** (Deleted by amendment.)

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

16 294A.160 1. ~~It is unlawful for a candidate to spend money~~
17 ~~received as a campaign contribution for the candidate's personal~~
18 ~~use.~~

19 ~~—2—~~ Notwithstanding the provisions of NRS 294A.286, *or*
20 *section 3 of this act*, a candidate or public officer may use campaign
21 contributions to pay for any legal expenses that the candidate or
22 public officer incurs in relation to a campaign or serving in public
23 office without establishing a legal defense fund. Any such candidate
24 or public officer shall report any expenditure of campaign
25 contributions to pay for legal expenses in the same manner and at
26 the same time as the report filed pursuant to NRS 294A.120,
27 294A.200 or 294A.360 ~~H~~ *or section 6.7 of this act.*

28 2. A candidate or public officer shall not use campaign
29 contributions to satisfy a civil or criminal penalty imposed by law.

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

37 (a) Return the unspent money to contributors;

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

42 (c) Contribute the money to:

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

45 (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. 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.

5. 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.

6. Except as otherwise provided in subsection 7, every 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 subsection 3.



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1 7. A public officer who:
2 (a) Holds a state, district, county, city or township office;
3 (b) Does not run for reelection to that office and is a candidate
4 for any other office; and
5 (c) Has contributions that are not spent or committed for
6 expenditure remaining from a previous election,
7 ➤ may use the unspent campaign contributions in a future election.
8 Such a public officer is subject to the reporting requirements set
9 forth in NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.360
10 and 294A.362 *and sections 4 to 6.7, inclusive, of this act* for as
11 long as the public officer is a candidate for any office.

12 8. In addition to the methods for disposing of the unspent money
13 set forth in subsections 3, 4, 5 and 7, a Legislator may donate not
14 more than \$500 of that money to the Nevada Silver Haired
15 Legislative Forum created pursuant to NRS 427A.320.

16 9. Any contributions received before a candidate for a state,
17 district, county, city or township office at a primary, general,
18 primary city, general city or special election dies that were not spent
19 or committed for expenditure before the death of the candidate must
20 be disposed of in the manner provided in subsection 3.

21 10. The court shall, in addition to any penalty which may be
22 imposed pursuant to NRS 294A.420, order the candidate or public
23 officer to dispose of any remaining contributions in the manner
24 provided in this section.

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

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

29 294A.200 1. Every candidate for state, district, county or
30 township office at a primary, ~~for~~ general *or special* election shall,
31 ~~not later than January 15 of each year, for the period from~~
32 ~~January 1 of the previous year through December 31 of the previous~~
33 ~~year,~~ *for each period described in subsections 2 to 5, inclusive,*
34 report ~~the~~ *the following expenses, and amounts disposed of,*
35 *pursuant to the provisions of this section:*

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

38 (b) Each amount in excess of \$100 disposed of pursuant to NRS
39 294A.160 or subsection 4 of NRS 294A.286 during the period;

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

42 (d) The total of all amounts disposed of during the period
43 pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 which
44 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.

~~4.1~~ 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



1 July 1 and before the January 1 immediately following that July 1,
2 not later than:

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

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

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

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

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

18 ➤ report each of the campaign expenses described in subsection 1
19 incurred during the period , *and the amounts disposed of as*
20 *described in subsection 1 during the period,* on the form designed
21 and made available by the Secretary of State pursuant to NRS
22 294A.373. The form must be signed by the candidate under an oath
23 to God or penalty of perjury. A candidate who signs the form under
24 an oath to God is subject to the same penalties as if the candidate
25 had signed the form under penalty of perjury.

26 ~~15-1~~ 4. Except as otherwise provided in subsection ~~16-1~~ 5, every
27 candidate for a district office at a special election shall, not later
28 than:

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

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

35 ➤ report each of the campaign expenses described in subsection 1
36 incurred during the period , *and the amounts disposed of as*
37 *described in subsection 1 during the period,* on the form designed
38 and made available by the Secretary of State pursuant to NRS
39 294A.373. Each form must be signed by the candidate under an oath
40 to God or penalty of perjury. A candidate who signs the form under
41 an oath to God is subject to the same penalties as if the candidate
42 had signed the form under penalty of perjury.

43 ~~16-1~~ 5. Every candidate for state, district, county, municipal or
44 township office at a special election to determine whether a public
45 officer will be recalled shall report each of the campaign expenses



described in subsection 1 incurred, *and the amounts disposed of as described in subsection 1*, 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) 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.

➔ 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.

~~17-1~~ 6. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

~~18-1~~ 7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 11. (Deleted by amendment.)

Sec. 11.5. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. Any candidate or public officer may establish a legal defense fund. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, *or section 6.3 or 6.7 of this act*, report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund 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. Except as otherwise provided in NRS 294A.3733, the reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to



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1 NRS 294A.120, 294A.200 or 294A.360 ~~H~~ *or section 6.3 or 6.7 of*
2 *this act.*

3 4. Not later than the 15th day of the second month after the
4 conclusion of all civil, criminal or administrative claims or
5 proceedings for which a candidate or public officer established a
6 legal defense fund, the candidate or public officer shall dispose of
7 unspent money through one or any combination of the following
8 methods:

- 9 (a) Return the unspent money to contributors; or
10 (b) Donate the money to any tax-exempt nonprofit entity.

11 **Sec. 12.** (Deleted by amendment.)

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

14 294A.360 1. ~~{Except as otherwise provided in NRS~~
15 ~~294A.3733, every candidate for city office at a primary city election~~
16 ~~or general city election shall file the reports in the manner required~~
17 ~~by NRS 294A.120, 294A.128 and 294A.200 for other offices not~~
18 ~~later than January 15 of each year, for the period from January 1 of~~
19 ~~the previous year through December 31 of the previous year. The~~
20 ~~provisions of this subsection apply to the candidate:~~

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

24 ~~—(b) Each year immediately succeeding a calendar year during~~
25 ~~which the candidate disposes of contributions pursuant to NRS~~
26 ~~294A.160 or subsection 4 of NRS 294A.286.~~

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

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

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

41 (c) Twenty-one days before the general city election for that
42 office, for the period from 4 days before the primary city election
43 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 ~~†5.†~~ 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.

~~†5.†~~ 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. 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. 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 3 of NRS 294A.160 or subsection 4 of NRS 294A.286.



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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 reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.]~~ *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

~~[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 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 ; ~~†~~ 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



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1 behalf of the candidate or group which is not solicited or approved
2 by the candidate or group.

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

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

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

9 294A.420 1. If the Secretary of State receives information
10 that a person, committee or entity that is subject to the provisions of
11 NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200,
12 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280,
13 294A.286 or 294A.360 *or section 4, 5, 6.3 or 6.7 of this act* has not
14 filed a report or form for registration pursuant to the applicable
15 provisions of those sections, the Secretary of State may, after giving
16 notice to that person, committee or entity, cause the appropriate
17 proceedings to be instituted in the First Judicial District Court. *On*
18 *application by the Secretary of State, the First Judicial District*
19 *Court may issue an injunction or grant other equitable relief*
20 *appropriate to ensure compliance with, or enforce, the provisions*
21 *of this chapter.*

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

26 *(a) Five thousand dollars; or*

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

28 *↪ and payment of court costs and attorney's fees.*

29 3. The civil penalty must be recovered in a civil action brought
30 in the name of the State of Nevada by the Secretary of State in the
31 First Judicial District Court and deposited by the Secretary of State
32 for credit to the State General Fund in the bank designated by the
33 State Treasurer.

34 ~~3. — 1f~~

35 4. *Except as otherwise provided in this section, if* a civil
36 penalty is imposed because a person, committee or entity has
37 reported its contributions, expenses or expenditures after the date
38 the report is due, ~~except as otherwise provided in this subsection,~~
39 the amount of the civil penalty is:

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

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

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



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

7 ~~14~~ 5. For good cause shown, the Secretary of State may
8 waive a civil penalty that would otherwise be imposed pursuant to
9 this section. If the Secretary of State waives a civil penalty pursuant
10 to this subsection, the Secretary of State shall:

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

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

16 **Sec. 17.1.** Chapter 218H of NRS is hereby amended by adding
17 thereto the provisions set forth as sections 17.2 to 17.9, inclusive, of
18 this act.

19 **Sec. 17.2.** *“Domestic partner” has the meaning ascribed to it*
20 *in section 25.2 of this act.*

21 **Sec. 17.3.** *“Domestic partnership” has the meaning ascribed*
22 *to it in section 25.4 of this act.*

23 **Sec. 17.4.** *“Item of value” has the meaning ascribed to it in*
24 *section 26 of this act.*

25 **Sec. 17.5.** *“Knowingly” has the meaning ascribed to it in*
26 *section 26.5 of this act.*

27 **Sec. 17.6.** *“Member of a Legislator’s household” means a*
28 *spouse, domestic partner, relative or person who is a member of*
29 *the Legislator’s household for the purposes of section 27.4 of this*
30 *act.*

31 **Sec. 17.7.** *“Relative” has the meaning ascribed to it in*
32 *section 27.8 of this act.*

33 **Sec. 17.8.** *“Willfully” has the meaning ascribed to it in*
34 *section 28.8 of this act.*

35 **Sec. 17.9. 1.** *To the extent possible, the provisions of this*
36 *chapter must be interpreted so as to impose duties and restrictions*
37 *on Legislators and lobbyists that are consistent with the duties and*
38 *restrictions imposed by the provisions of sections 24 to 33,*
39 *inclusive, of this act and NRS 281.558 to 281.581, inclusive.*

40 **2.** *If there is a conflict between the provisions of this chapter*
41 *and the provisions of sections 24 to 33, inclusive, of this act and*
42 *NRS 281.558 to 281.581, inclusive, the provisions of sections 24 to*
43 *33, inclusive, of this act and NRS 281.558 to 281.581, inclusive,*
44 *control.*



1 **Sec. 17.95.** NRS 218H.030 is hereby amended to read as
2 follows:

3 218H.030 As used in this chapter, unless the context otherwise
4 requires, the words and terms defined in NRS 218H.050 to
5 218H.100, inclusive, *and sections 17.2 to 17.8, inclusive, of this act*
6 have the meanings ascribed to them in those sections.

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

8 218H.050 “Expenditure” means ~~any~~:

9 1. *Providing or making any* advance, conveyance, deposit,
10 distribution, transfer, ~~of funds,~~ loan, payment, pledge or
11 subscription of money, *services* or anything *else* of value, including
12 *, without limitation, the* cost of entertainment, ~~except~~ *food or*
13 *beverages, but excluding* the payment of ~~fees~~ membership ~~fees~~ *dues*
14 otherwise exempted pursuant to NRS 218H.400 ~~, and any~~;

15 2. *Providing or giving any item of value pursuant to section*
16 *30 of this act; and*

17 3. *Providing or making any* contract, agreement, promise or
18 other obligation, whether or not legally enforceable, to make any
19 expenditure while the Legislature is in a regular or special session.

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

21 218H.060 1. “Gift” means ~~anything of value, including,~~
22 *without limitation, any* payment, subscription, advance,
23 forbearance, rendering or deposit of money, services or anything
24 *else* of value, unless consideration of equal or greater value is *given*
25 *or* received.

26 2. ~~“Gift”~~ *The term includes, without limitation, any item of*
27 *value provided or given to a Legislator pursuant to section 30 of*
28 *this act.*

29 3. *The term* does not include:

30 (a) A political contribution of money or services related to a
31 political campaign;

32 (b) A commercially reasonable loan made in the ordinary course
33 of business;

34 (c) The cost of entertainment, ~~including the cost of~~ food or
35 beverages ~~, unless it is an item of value provided or given to a~~
36 *Legislator pursuant to section 30 of this act; or*

37 (d) Anything of value received from:

38 (1) A member of the recipient’s ~~immediate family;~~
39 *household or a relative of the recipient within the third degree of*
40 *consanguinity or affinity;*

41 (2) A relative of the ~~recipient or relative of the~~ recipient’s
42 spouse *or domestic partner* within the third degree of consanguinity
43 or ~~from the~~ *affinity; or*

44 (3) *The spouse or domestic partner* of any such relative ~~, or~~,



1 *↪ unless it is an item of value provided or given to a Legislator*
2 *pursuant to section 30 of this act.*

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

4 218H.400 1. Each registrant shall file with the Director:

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

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

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

15 3. Each report must:

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

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

24 ~~3-1~~ 4. Except as otherwise provided in subsection ~~6-1~~ 7, the
25 report:

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

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

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

36 ~~4-1~~ 5. If expenditures made by or on behalf of a registrant
37 during the previous month exceed \$50, the report must include a
38 compilation of expenditures, itemized in the manner required by the
39 regulations of the Legislative Commission, in the following
40 categories:

41 (a) Entertainment;

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

44 (c) Gifts and loans, including *, without limitation, any items of*
45 *value provided or given to a Legislator pursuant to section 30 of*



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1 *this act and any other* money, services and anything *else* of value
2 provided *or given* to a Legislator, to an organization whose primary
3 purpose is to provide support for Legislators of a particular political
4 party and House, or to any other person for the benefit of a
5 Legislator or such an organization; and

6 (d) Other expenditures directly associated with legislative
7 action, *but* not including *the registrant's* personal expenditures for
8 food, lodging and travel expenses or membership dues.

9 ~~15.1~~ 6. The Legislative Commission may authorize an audit or
10 investigation by the Legislative Auditor that is proper and necessary
11 to verify compliance with the provisions of this section. If the
12 Legislative Commission authorizes such an audit or investigation:

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

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

20 ~~16.1~~ 7. A report filed pursuant to this section must not itemize
21 with respect to each Legislator an expenditure if the expenditure is
22 the cost of a function to which every Legislator was invited. For the
23 purposes of this subsection, "function" means a party, meal or other
24 social event.

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

26 218H.530 1. The Director shall:

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

33 (b) Report suspected violations of ~~Haw~~ :

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

35 (2) *Any other provision of law* to the:

36 ~~1(1)~~ (I) Legislative Commission; and

37 ~~1(2)~~ (II) Attorney General, who shall investigate and take
38 any action necessary to carry out the provisions of this chapter.

39 2. If an investigation by the Director reveals a violation of any
40 provision of this chapter by a lobbyist, *or if the Director is notified*
41 *by the Secretary of State pursuant to subsection 5 of NRS 281.581*
42 *that a civil penalty has been imposed against a lobbyist pursuant*
43 *to subsection 2 of NRS 281.581*, the Director may suspend the
44 lobbyist's registration for a specified period or revoke the lobbyist's



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1 registration. The Director shall cause notice of such action to be
2 given to each person who employs or uses the lobbyist.

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

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

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

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

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

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

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

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

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

22 218H.930 1. A lobbyist shall not knowingly or willfully
23 make any false statement or misrepresentation of facts:

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

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

28 2. A lobbyist shall not *willfully* give *or offer to give, directly*
29 *or indirectly*, to ~~it~~ :

30 (a) *A Legislator any item of value in violation of section 29 of*
31 *this act, and a Legislator shall not willfully solicit or accept,*
32 *directly or indirectly, any item of value from a lobbyist in violation*
33 *of section 29 of this act.*

34 (b) *Any other* member of the Legislative Branch or a member of
35 ~~this or her staff or immediate family~~ *a Legislator's household any*
36 *gifts that exceed \$100 in value in the aggregate in any calendar year*
37 ~~it~~

38 ~~[3.—A]~~ *, and such a* member of the Legislative Branch or a
39 member of ~~this or her staff or immediate family~~ *a Legislator's*
40 *household* shall not *willfully* solicit ~~anything of value from a~~
41 ~~registrant~~ or accept ~~any gift that exceeds \$100 in aggregate value~~
42 ~~in any calendar year.~~ *, directly or indirectly, any such gifts from a*
43 *lobbyist.*



~~14.1~~ 3. A person who employs or uses a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

~~15.1~~ 4. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist without being registered as required by that section.

~~16.1~~ 5. Except as otherwise provided in subsection ~~17.1~~ 6, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

~~17.1~~ 6. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

~~18.1~~ 7. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

~~19.1~~ 8. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period beginning:

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

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

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

Sec. 23. Title 23 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 24 to 33, inclusive, of this act and the provisions of NRS 281.558 to 281.581, inclusive, as amended by sections 34 to 36, inclusive, of this act and moved and renumbered pursuant to section 36.7 of this act.

Sec. 24. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281.558 and sections 24.5 to 28.8, inclusive, of this act have the meanings ascribed to them in those sections.*



1 **Sec. 24.5.** *“Business entity” means any form of business or*
2 *social organization or enterprise or any other nongovernmental*
3 *legal entity, including, without limitation, any proprietorship,*
4 *partnership, firm, business, company, trust, joint venture,*
5 *syndicate, corporation or association.*

6 **Sec. 25.** *“Campaign contribution” has the meaning ascribed*
7 *to “contribution” in NRS 294A.007.*

8 **Sec. 25.2.** *“Domestic partner” means a person in a domestic*
9 *partnership.*

10 **Sec. 25.4.** *“Domestic partnership” means:*

11 1. *A domestic partnership as defined in NRS 122A.040; or*

12 2. *A domestic partnership which was validly formed in*
13 *another jurisdiction and which is substantially equivalent to a*
14 *domestic partnership as defined in NRS 122A.040, regardless of*
15 *whether it bears the name of a domestic partnership or is*
16 *registered in this State.*

17 **Sec. 25.6.** *“Household” means an association of persons*
18 *who live in the same home or dwelling and who are related by*
19 *blood, adoption, marriage or domestic partnership.*

20 **Sec. 25.7. 1.** *“Informational or educational meeting”*
21 *means any meeting of two or more persons for the purpose of*
22 *providing or receiving information or education on matters of*
23 *public policy relating to the official duties or functions which are*
24 *performed by a public officer or will be performed by a candidate*
25 *if elected.*

26 2. *The term includes, without limitation, any meal, reception,*
27 *social gathering, caucus, conference, convention, discussion,*
28 *forum, roundtable, seminar, symposium, speaking engagement or*
29 *other similar event, function or program with an informational or*
30 *educational component.*

31 3. *The term does not include an informational or educational*
32 *meeting attended by a public officer or candidate for personal*
33 *reasons or for reasons relating to any professional or occupational*
34 *license held by the public officer or candidate, unless the public*
35 *officer or candidate participates as one of the primary speakers,*
36 *instructors or presenters at the informational or educational*
37 *meeting.*

38 **Sec. 25.8.** *“Intentionally” means voluntarily or*
39 *deliberatively, rather than accidentally or inadvertently. The term*
40 *does not require proof of bad faith, ill will, evil intent or malice.*

41 **Sec. 26. 1.** *“Item of value” or “item” means anything of*
42 *value, including, without limitation, any payment, subscription,*
43 *advance, forbearance, rendering or deposit of money, services or*
44 *anything else of value, unless consideration of equal or greater*
45 *value is given or received.*



2. The term does not include:

(a) A campaign contribution.

(b) A commercially reasonable loan made to a public officer or candidate in the ordinary course of business.

(c) If a public officer is authorized to engage in any business or employment other than his or her public office or if a candidate engages in any business or employment, any salary, wages, income, compensation or benefits earned by the public officer or candidate or any payment or reimbursement of expenses incurred by the public officer or candidate in the ordinary course of that business or employment and paid by or received from any:

(1) Employer, client, customer or patient; or

(2) Business entity for which the public officer or candidate is an owner, director, officer, partner or member.

(d) Except as otherwise provided in subsection 1 of section 30 of this act, anything of value received from:

(1) A member of the public officer's or candidate's household or a relative of the public officer or candidate within the third degree of consanguinity or affinity;

(2) A relative of the public officer's or candidate's spouse or domestic partner within the third degree of consanguinity or affinity; or

(3) The spouse or domestic partner of any such relative.

Sec. 26.5. "Knowingly" imports a knowledge that the facts exist which constitute the act or omission, and does not require knowledge of the prohibition against the act or omission. Knowledge of any particular fact may be inferred from the knowledge of such other facts as should put an ordinarily prudent person upon inquiry.

Sec. 27. 1. "Lobbyist" means a person who, for any compensation or other consideration, communicates directly with a public officer or candidate on behalf of someone other than himself or herself to influence legislative or executive action.

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 in the classification of a lobbyist who receives any compensation or other consideration for his or her lobbying activities.

Sec. 27.2. "Local body or agency" means any local governing body, agency, bureau, board, commission, department, division, office or other unit of any county, city or other political subdivision.

Sec. 27.4. "Member of a public officer's or candidate's household" means:



1 1. The spouse or domestic partner of the public officer or
2 candidate;

3 2. A relative who lives in the household of the public officer
4 or candidate; or

5 3. A person, whether or not a relative, who:

6 (a) Lives in the household of the public officer or candidate
7 and who is dependent on and receiving substantial support from
8 the public officer or candidate;

9 (b) Does not live in the household of the public officer or
10 candidate but who is dependent on and receiving substantial
11 support from the public officer or candidate; or

12 (c) Lived in the household of the public officer or candidate
13 for 6 months or more in the year immediately preceding the year
14 in which the public officer or candidate files a statement of
15 financial disclosure and who was dependent on and receiving
16 substantial support from the public officer or candidate during
17 that period.

18 Sec. 27.6. 1. "Public officer" has the meaning ascribed to it
19 in NRS 281.005.

20 2. The term does not include a judicial officer who is subject
21 to the requirements of the Nevada Code of Judicial Conduct.

22 Sec. 27.8. "Relative" means a person who is related by blood,
23 adoption, marriage or domestic partnership.

24 Sec. 28. A person is a "restricted donor" to a public officer
25 or candidate if the person:

26 1. Is, or is seeking to be, a party to a contract with any state
27 or local body or agency of which the public officer is a member or
28 the candidate will be a member if elected.

29 2. Is or may be, or is the agent of a person who is or may be,
30 materially or financially affected by the performance or
31 nonperformance of an official duty or function by the public
32 officer or by the candidate, if elected, in a manner that is
33 distinguishable from the effect on the general public of the
34 performance or nonperformance of the official duty or function.

35 3. Is, or is the agent of a person who is, a party to or the
36 subject of a matter pending before any state or local body or
37 agency of which the public officer is a member or the candidate
38 will be a member if elected.

39 4. Is a lobbyist who lobbies any state or local body or agency
40 of which the public officer is a member or the candidate will be a
41 member if elected, or is a client of the lobbyist who employs or
42 contracts with the lobbyist to lobby any state or local body or
43 agency of which the public officer is a member or the candidate
44 will be a member if elected.



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1 **Sec. 28.2.** *“State body or agency” means any body, agency,*
2 *bureau, board, commission, department, division, office or other*
3 *unit of the Legislative or Executive Department of the State*
4 *Government.*

5 **Sec. 28.4.** *“State Legislator” or “Legislator” means a*
6 *member of the Senate or Assembly of the State of Nevada.*

7 **Sec. 28.5.** *“State or local body or agency of which the public*
8 *officer is a member” means any state body or agency or local body*
9 *or agency on which the public officer serves as an elected or*
10 *appointed member or for which the public officer serves in an*
11 *elected or appointed position, whether or not the public officer*
12 *receives any compensation for serving in the public office.*

13 **Sec. 28.6.** *“Tax-exempt nonprofit entity” means any*
14 *charitable, fraternal or other nonprofit organization that qualifies*
15 *as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)(3) or*
16 *is a corporation for public benefit, as defined in NRS 82.021.*

17 **Sec. 28.8.** *“Willfully” means intentionally and knowingly.*

18 **Sec. 28.9.** *For the purposes of any civil action brought*
19 *against a defendant pursuant to this chapter, a court of competent*
20 *jurisdiction is:*

21 1. *The district court for the county where the defendant*
22 *resides or maintains a place of business; or*

23 2. *If the defendant does not reside or maintain a place of*
24 *business in the State of Nevada, the First Judicial District Court.*

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

27 (a) *A public officer or candidate shall not willfully solicit or*
28 *accept, directly or indirectly, any item of value from a restricted*
29 *donor.*

30 (b) *A restricted donor shall not willfully give or offer to give,*
31 *directly or indirectly, any item of value to a public officer or*
32 *candidate.*

33 2. *If a restricted donor gives or offers to give to a public*
34 *officer or candidate any item of value that does not qualify for an*
35 *exception in section 30 of this act, the public officer or candidate*
36 *may accept the item from the restricted donor and the actions of*
37 *the public officer or candidate and the restricted donor do not*
38 *violate this section if the public officer or candidate:*

39 (a) *Not later than 30 days after the date on which the item is*
40 *accepted, donates the item or, if the nature of the item is such that*
41 *it cannot be donated after it has been accepted, donates an amount*
42 *equal to the value of the item to any:*

43 (1) *Tax-exempt nonprofit entity; or*

44 (2) *Governmental entity or fund of this State or a political*
45 *subdivision of this State; and*



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(b) Reports the item and donation on his or her statement of financial disclosure if required by NRS 281.571.

Sec. 30. *The offering, giving, soliciting or accepting of any item of value listed in this section does not violate the provisions of section 29 of this act, but the item of value must be reported by the public officer or candidate on his or her statement of financial disclosure if required by NRS 281.571 and, if the restricted donor is subject to chapter 218H of NRS, it must be reported by the restricted donor on his or her lobbying report if required by NRS 218H.400:*

1. Any item provided or given to the public officer or candidate from a restricted donor who is a relative of the 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 a relative of the public officer or candidate within the third degree of consanguinity or affinity.

2. Any item provided or given to the public officer or candidate in any written, audio, visual or digital format that provides information or education relating to the official duties or functions of the state or local body or agency of which the public officer is a member or the candidate will be a member if elected.

3. Any item provided or given to the public officer or candidate that is available or distributed free of charge to members of the general public.

4. Any item provided or given to the public officer or candidate from a bona fide charitable, professional, educational or business organization if:

(a) The public officer or candidate pays dues to be a member of the organization;

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

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

5. Any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the public officer or candidate, or reimbursement for any actual expenses for food, beverages, registration fees, travel or lodging paid by the public officer or candidate, for attendance or participation at any informational or educational meeting if the expenses are incurred on a day during which the public officer or candidate attends or participates at the meeting or during which the public officer or candidate travels to or from the meeting.



1 6. Any plaque or other similar commemorative item of de
2 minimis resale value provided or given to the public officer or
3 candidate as recognition for public service.

4 7. Any amount paid, on an individualized or apportioned
5 basis, for the public officer or candidate to attend or participate at
6 an event, function or program:

7 (a) To raise money for or otherwise support a tax-exempt
8 nonprofit entity; or

9 (b) At which the public officer or candidate is being recognized
10 for public service, if the primary purpose of the event, function or
11 program is to recognize persons for public service.

12 8. Any nonmonetary item with a value of \$8 or less provided
13 or given to the public officer or candidate if the public officer or
14 candidate does not accept more than one such item per calendar
15 day from a restricted donor. For the purposes of this subsection:

16 (a) The value of a nonmonetary item is its retail, resale or
17 market value, whichever is greater, excluding any fees, duties,
18 imposts or taxes, regardless of the number of restricted donors
19 who contribute to the cost of the item.

20 (b) A nonmonetary item does not include any item of value
21 that may be provided or given to the public officer or candidate
22 pursuant to any other provision of this section.

23 9. If the state or local body or agency of which the public
24 officer is a member belongs to a state, regional or national
25 organization of governmental bodies or agencies, any item
26 solicited or accepted by:

27 (a) The organization as part of an informational or
28 educational meeting; or

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

33 10. If the public officer belongs to a state, regional or
34 national organization of public officers, any item solicited or
35 accepted by:

36 (a) The organization as part of an informational or
37 educational meeting; or

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

42 11. Any funeral flowers or memorials, or donations to any
43 tax-exempt nonprofit entity in lieu of funeral flowers or
44 memorials, provided or given because of the death of a relative or
45 friend of the public officer or candidate.



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1 12. Any ceremonial gift provided or given to the public officer
2 or candidate for any birthday, wedding, anniversary, holiday or
3 other ceremonial occasion.

4 13. Any amount paid, on an individualized or apportioned
5 basis, for the public officer or candidate to attend or participate at
6 an event, function or program involving any form of sports,
7 recreation or entertainment, including, without limitation, any
8 actual expenses for food or beverages provided or given to or paid
9 for the benefit of the public officer or candidate at the event,
10 function or program.

11 14. Any actual expenses for food, beverages, travel or lodging
12 provided or given to or paid for the benefit of the public officer, or
13 reimbursement for any actual expenses for food, beverages, travel
14 or lodging paid by the public officer, if:

15 (a) The public officer is representing the state or local body or
16 agency of which the public officer is a member in a delegation
17 whose sole purpose is to:

18 (1) Attract a specific business entity to this State;

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

21 (3) Develop markets for business entities based in this State
22 or services or goods produced in this State;

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

25 (c) The restricted donor is not an employee, agent or owner of
26 a business entity being contacted by the delegation, except that a
27 restricted donor who is an employee, agent or owner of a business
28 entity being contacted by the delegation may provide or give food
29 or beverages to the public officer or pay for the actual expenses of
30 food or beverages provided or given to the public officer.

31 15. Any item of de minimis resale value provided or given to
32 the public officer or candidate by a resident of a country other
33 than the United States if the item is provided or given as part of a
34 ceremonial presentation or the act of providing or giving the item
35 is customary in that country.

36 16. Any item which the public officer is required to receive on
37 behalf of the state or local body or agency of which the public
38 officer is a member as an official duty or function of the office
39 held by the public officer.

40 17. If the public officer is a State Legislator or a guest of a
41 State Legislator, any actual expenses for food or beverages
42 provided or given to or paid for the benefit of the public officer at
43 an event, function or program which takes place during a regular
44 or special session of the Legislature if:



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1 (a) Every member of the Legislature has been invited to the
2 event, function or program; and

3 (b) The food or beverages are offered to every person who
4 attends the event, function or program.

5 18. Any actual expenses for food or beverages provided or
6 given to or paid for the benefit of the public officer or candidate at
7 an event, function or program to raise money for or otherwise
8 support:

9 (a) The candidacy of another person; or

10 (b) A political organization, including, without limitation, a
11 political party, committee sponsored by a political party, political
12 caucus or committee for political action.

13 Sec. 31. (Deleted by amendment.)

14 Sec. 32. The provisions of this chapter do not:

15 1. Authorize a public officer to solicit or accept any item of
16 value in violation of the code of ethical standards in NRS
17 281A.400 or the restrictions on the acceptance or receipt of an
18 honorarium in NRS 281A.510;

19 2. Relieve a public officer of any duty to disclose the
20 acceptance of any item of value if required by NRS 281A.420 or,
21 because of that acceptance, abstain from voting upon or
22 advocating the passage or failure of a matter if required by NRS
23 281A.420; or

24 3. Abrogate, alter or affect the application of any other
25 provision of the Nevada Ethics in Government Law in chapter
26 281A of NRS.

27 Sec. 33. The Secretary of State may adopt regulations
28 necessary to carry out the provisions of this chapter.

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

30 281.558 ~~As used in NRS 281.558 to 281.581, inclusive,~~
31 ~~“candidate”~~

32 1. “Candidate” means any person ~~+~~
33 ~~—1.1~~ who seeks to be elected to a public office and:

34 (a) Who files a declaration of candidacy;

35 ~~12.1~~ (b) Who files an acceptance of candidacy; or

36 ~~13.1~~ (c) Whose name appears on an official ballot at any
37 election.

38 2. The term does not include a candidate for judicial office
39 who is subject to the requirements of the Nevada Code of Judicial
40 Conduct.

41 Sec. 34.3. NRS 281.559 is hereby amended to read as follows:

42 281.559 1. Except as otherwise provided in subsections 2 and
43 3 and NRS 281.572, if a public officer who was appointed to the
44 office for which the public officer is serving is entitled to receive
45 annual compensation of \$6,000 or more for serving in that office or



1 if the public officer was appointed to the office of Legislator, the
2 public officer shall file electronically with the Secretary of State a
3 statement of financial disclosure, as follows:

4 (a) A public officer appointed to fill the unexpired term of an
5 elected or appointed public officer shall file a statement of financial
6 disclosure within 30 days after the public officer's appointment.

7 (b) Each public officer appointed to fill an office shall file a
8 statement of financial disclosure on or before January 15 of:

9 (1) Each year of the term, including the year in which the
10 public officer leaves office; and

11 (2) The year immediately following the year in which the
12 public officer leaves office, unless the public officer leaves office
13 before January 15 in the prior year.

14 ➔ The statement must disclose the required information for the full
15 calendar year immediately preceding the date of filing.

16 2. If a person is serving in a public office for which the person
17 is required to file a statement pursuant to subsection 1, the person
18 may use the statement the person files for that initial office to satisfy
19 the requirements of subsection 1 for every other public office to
20 which the person is appointed and in which the person is also
21 serving.

22 3. A judicial officer who is appointed to fill the unexpired term
23 of a predecessor or to fill a newly created judgeship shall file a
24 statement of financial disclosure pursuant to the requirements ~~of~~
25 ~~Canon 4H~~ of the Nevada Code of Judicial Conduct. ~~{Such}~~ *To the*
26 *extent practicable, such* a statement of financial disclosure must
27 include, without limitation, all information required to be included
28 in a statement of financial disclosure pursuant to NRS 281.571.

29 4. A statement of financial disclosure shall be deemed to be
30 filed on the date that it was received by the Secretary of State.

31 5. Except as otherwise provided in NRS 281.572, the Secretary
32 of State shall provide access through a secure website to the
33 statement of financial disclosure to each person who is required to
34 file the statement with the Secretary of State pursuant to this section.

35 ~~{6. The Secretary of State may adopt regulations necessary to~~
36 ~~carry out the provisions of this section.}~~

37 **Sec. 34.5.** NRS 281.561 is hereby amended to read as follows:

38 281.561 1. Except as otherwise provided in subsections 2 and
39 3 and NRS 281.572, each candidate ~~{for public office}~~ who will be
40 entitled to receive annual compensation of \$6,000 or more for
41 serving in the office that the candidate is seeking, each candidate for
42 the office of Legislator and ~~{, except as otherwise provided in~~
43 ~~subsection 3,}~~ each public officer who was elected to the office for
44 which the public officer is serving shall file electronically with the
45 Secretary of State a statement of financial disclosure, as follows:



(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure ~~not~~ *not* later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a statement of financial disclosure on or before January 15 of:

(1) Each year of the term, including the year in which the public officer leaves office; and

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➔ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate ~~{for public office}~~ is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.559, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements ~~of Canon 4H~~ of the Nevada Code of Judicial Conduct. ~~{Such}~~ *To the extent practicable, such* a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

5. A statement of financial disclosure shall be deemed to be filed on the date that it was received by the Secretary of State.



6. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.

~~[7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.]~~

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

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

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

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

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

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

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

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

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

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

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

(e) *If the candidate or public officer has accepted any items of value involving any form of sports, recreation or entertainment pursuant to subsection 13 of section 30 of this act in excess of an aggregate value of \$50 from a restricted donor during the preceding taxable year, a list of all such items, including the identity of the restricted donor and value of each such item.*

(f) If the candidate ~~[for public office]~~ or public officer has ~~[received gifts]~~ *accepted any other items of value pursuant to section 30 of this act* in excess of an aggregate value of \$200 from a



restricted donor during the preceding taxable year, a list of all such ~~{gifts,}~~ *items*, including the identity of the *restricted* donor and value of each ~~{gift, except:~~

~~—— (1) A gift received from a person who is related to the candidate for public 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} *such item, except that* the candidate ~~{for public office}~~ or public officer ~~};~~~~

~~—— (f)} is not required to list:~~

(1) Any items accepted from a restricted donor pursuant to subsections 1, 9, 10, 17 or 18 of section 30 of this act; or

(2) Any items accepted from a restricted donor that consist of expenses for food or beverages provided or given to or paid for the benefit of the candidate or public officer who attends or participates at any informational or educational meeting pursuant to subsection 5 of section 30 of this act if:

(I) The items are offered to every person who attends the informational or educational meeting; and

(II) There is no reasonable or practicable means by which the candidate or public officer can determine the individualized or itemized value of the items.

(g) 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)}~~ *(h)* 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 ~~it~~ must contain boxes for the candidate or public officer to check to indicate that an item of value was:

(a) Donated by the candidate or public officer pursuant to subsection 2 of section 29 of this act to a tax-exempt nonprofit entity or a governmental entity or fund of this State or a political subdivision of this State; or

(b) Accepted by the candidate or public officer pursuant to paragraph (a) of subsection 7 of section 30 of this act to attend or participate at an event, function or program to raise money for or otherwise support a tax-exempt nonprofit entity.

Sec. 35.3. NRS 281.572 is hereby amended to read as follows:

281.572 1. A candidate or public officer who is required to file a statement of financial disclosure with the Secretary of State pursuant to NRS 281.559 or 281.561 is not required to file the statement electronically if the candidate or public officer has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(a) The candidate or public officer does not own or have the ability to access the technology necessary to file electronically the statement of financial disclosure; and

(b) The candidate or public officer does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the statement of financial disclosure.

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A candidate or public officer who signs the affidavit under an oath to God is subject to the same penalties as if the candidate or public officer had signed the affidavit under penalty of perjury.

(b) Except as otherwise provided in subsection 4, filed not less than 15 days before the statement of financial disclosure is required to be filed.

3. A candidate or public officer who is not required to file the statement of financial disclosure electronically may file the statement of financial disclosure by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A statement of financial disclosure transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.

4. A person who is appointed to fill the unexpired term of an elected or appointed public officer must file the affidavit described in subsection 1 not later than 15 days after his or her appointment to



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1 be exempted from the requirement of filing a ~~report~~ *statement of*
2 *financial disclosure* electronically.

3 **Sec. 35.5.** NRS 281.573 is hereby amended to read as follows:

4 281.573 1. Except as otherwise provided in subsection 2,
5 ~~statements~~ *each statement* of financial disclosure required by the
6 provisions of NRS 281.558 to 281.572, inclusive, must be retained
7 by the Secretary of State for 6 years after the date of filing.

8 2. For public officers who serve more than one term in either
9 the same public office or more than one public office, the period
10 prescribed in subsection 1 begins on the date of the filing of the last
11 statement of financial disclosure for the last public office held.

12 **Sec. 35.7.** NRS 281.574 is hereby amended to read as follows:

13 281.574 1. A list of each public officer who is required to file
14 a statement of financial disclosure must be submitted electronically
15 to the Secretary of State, in a form prescribed by the Secretary of
16 State, on or before December 1 of each year by:

17 (a) Each county clerk for all public officers of the county and
18 other local governments within the county other than cities;

19 (b) Each city clerk for all public officers of the city;

20 (c) The Director of the Legislative Counsel Bureau for all public
21 officers of the Legislative Branch; and

22 (d) The Chief of the Budget Division of the Department of
23 Administration for all public officers of the Executive Branch.

24 2. Each county clerk, or the registrar of voters of the county if
25 one was appointed pursuant to NRS 244.164, and each city clerk
26 shall submit electronically to the Secretary of State, in a form
27 prescribed by the Secretary of State, a list of each candidate ~~for~~
28 ~~public office~~ who filed a declaration of candidacy or acceptance of
29 candidacy with that officer within 10 days after the last day to
30 qualify as a candidate for the applicable office.

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

32 281.581 1. If the Secretary of State receives information that
33 a candidate, ~~for public office or~~ public officer *or restricted donor*
34 *may have* willfully ~~fails to file a statement of financial disclosure or~~
35 ~~willfully fails to file a statement of financial disclosure in a timely~~
36 ~~manner pursuant to NRS 281.559, 281.561 or 281.572,~~ *violated the*
37 *provisions of this chapter,* the Secretary of State may, after giving
38 notice to ~~that person or entity,~~ *the candidate, public officer or*
39 *restricted donor,* cause the appropriate proceedings to be instituted
40 in ~~the First Judicial District Court,~~ *a court of competent*
41 *jurisdiction. On application by the Secretary of State, the court*
42 *may issue an injunction or grant other equitable relief appropriate*
43 *to ensure compliance with, or enforce, any applicable provision of*
44 *this chapter.*



2. Except as otherwise provided in this section, a candidate ,
~~for public office, or~~ 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. *Except as otherwise provided in this section, a candidate or*
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 a court of competent
jurisdiction and must be deposited by the Secretary of State for
credit to the State General Fund in the bank designated by the
State Treasurer.



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

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

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

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

15 ~~[5. As used in this section, "willfully" means intentionally and~~
16 ~~knowingly.]~~

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

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

24 **Sec. 36.6.** The provisions of sections 24 to 33, inclusive, of
25 this act and NRS 281.558 to 281.581, inclusive, as amended by
26 sections 34 to 36, inclusive, of this act, do not apply to:

27 1. Any act, event or circumstance that occurs before January 1,
28 2014; or

29 2. Any statement of financial disclosure that is filed for
30 calendar year 2013 or for any preceding calendar year, regardless of
31 whether the statement of financial disclosure is filed before, on or
32 after January 1, 2014.

33 **Sec. 36.7.** The Legislative Counsel shall:

34 1. In preparing the reprint and supplements to the Nevada
35 Revised Statutes, move the provisions of NRS 281.558 to 281.581,
36 inclusive, as amended by sections 34 to 36, inclusive, of this act, to
37 the new chapter added to title 23 of NRS by section 23 of this act
38 and appropriately change any internal references to reflect the
39 change in location and numbering of those provisions.

40 2. In preparing the supplements to the Nevada Administrative
41 Code, appropriately change any references to the provisions of NRS
42 281.558 to 281.581, inclusive, as amended by sections 34 to 36,
43 inclusive, of this act, to reflect the change in the location and
44 numbering of those provisions.



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

