

Amendment No. 903

Assembly Amendment to Senate Bill No. 307 First Reprint (BDR 17-768)

Proposed by: Assemblyman Ohrenschall

Amendment Box: Replaces Amendment No. 897.

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) 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.

KCP



Date: 5/20/2015

S.B. No. 307—Revises provisions relating to public officers and candidates for public office. (BDR 17-768)



SENATE BILL NO. 307—SENATOR ROBERSON

MARCH 16, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to public officers and candidates for public office. (BDR 17-768)

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 public office; revising provisions relating to the lobbying of State Legislators; revising provisions regulating gifts to public officers and candidates for public office; revising provisions governing financial disclosure statements ***and campaign finance reports*** filed by such public officers and candidates; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law in the Nevada Lobbying Disclosure Act (Lobbying Act) prohibits lobbyists from giving State Legislators or members of their immediate family or staff 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) In defining the term "gift," the Lobbying Act excludes the cost of entertainment, including the cost of food or beverages, so there is no limit on the amount of entertainment expenditures lobbyists may make for State Legislators or members of their immediate family or staff. (NRS 218H.060) If a lobbyist makes such expenditures, the lobbyist must disclose the expenditures by filing a report with the Director of the Legislative Counsel Bureau. (NRS 218H.400)

In addition to the disclosures required by the Lobbying Act, existing law, commonly referred to as the Financial Disclosure Act, requires State Legislators and other state and local public officers and candidates to disclose and report gifts received in excess of an aggregate value of \$200 from a donor during a calendar year on financial disclosure statements filed with the Secretary of State. (NRS 281.558-281.581) Unlike the Lobbying Act, the Financial Disclosure Act does not define the term "gift," but it excludes certain types of gifts from the reporting requirements. (NRS 281.571)

In 2007, when the Commission on Ethics had the statutory authority to interpret the Financial Disclosure Act, it determined that the law did not require a public officer from a jurisdiction near the proposed Yucca Mountain nuclear waste project to report on his financial disclosure statement that a nuclear fuel reprocessing company working as a contractor on the project paid for certain travel, lodging and meal expenses for the public officer and his spouse to undertake an educational or informational trip to France to learn more about nuclear fuel reprocessing and nuclear emergency preparedness by touring reprocessing facilities operated by the company and meeting with French stakeholders, local leaders and emergency responders. The Commission found that the Legislature had not established what constitutes a gift for the purposes of existing law and that "[n]o evidence exists that the act of accepting an invitation from [the company], to visit its nuclear reprocessing facilities in France and

traveling to Europe for that purpose, constitutes a gift.” (*In re Phillips*, CEO 06-23 (June 15, 2007))

By contrast, in the 2014 Financial Disclosure Statement Guide produced by the Office of the Secretary of State, the Guide includes as an example of a reportable gift “[t]ravel, lodging, food or registration expenses as part of a ‘fact-finding’ trip, which is part of the official or unofficial duties of a public officer, unless the expenses are paid by the candidate, [the] public officer, or the governmental agency that employs the public officer.” (Nev. Sec’y of State, *Financial Disclosure Statement Guide*, p. 5 (2014)) However, because this example in the Guide was not promulgated by the Office of the Secretary of State in a regulation adopted under the Nevada Administrative Procedure Act, it does not have the force and effect of law. (NRS 233B.040; *State Farm Mut. Auto. Ins. v. Comm’r of Ins.*, 114 Nev. 535, 543-44 (1998); *Labor Comm’r v. Littlefield*, 123 Nev. 35, 39-43 (2007))

Sections 9 and 19 of this bill revise the Lobbying Act and the Financial Disclosure Act to establish a definition for the term “gift” that is similar for both acts. **Sections 4 and 17** of this bill also establish a definition for the term “educational or informational meeting, event or trip” that is similar for both acts. Under this bill, a gift does not include an educational or informational meeting, event or trip, but this bill requires the disclosure of such educational or informational meetings, events or trips. Specifically, under **sections 4, 8 and 11** of this bill, lobbyists are required to disclose any expenditures made for educational or informational meetings, events or trips provided to State Legislators, and under **sections 17, 20 and 27** of this bill, public officers and candidates are required to disclose on their financial disclosure statements any educational or informational meetings, events or trips provided by interested persons having a substantial interest in the legislative, administrative or political action of the public officer or the candidate if elected.

Sections 9 and 12 of this bill prohibit lobbyists from knowingly or willfully giving gifts in any amount to State Legislators or members of their immediate family or staff, whether or not the Legislature is in a regular or special session. Those sections also prohibit State Legislators or members of their immediate family or staff from knowingly or willfully soliciting or accepting gifts in any amount from lobbyists, whether or not the Legislature is in a regular or special session.

Sections 2, 3, 15, 16, 18 and 21-33 of this bill revise the Lobbying Act and the Financial Disclosure Act to update and modernize the statutory language, remove redundant provisions and promote consistency between the acts.

Existing law regulates campaign finance practices, including the reporting of campaign contributions. (Chapter 294A of NRS) Existing law requires candidates to file campaign finance reports with the Secretary of State disclosing each monetary contribution received in an amount greater than \$100 by certain statutorily scheduled dates during an election year and to file such reports annually after nonelection years. (NRS 294A.120)

Section 39.2 of this bill requires candidates who receive monetary contributions in an amount greater than \$100 to report each such contribution to the Secretary of State not later than 72 hours after receiving the contribution. The report must be filed electronically with the Secretary of State unless the candidate qualifies for an exception from electronic filing. Section 39.3 of this bill requires the Secretary of State to create and maintain application software which is designed for use on a mobile device, such as a smartphone or tablet computer, and which must allow candidates to file their campaign finance reports electronically with the Secretary of State using such a mobile device.

Finally, **section 41** of this bill provides that the provisions of this bill apply to public officers and candidates beginning on January 1, 2016. However, **section 40** of this bill states that the provisions of this bill do not apply to a financial disclosure statement that is filed by a public officer or candidate to report information for any period that ends before January 1, 2016. As a result, although most public officers will be required to file a financial disclosure statement on or before January 15, 2016, which must disclose information for the 2015 calendar year, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year. (NRS 281.559, 281.561)

By contrast, most candidates for a public office in 2016 will be required to file a financial disclosure statement, not later than the 10th day after the last day to qualify as a candidate for the office, which must disclose information for: (1) the 2015 calendar year; and (2) the period

between January 1, 2016, and the last day to qualify as a candidate for the office. (NRS 281.561) For these candidates, the provisions of this bill will not apply to the information that must be disclosed for the 2015 calendar year but will apply to the information that must be disclosed for the period between January 1, 2016, and the last day to qualify as a candidate for the office.

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

Section 1. Chapter 218H of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *“Domestic partner” means a person in a domestic partnership.*

Sec. 3. *“Domestic partnership” means:*

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

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

Sec. 4. *1. “Educational or informational meeting, event or trip” means any meeting, event or trip undertaken or attended by a Legislator if, in connection with the meeting, event or trip:*

(a) The Legislator or a member of the Legislator’s household receives anything of value from a lobbyist to undertake or attend the meeting, event or trip; and

(b) The Legislator provides or receives any education or information on matters relating to the legislative, administrative or political action of the Legislator.

2. The term includes, without limitation, any reception, gathering, conference, convention, discussion, forum, roundtable, seminar, symposium, speaking engagement or other similar meeting, event or trip with an educational or informational component.

3. The term does not include a meeting, event or trip undertaken or attended by a Legislator for personal reasons or for reasons relating to any professional or occupational license held by the Legislator, unless the Legislator participates as one of the primary speakers, instructors or presenters at the meeting, event or trip.

4. For the purposes of this section, “anything of value” includes, without limitation, any actual expenses for food, beverages, registration fees, travel or lodging provided or given to or paid for the benefit of the Legislator or a member of the Legislator’s household or reimbursement for any such actual expenses paid by the Legislator or a member of the Legislator’s household, if the expenses are incurred on a day during which the Legislator or a member of the Legislator’s household undertakes or attends the meeting, event or trip or during which the Legislator or a member of the Legislator’s household travels to or from the meeting, event or trip.

Sec. 5. *“Member of the Legislator’s household” means a person who is a member of the Legislator’s household for the purposes of NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.*

Sec. 6. *“Registrant” means a person who is registered as a lobbyist pursuant to this chapter.*

Sec. 7. NRS 218H.030 is hereby amended to read as follows:

218H.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 218H.050 to 218H.100, inclusive, *and sections 2 to 6, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 8. NRS 218H.050 is hereby amended to read as follows:

218H.050 1. "Expenditure" means any ~~advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge or subscription~~ of the following acts by a lobbyist while the Legislature is in a regular or special session:

(a) Any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering of money, services or anything else of value ~~including cost of entertainment, except the payment of a membership fee otherwise exempted pursuant to NRS 218H.400, and any~~; or

(b) Any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any such expenditure. ~~while the Legislature is in a regular or special session.~~

2. The term includes, without limitation:

(a) Anything of value provided for an educational or informational meeting, event or trip.

(b) The cost of a party, meal, function or other social event to which every Legislator is invited.

3. The term does not include:

(a) A prohibited gift.

(b) A lobbyist's personal expenditures for his or her own food, beverages, lodging, travel expenses or membership fees or dues.

Sec. 9. NRS 218H.060 is hereby amended to read as follows:

218H.060 1. "Gift" means ~~a payment, subscription, advance,~~ any payment, conveyance, transfer, distribution, deposit, advance, loan, forbearance, subscription, pledge or rendering ~~for deposit~~ of money, services or anything else of value, unless consideration of equal or greater value is received.

2. ~~Gift~~ The term does not include:

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

~~(b) A~~

(b) Any commercially reasonable loan made in the ordinary course of business. ~~;~~

(c) Anything of value provided for an educational or informational meeting, event or trip.

(d) The cost of ~~entertainment,~~ a party, meal, function or other social event to which every Legislator is invited, including, without limitation, the cost of food or beverages ~~;~~ ~~or~~

~~(d)~~ provided at the party, meal, function or other social event.

(e) Any ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion from a donor who is not a lobbyist.

(f) Anything of value received from ~~;~~

~~(1) A member of the recipient's immediate family; or~~

~~(2) A relative of~~ a person who is:

(1) Related to the recipient, or ~~relative of the recipient's~~ to the spouse or domestic partner of the recipient, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or ~~from the spouse of any such relative;~~ affinity; or

(2) A member of the recipient's household.

1 **Sec. 10.** NRS 218H.210 is hereby amended to read as follows:
2 218H.210 The registration statement of a lobbyist must contain the following
3 information:

4 1. The registrant's full name, permanent address, place of business and
5 temporary address while lobbying.

6 2. The full name and complete address of each person, if any, by whom the
7 registrant is retained or employed or on whose behalf the registrant appears.

8 3. A listing of any direct business associations or partnerships involving any
9 current Legislator and the registrant or any person by whom the registrant is
10 retained or employed. The listing must include any such association or partnership
11 constituting a source of income or involving a debt or interest in real estate required
12 to be disclosed in a ~~statement of~~ financial disclosure **statement** made by a
13 ~~candidate for public office or a~~ public officer **or candidate** pursuant to NRS
14 281.571.

15 4. The name of any current Legislator for whom:

16 (a) The registrant; or

17 (b) Any person by whom the registrant is retained or employed,
18 ➤ has, in connection with a political campaign of the Legislator, provided
19 consulting, advertising or other professional services since the beginning of the
20 preceding regular session.

21 5. A description of the principal areas of interest on which the registrant
22 expects to lobby.

23 6. If the registrant lobbies or purports to lobby on behalf of members, a
24 statement of the number of members.

25 7. A declaration under penalty of perjury that none of the registrant's
26 compensation or reimbursement is contingent, in whole or in part, upon the
27 production of any legislative action.

28 **Sec. 11.** NRS 218H.400 is hereby amended to read as follows:

29 218H.400 1. Each registrant shall file with the Director:

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

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

36 2. Each report must:

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

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

43 3. Except as otherwise provided in subsection 6, the report:

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

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

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

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

~~—(a) Entertainment;~~

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

~~—(c) Gifts and loans, including money, services and anything of value provided to a Legislator, to an organization whose primary purpose is to provide support for Legislators of a particular political party and House, or to any other person for the benefit of a Legislator or such an organization; and~~

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

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

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

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

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

Sec. 12. NRS 218H.930 is hereby amended to read as follows:

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

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

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

2. A lobbyist shall not *knowingly or willfully* give *any gift* to a member of the Legislative Branch or a member of his or her ~~staff or~~ immediate family ~~gifts that exceed \$100 in value in the aggregate in any calendar year.~~, *whether or not the Legislature is in a regular or special session.*

3. A member of the Legislative Branch or a member of his or her ~~staff or~~ immediate family shall not *knowingly or willfully* solicit ~~anything of value from a registrant~~ or accept any gift ~~that exceeds \$100 in aggregate value in any calendar year.~~ *from a lobbyist, whether or not the Legislature is in a regular or special session.*

4. 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.

5. 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.

6. Except as otherwise provided in subsection 7, 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.

7. 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.

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

9. 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:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

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

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

Sec. 13. Chapter 281 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 23, inclusive, of this act.

Sec. 14. *As used in NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 281.558 and sections 15 to 21, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 15. *“Domestic partner” means a person in a domestic partnership.*

Sec. 16. *“Domestic partnership” means:*

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

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

Sec. 17. *1. “Educational or informational meeting, event or trip” means any meeting, event or trip undertaken or attended by a public officer or candidate if, in connection with the meeting, event or trip:*

(a) The public officer or candidate or a member of the public officer’s or candidate’s household receives anything of value to undertake or attend the meeting, event or trip from an interested person; and

1 (b) The public officer or candidate provides or receives any education or
2 information on matters relating to the legislative, administrative or political
3 action of the public officer or the candidate if elected.

4 2. The term includes, without limitation, any reception, gathering,
5 conference, convention, discussion, forum, roundtable, seminar, symposium,
6 speaking engagement or other similar meeting, event or trip with an educational
7 or informational component.

8 3. The term does not include a meeting, event or trip undertaken or
9 attended by a public officer or candidate for personal reasons or for reasons
10 relating to any professional or occupational license held by the public officer or
11 candidate, unless the public officer or candidate participates as one of the
12 primary speakers, instructors or presenters at the meeting, event or trip.

13 4. For the purposes of this section, "anything of value" includes, without
14 limitation, any actual expenses for food, beverages, registration fees, travel or
15 lodging provided or given to or paid for the benefit of the public officer or
16 candidate or a member of the public officer's or candidate's household or
17 reimbursement for any such actual expenses paid by the public officer or
18 candidate or a member of the public officer's or candidate's household, if the
19 expenses are incurred on a day during which the public officer or candidate or a
20 member of the public officer's or candidate's household undertakes or attends
21 the meeting, event or trip or during which the public officer or candidate or a
22 member of the public officer's or candidate's household travels to or from the
23 meeting, event or trip.

24 Sec. 18. "Financial disclosure statement" or "statement" means a
25 financial disclosure statement in the electronic form or other authorized form
26 prescribed by the Secretary of State pursuant to NRS 281.558 to 281.581,
27 inclusive, and sections 14 to 23, inclusive, of this act or in the form approved by
28 the Secretary of State for a specialized or local ethics committee pursuant to NRS
29 281A.350.

30 Sec. 19. 1. "Gift" means any payment, conveyance, transfer, distribution,
31 deposit, advance, loan, forbearance, subscription, pledge or rendering of money,
32 services or anything else of value, unless consideration of equal or greater value
33 is received.

34 2. The term does not include:

35 (a) Any political contribution of money or services related to a political
36 campaign.

37 (b) Any commercially reasonable loan made in the ordinary course of
38 business.

39 (c) Anything of value provided for an educational or informational meeting,
40 event or trip.

41 (d) Anything of value excluded from the term "gift" as defined in NRS
42 218H.060.

43 (e) Any ceremonial gifts received for a birthday, wedding, anniversary,
44 holiday or other ceremonial occasion from a donor who is not an interested
45 person.

46 (f) Anything of value received from a person who is:

47 (1) Related to the public officer or candidate, or to the spouse or domestic
48 partner of the public officer or candidate, by blood, adoption, marriage or
49 domestic partnership within the third degree of consanguinity or affinity; or

50 (2) A member of the public officer's or candidate's household.

51 Sec. 20. 1. "Interested person" means a person who has a substantial
52 interest in the legislative, administrative or political action of a public officer or a
53 candidate if elected.

2. The term includes, without limitation:

(a) A lobbyist as defined in NRS 218H.080.

(b) A group of interested persons acting in concert, whether or not formally organized.

Sec. 21. 1. "Member of the public officer's or candidate's household" means:

(a) The spouse or domestic partner of the public officer or candidate;

(b) A relative who lives in the same home or dwelling as the public officer or candidate; or

(c) A person, whether or not a relative, who:

(1) Lives in the same home or dwelling as the public officer or candidate and who is dependent on and receiving substantial support from the public officer or candidate;

(2) Does not live in the same home or dwelling as the public officer or candidate but who is dependent on and receiving substantial support from the public officer or candidate; or

(3) Lived in the same home or dwelling as the public officer or candidate for 6 months or more during the immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement and who was dependent on and receiving substantial support from the public officer or candidate during that period.

2. For the purposes of this section, "relative" means a person who is related to the public officer or candidate, or to the spouse or domestic partner of the public officer or candidate, by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

Sec. 22. 1. Except as otherwise provided in NRS 281.572, the Secretary of State shall provide access through a secure Internet website for the purpose of filing financial disclosure statements to each public officer or candidate who is required to file electronically with the Secretary of State a financial disclosure statement pursuant to NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.

2. A financial disclosure statement that is filed electronically with the Secretary of State shall be deemed to be filed on the date that it is filed electronically if it is filed not later than 11:59 p.m. on that date.

Sec. 23. The Secretary of State may adopt regulations necessary to carry out the provisions of NRS 281.558 to 281.581, inclusive, and sections 14 to 23, inclusive, of this act.

Sec. 24. NRS 281.558 is hereby amended to read as follows:

281.558 ~~As used in NRS 281.558 to 281.581, inclusive, "candidate"~~

1. "Candidate" means any person ~~+~~

~~—1-~~ who seeks to be elected to a public office and:

(a) Who files a declaration of candidacy;

~~2-~~ (b) Who files an acceptance of candidacy; or

~~3-~~ (c) Whose name appears on an official ballot at any election.

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

Sec. 25. NRS 281.559 is hereby amended to read as follows:

281.559 1. Except as otherwise provided in ~~subsections 2 and 3~~ **this section** and NRS 281.572, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of \$6,000 or more for serving in that office or if the public officer was appointed to the office of Legislator, the public officer shall file electronically with the Secretary of State a ~~statement of~~ financial disclosure ~~+~~ **statement**, as follows:

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

(b) Each public officer appointed to fill an office shall file a ~~statement of~~ financial disclosure *statement* 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. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a ~~statement of~~ financial disclosure *statement* 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 *statement* pursuant to NRS 281.571.

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

~~5. 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.~~

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

Sec. 26. NRS 281.561 is hereby amended to read as follows:

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

(a) A candidate for nomination, election or reelection to public office shall file a ~~statement of~~ financial disclosure ~~not~~ *statement 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 *statement* 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 *statement* 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 *statement* 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 ~~statement~~ 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 ~~statement~~ 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 ~~statement~~ pursuant to the requirements ~~of Canon 4~~ 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 ~~statement~~ 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. 27. NRS 281.571 is hereby amended to read as follows:

281.571 ~~1. Statements of~~ *Each* financial disclosure ~~as approved pursuant to NRS 281A.350 or in such electronic form as the Secretary of State otherwise prescribes.~~ ~~statement~~ must contain the following information concerning the ~~candidate for public office or~~ public officer ~~or~~

~~(a) or candidate:~~

1. The ~~candidate's or~~ public officer's *or candidate's* length of residence in the State of Nevada and the district in which the ~~candidate for public office or~~ public officer *or candidate* is registered to vote.

~~(b)~~ 2. Each source of the ~~candidate's or~~ public officer's *or candidate's* income, or that of any member of the ~~candidate's or~~ public officer's *or candidate'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)~~ 3. A list of the specific location and particular use of real estate, other than a personal residence:

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

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

~~1~~ ~~(3)}~~ (c) That is located in this State or an adjacent state.

~~2~~ ~~(4)}~~ 4. The name of each creditor to whom the ~~candidate for public office~~
~~3~~ ~~or~~ public officer *or candidate* or a member of the ~~candidate's or~~ public officer's
~~4~~ *or candidate's* household owes \$5,000 or more, except for:

~~5~~ ~~(1)}~~ (a) A debt secured by a mortgage or deed of trust of real property
~~6~~ which is not required to be listed pursuant to ~~paragraph (c);~~ *subsection 3;* and

~~7~~ ~~(2)}~~ (b) A debt for which a security interest in a motor vehicle for
~~8~~ personal use was retained by the seller.

~~9~~ ~~(e)}~~ 5. *If the public officer or candidate has undertaken or attended any
10 educational or informational meetings, events or trips during the immediately
11 preceding calendar year or other period for which the public officer or candidate
12 is filing the financial disclosure statement, a list of all such meetings, events or
13 trips, including:*

~~14~~ *(a) The purpose and location of the meeting, event or trip and the name of
15 the organization conducting, sponsoring, hosting or requesting the meeting, event
16 or trip;*

~~17~~ *(b) The identity of each interested person providing anything of value to the
18 public officer or candidate or a member of the public officer's or candidate's
19 household to undertake or attend the meeting, event or trip; and*

~~20~~ *(c) The aggregate value of everything provided by those interested persons to
21 the public officer or candidate or a member of the public officer's or candidate's
22 household to undertake or attend the meeting, event or trip.*

~~23~~ 6. If the ~~candidate for public office or~~ public officer *or candidate* has
~~24~~ received *any* gifts in excess of an aggregate value of \$200 from a donor during the
~~25~~ *immediately* preceding ~~taxable~~ calendar year ~~or other period for which the~~
~~26~~ *public officer or candidate is filing the financial disclosure statement,* a list of all
~~27~~ such gifts, including the identity of the donor and *the* value of each gift. ~~except:~~

~~28~~ ~~(1) A gift received from a person who is related to the candidate for public
29 office or public officer within the third degree of consanguinity or affinity.~~

~~30~~ ~~(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday
31 or other ceremonial occasion if the donor does not have a substantial interest in the
32 legislative, administrative or political action of the candidate for public office or
33 public officer.~~

~~34~~ ~~(f)}~~ 7. A list of each business entity with which the ~~candidate for public
35 office or~~ public officer *or candidate* or a member of the ~~candidate's or~~ public
~~36~~ officer's *or candidate's* household is involved as a trustee, beneficiary of a trust,
~~37~~ director, officer, owner in whole or in part, limited or general partner, or holder of a
~~38~~ class of stock or security representing 1 percent or more of the total outstanding
~~39~~ stock or securities issued by the business entity.

~~40~~ ~~(g)}~~ 8. A list of all public offices presently held by the ~~candidate for public
41 office or~~ public officer *or candidate* for which this ~~statement of~~ financial
~~42~~ disclosure *statement* is required.

~~43~~ ~~12.~~ The Secretary of State may adopt regulations necessary to carry out the
~~44~~ provisions of this section.

~~45~~ ~~3.~~ As used in this section, "member of the candidate's or public officer's
~~46~~ household" includes:

~~47~~ ~~(a)~~ The spouse of the candidate for public office or public officer;

~~48~~ ~~(b)~~ A person who does not live in the same home or dwelling, but who is
~~49~~ dependent on and receiving substantial support from the candidate for public office
~~50~~ or public officer; and

~~51~~ ~~(c)~~ A person who lived in the home or dwelling of the candidate for public
~~52~~ office or public officer for 6 months or more in the year immediately preceding the

1 ~~year in which the candidate for public office or public officer files the statement of~~
2 ~~financial disclosure.~~

3 **Sec. 28.** NRS 281.572 is hereby amended to read as follows:

4 281.572 1. A ~~candidate or~~ public officer *or candidate* who is required to
5 file a ~~statement of~~ financial disclosure *statement* with the Secretary of State
6 pursuant to NRS 281.559 or 281.561 is not required to file the statement
7 electronically if the ~~candidate or~~ public officer *or candidate* has on file with the
8 Secretary of State an affidavit which satisfies the requirements set forth in
9 subsection 2 and which states that:

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

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

16 2. The affidavit described in subsection 1 must be:

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

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

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

30 4. A person who is appointed to fill the unexpired term of an elected or
31 appointed public officer must file the affidavit described in subsection 1 not later
32 than 15 days after his or her appointment to be exempted from the requirement of
33 filing a ~~report~~ *financial disclosure statement* electronically.

34 **Sec. 29.** NRS 281.573 is hereby amended to read as follows:

35 281.573 1. Except as otherwise provided in subsection 2, ~~statements of~~
36 *each* financial disclosure *statement* required by the provisions of NRS 281.558 to
37 281.572, inclusive, *and sections 14 to 23, inclusive, of this act* must be retained by
38 the Secretary of State for 6 years after the date of filing.

39 2. For public officers who serve more than one term in either the same public
40 office or more than one public office, the period prescribed in subsection 1 begins
41 on the date of the filing of the last ~~statement of~~ financial disclosure *statement* for
42 the last public office held.

43 **Sec. 30.** NRS 281.574 is hereby amended to read as follows:

44 281.574 1. A list of each public officer who is required to file a ~~statement~~
45 ~~of~~ financial disclosure *statement* must be submitted electronically to the Secretary
46 of State, in a form prescribed by the Secretary of State, on or before December 1 of
47 each year by:

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

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

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

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

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

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

281.581 1. If the Secretary of State receives information that a ~~candidate for public office or~~ public officer *or candidate* willfully fails to file a ~~statement of~~ financial disclosure *statement* or willfully fails to file a ~~statement of~~ financial disclosure *statement* in a timely manner pursuant to NRS 281.559, 281.561 or 281.572, the Secretary of State may, after giving notice to ~~that person or entity,~~ *the public officer or candidate*, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a ~~candidate for public office or~~ public officer *or candidate* who willfully fails to file a ~~statement of~~ financial disclosure *statement* or willfully fails to file a ~~statement of~~ financial disclosure *statement* in a timely manner pursuant to NRS 281.559, 281.561 or 281.572 is subject 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.

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

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

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

5. As used in this section, "willfully" means intentionally and knowingly.

Sec. 32. NRS 281A.350 is hereby amended to read as follows:

281A.350 1. Any state agency or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to

1 complement the functions of the Commission. A specialized or local ethics
2 committee may:

3 (a) Establish a code of ethical standards suitable for the particular ethical
4 problems encountered in its sphere of activity. The standards may not be less
5 restrictive than the statutory ethical standards.

6 (b) Render an opinion upon the request of any public officer or employee of its
7 own organization or level seeking an interpretation of its ethical standards on
8 questions directly related to the propriety of the public officer's or employee's own
9 future official conduct or refer the request to the Commission. Any public officer or
10 employee subject to the jurisdiction of the committee shall direct the public
11 officer's or employee's inquiry to that committee instead of the Commission.

12 (c) Require the filing of ~~statements of~~ financial disclosure ~~statements~~ by
13 public officers on forms prescribed by the committee or the city clerk if the form
14 has been:

15 (1) Submitted, at least 60 days before its anticipated distribution, to the
16 Secretary of State for review; and

17 (2) Upon review, approved by the Secretary of State. The Secretary of
18 State shall not approve the form unless the form contains all the information
19 required to be included in a ~~statement of~~ financial disclosure ~~statement~~ pursuant
20 to NRS 281.571.

21 2. The Secretary of State is not responsible for the costs of producing or
22 distributing a form for filing a ~~statement of~~ financial disclosure ~~statement~~
23 pursuant to the provisions of subsection 1.

24 3. A specialized or local ethics committee shall not attempt to interpret or
25 render an opinion regarding the statutory ethical standards.

26 4. Each request for an opinion submitted to a specialized or local ethics
27 committee, each hearing held to obtain information on which to base an opinion, all
28 deliberations relating to an opinion, each opinion rendered by a committee and any
29 motion relating to the opinion are confidential unless:

30 (a) The public officer or employee acts in contravention of the opinion; or

31 (b) The requester discloses the content of the opinion.

32 **Sec. 33.** NRS 293.186 is hereby amended to read as follows:

33 293.186 The Secretary of State and each county clerk, or the registrar of
34 voters of the county if one was appointed pursuant to NRS 244.164, or city clerk
35 who receives from a candidate for public office a declaration of candidacy,
36 acceptance of candidacy or certificate of candidacy shall give to the candidate:

37 1. If the candidate is a candidate for judicial office, the form prescribed by the
38 Administrative Office of the Courts for the making of a ~~statement of~~ financial
39 disclosure ~~statement~~;

40 2. If the candidate is not a candidate for judicial office and is required to file
41 electronically the ~~statement of~~ financial disclosure ~~statement~~, access to the
42 electronic form prescribed by the Secretary of State; or

43 3. If the candidate is not a candidate for judicial office, is required to submit
44 the ~~statement of~~ financial disclosure ~~statement~~ electronically and has submitted an
45 affidavit to the Secretary of State pursuant to NRS 281.572, the form prescribed by
46 the Secretary of State,

47 accompanied by instructions on how to complete the form and the time by which
48 it must be filed.

49 **Sec. 34.** (Deleted by amendment.)

50 **Sec. 35.** (Deleted by amendment.)

51 **Sec. 36.** (Deleted by amendment.)

52 **Sec. 37.** (Deleted by amendment.)

53 **Sec. 38.** (Deleted by amendment.)

1 Sec. 39. (Deleted by amendment.)

2 Sec. 39.1. Chapter 294A of NRS is hereby amended by adding thereto
3 the provisions set forth as sections 39.2 and 39.3 of this act.

4 Sec. 39.2. 1. In addition to complying with any other requirements set
5 forth in this chapter, a candidate shall report each monetary contribution
6 received in excess of \$100 not later than 72 hours after receiving the
7 contribution.

8 2. A report required pursuant to this section must include the name and
9 address of the contributor and the date on which the contribution was received.

10 3. Except as otherwise provided in NRS 294A.3733, a report required
11 pursuant to this section must be filed electronically with the Secretary of State.
12 The report shall be deemed filed at the time that it is received by the Secretary of
13 State.

14 4. A report required pursuant to this section must be submitted on the form
15 designed and made available by the Secretary of State pursuant to NRS
16 294A.373. Each form must be signed by the candidate under an oath to God or
17 penalty of perjury. A candidate who signs the form under an oath to God is
18 subject to the same penalties as if the candidate had signed the form under
19 penalty of perjury.

20 Sec. 39.3. 1. The Secretary of State shall create and maintain application
21 software that is designed for use on a mobile device, including, without
22 limitation, a smartphone or tablet computer.

23 2. The application software must allow a person to use such a mobile device
24 to file or otherwise submit electronically to the Secretary of State any
25 information, form or report required by this chapter.

26 Sec. 40. The provisions of this act do not apply to a financial disclosure
27 statement that is filed by a public officer or candidate to report information for any
28 period that ends before January 1, 2016.

29 Sec. 41. This act becomes effective:

30 1. Upon passage and approval for the purpose of adopting any regulations and
31 performing any other preparatory administrative tasks necessary to carry out the
32 provisions of this act; and

33 2. On January 1, 2016, for all other purposes.