

Amendment No. 613

Assembly Amendment to Assembly Bill No. 392
(BDR 23-85)

Proposed by: Assembly Committee on Legislative Operations and Elections

Amendment Box: Replaces Amendment No. 510.

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

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	☐	Lost	☐	_____		Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____		Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____		Receded	☐	Not	☐	_____

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: 4/24/2017

A.B. No. 392—Revises provisions concerning certain communications relating to elections. (BDR 23-85)



ASSEMBLY BILL NO. 392—ASSEMBLYMEN OSCARSON;
ELLISON AND WHEELER

MARCH 20, 2017

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions concerning certain communications relating to elections. (BDR ~~23-85~~ 24-85)

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 elections; ~~prohibiting a public officer or employee from using official stationery for certain purposes relating to elections;~~ requiring a disclosure on certain elections-related communications; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~prohibits a public officer or employee from using governmental time, property, equipment or other facility to benefit a significant personal or pecuniary interest of the public officer or employee, unless certain exceptions apply. (NRS 281A.400) Existing law also prohibits a public officer or employee from requesting or otherwise causing a governmental entity to incur an expense or make an expenditure to support or oppose a ballot question or candidate. (NRS 281A.520) Section 1 of this bill expressly prohibits a public officer or employee from using official stationery from a state or local governmental entity to express support for or opposition to a candidate, committee for political action, political party, committee sponsored by a political party or ballot question or to solicit a contribution or a commitment to make a contribution for any political purpose. If a~~ requires that certain elections-related communications contain disclosures to provide the public with information relating to the source or purpose of the elections-related communications. (NRS 294A.347-294A.349)

Section 2 of this bill provides that if an elections-related communication ~~that~~ is published in support of or in opposition to a candidate and the communication includes the official name and address or other official contact information of a governmental entity, ~~section 2 of this bill requires that~~ of the State of Nevada or any political subdivision, the communication must disclose in a clear and conspicuous manner that the communication ~~was not published by the governmental entity,~~ is not endorsed by and is not an official publication of the State of Nevada or the political subdivision, as appropriate.

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

Section 1. ~~[Chapter 281A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. A public officer or employee shall not use official stationery to:~~

~~(a) Express support for or opposition to a candidate or group of candidates, committee for political action, political party, committee sponsored by a political party or ballot question; or~~

~~(b) Solicit a contribution or a commitment to make such a contribution for any political purpose.~~

~~2. As used in this section:~~

~~(a) "Candidate" has the meaning ascribed to it in NRS 294.1.005.~~

~~(b) "Committee for political action" has the meaning ascribed to it in NRS 294.1.005.~~

~~(c) "Committee sponsored by a political party" has the meaning ascribed to it in NRS 294.1.006.~~

~~(d) "Contribution" has the meaning ascribed to it in NRS 294.1.007.~~

~~(e) "Official stationery" means stationery that contains any symbol, name, word or mark of a state or local governmental entity, including, without limitation, the Great Seal of the State of Nevada. (Deleted by amendment.)~~

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a communication ~~[that]~~ is published in support of or in opposition to a candidate and the communication includes the official name and address or other official contact information of a governmental entity, the communication must disclose in a clear and conspicuous manner ~~[that]~~ the following information:

(a) If the communication ~~[was not published by]~~ includes the official name and address or other official contact information of a governmental entity ~~[of the State of Nevada]~~, the communication must disclose:

This communication is not endorsed by and is not an official publication of the State of Nevada.

(b) If the communication includes the official name and address or other official contact information of a governmental entity of any political subdivision of the State of Nevada, the communication must disclose:

This communication is not endorsed by and is not an official publication of (insert the official name of the political subdivision).

2. As used in this section:

(a) "Governmental entity" means ~~[any]~~ the State of Nevada, any political subdivision of the State of Nevada or any agency, institution, board, commission, bureau, council, department, division, office, authority or other unit of government of this State, including, without limitation, an agency of this State or ~~of the State of Nevada or any political subdivision of the State of Nevada.~~

(b) "Official name and address or other official contact information of a governmental entity" means the legal or commonly recognized name of a governmental entity and:

1 (1) The street address of any building, office or other place where the
2 governmental entity is open for the transaction of official business; or

3 (2) Any other official contact information for contacting the
4 governmental entity for the transaction of official business, including, without
5 limitation, a telephone number, facsimile number, electronic mail address or
6 address of the Internet website of the governmental entity.

7 (c) "Publish" means the act of:

8 (1) Printing, posting, broadcasting, mailing or otherwise disseminating;
9 or

10 (2) Causing to be printed, posted, broadcasted, mailed or otherwise
11 disseminated.