

Amendment No. 311

Senate Amendment to Senate Bill No. 104	(BDR 24-86)
Proposed by: Senate Committee on Legislative Operations and Elections	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

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

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

JWP/HAC



Date: 4/10/2015

S.B. No. 104—Makes various changes relating to political advertising.
(BDR 24-86)



SENATE BILL NO. 104—SENATOR SETTELMAYER

PREFILED FEBRUARY 1, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to political advertising.
(BDR 24-86)

FISCAL NOTE: Effect on Local Government: No.
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 campaign practices; establishing certain exceptions to the requirement that political advertising must disclose information about the person or entity compensating the advertiser or paying for the advertising; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if a person is compensated for publishing, within a specified period before the election, a statement expressly advocating the election or defeat of a candidate for state or local office, the statement must disclose the fact of the compensation and the name of the person, political party or committee for political action providing that compensation. (NRS 294A.347) Existing law also requires that certain types of political advertising must include: (1) a disclosure of the name of the person, political party or committee that paid for the advertising; and (2) if the advertising is approved by a candidate, a statement to that effect and additional information about the person or entity that paid for the advertising. (NRS 294A.348) This bill establishes exceptions to those disclosure requirements for any article of clothing, regardless of its cost, and certain other forms of political advertising having a retail cost per item of less than \$5.

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

Section 1. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of NRS 294A.347 and subsections 1 and 2 of NRS 294A.348 do not apply to any statement or communication appearing on:

- 1. Any cap, hat, shirt or other article of clothing, regardless of its cost; or*
- 2. Except as otherwise provided in this subsection, any item having a retail cost per item of less than \$5, including, without limitation, any button, pen, pencil, ruler, magnet, key tag, emery board, comb, letter opener, can holder, bottle opener, jar opener, balloon or piece of candy. The exclusion otherwise provided by this subsection does not apply to any door hanger, bumper sticker,*

yard sign or advertising through a television or radio broadcast, newspaper, magazine, outdoor advertising facility or mailing.

Sec. 2. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. ~~It is~~ Except as otherwise provided in section 1 of this act, a statement which:

(a) Is published within 60 days before a general election or special election or 30 days before a primary election;

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate or a person, political party or committee for political action,

must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, political party or committee for political action providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election or special election or 30 days before a primary election; and

(b) Contains the name of the candidate,

shall be deemed to comply with the provisions of this section.

3. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 3. NRS 294A.348 is hereby amended to read as follows:

294A.348 1. ~~It is~~ Except as otherwise provided in section 1 of this act, a person, committee for political action, political party or committee sponsored by a political party that expends more than \$100 for the purpose of financing a communication through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising that:

(a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or

(b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising,

shall disclose on the communication the name of the person, committee for political action, political party or committee sponsored by a political party that paid for the communication.

2. ~~It is~~ Except as otherwise provided in section 1 of this act, if a communication described in subsection 1 is approved by a candidate, in addition to the requirements of subsection 1, the communication must state that the candidate approved the communication and disclose the street address, telephone number and Internet address, if any, of the person, committee for political action, political party or committee sponsored by a political party that paid for the communication.

3. A person, committee for political action, political party or committee sponsored by a political party that has an Internet website available for viewing by the general public or that sends out an electronic mailing to more than 500 people that:

(a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or

1 (b) Solicits a contribution through any television or radio broadcast,
2 newspaper, magazine, outdoor advertising facility, mailing or any other type of
3 general public political advertising.

4 ➡ shall disclose on the Internet website or electronic mailing, as applicable, the
5 name of the person, committee for political action, political party or committee
6 sponsored by a political party.

7 4. The disclosures and statements required pursuant to this section must be
8 clear and conspicuous, and easy to read or hear, as applicable.