

Senate Bill No. 293—Senators Brower,
Roberson; and Kieckhefer

Joint Sponsor: Assemblyman Hickey

CHAPTER.....

AN ACT relating to campaign practices; requiring certain persons who do not file declarations of candidacy or acceptances of candidacy or appear on an election ballot within a certain period to dispose of unspent contributions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person becomes a candidate if: (1) he or she files a declaration of candidacy or an acceptance of candidacy; (2) his or her name appears on an official ballot at any election; or (3) he or she receives contributions in excess of \$100. (NRS 294A.005) **Section 2** of this bill provides that a person, including a former public officer, who qualifies as a candidate by receiving one or more contributions in excess of \$100 must dispose of any unspent contributions within 4 years after the date of receiving the first of those contributions if the person does not: (1) file a declaration or acceptance of candidacy; or (2) appear on an official ballot at any election held in this State.

Section 3 of this bill provides that certain former public officers who have any unspent contributions must, on or before September 30, 2017: (1) file a declaration or acceptance of candidacy; (2) appear on an official ballot at any election held in this State; or (3) dispose of the unspent contributions. **Section 3** also provides that such former public officers are subject to campaign finance reporting requirements for as long as they have any unspent contributions.

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

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

Section 1. NRS 294A.005 is hereby amended to read as follows:

294A.005 “Candidate” means any person:

1. Who files a declaration of candidacy;
2. Who files an acceptance of candidacy;
3. Whose name appears on an official ballot at any election; or
4. Who has received *one or more* contributions in excess of

\$100, regardless of whether:

(a) The person has filed a declaration of candidacy or an acceptance of candidacy; or

(b) The name of the person appears on an official ballot at any election.



Sec. 2. NRS 294A.160 is hereby amended to read as follows:

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

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

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

(a) Return the unspent money to contributors;

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

(c) Contribute the money to:

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

(2) A political party; or

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

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

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

4. Every candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of candidacy or an acceptance of candidacy, is removed from the ballot by court order or is defeated for or otherwise not elected to that office and who received contributions that were not spent or committed for expenditure before the primary election, general election 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 office who withdraws after filing a declaration of candidacy or an acceptance of candidacy, is defeated for that office at a primary election or is removed from the ballot by court order before a primary election or general election and who received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after the primary election or general election, as applicable, return any money in excess of \$5,000 to the contributor.

6. *Except for a former public officer who is subject to the provisions of subsection 10, every person who qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:*

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

*(b) Appear on an official ballot at any election,
↪ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.*

7. Except as otherwise provided in ~~subsections 7 and~~ *subsection 8*, every public officer who:

(a) Does not run for reelection to the office which he or she holds ~~and is~~ ;

(b) Is not a candidate for any other office ~~and~~ and does not qualify as a candidate by receiving one or more qualifying contributions in excess of \$100; and

~~(b)~~ (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 4.

~~7. A~~

8. *Every* public officer who:

(a) Resigns from his or her office;

(b) Is not a candidate for any other office ~~and~~ *and does not qualify as a candidate by receiving one or more qualifying contributions in excess of \$100;* 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 effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.

~~8. A~~

9. *Except as otherwise provided in subsection 10, every* public officer who:

(a) Does not run for reelection to the office which he or she holds ~~and is~~ *or who resigns from his or her office;*

(b) *Is* a candidate for any other office ~~and~~ *or qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100;* and

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

↪ may use the unspent contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the public officer is a candidate for any office ~~and~~

~~9. or qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100.~~

10. *Every former public officer described in subsection 9 who qualifies as a candidate by receiving one or more qualifying contributions in excess of \$100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:*

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

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

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



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

~~10.~~ **12.** Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

~~11.~~ **13.** The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~12.~~ **14.** As used in this section ~~“contributions” include:~~

(a) *“Contribution” includes, without limitation, any interest and other income earned ~~thereon.~~ on a contribution.*

(b) *“Qualifying contribution” means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection 4 of NRS 294A.005.*

Sec. 3. 1. Notwithstanding the provisions of NRS 294A.160, as amended by section 2 of this act, or any other provisions of law, a former public officer shall, on or before September 30, 2017:

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

(b) Appear on an official ballot at any election held in the State;
or

(c) Dispose of unspent contributions through one or any combination of the methods set forth in subsection 4 of NRS 294A.160.

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

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

4. As used in this section:



(a) “Contribution” has the meaning ascribed to it in NRS 294A.007 and includes, without limitation, any interest and other income earned on a contribution.

(b) “Former public officer” means a person who, on October 1, 2015:

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

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

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

