

SENATE BILL NO. 326—SENATOR DALY

MARCH 20, 2023

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing elections.
(BDR 24-542)

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 elections; revising the requirements for certain persons, committees for political action, political parties and committees sponsored by a political party to report contributions and expenditures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain persons who make independent expenditures and certain committees for political action, political parties and committees sponsored by a political party which receive certain contributions or make certain expenditures to submit reports of such contributions. (NRS 294A.140, 294A.150) **Sections 1 and 2** of this bill require such persons and committees to also report: (1) the total amount of all contributions of \$1,000 or less received during the reporting period; and (2) the balance in the campaign account, if such person or committee is required to maintain such an account.

Existing law provides that when reporting contributions, a person who qualifies as a committee for political action is required to report only those contributions received for the purpose of affecting the outcome of any election or question on the ballot. (NRS 294A.230) **Section 3** of this bill provides similarly that such a person is required to report only those expenditures made for the purpose of affecting the outcome of any election or question on the ballot.

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

Section 1. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. The provisions of this section apply to:



(a) Every person who makes an independent expenditure in excess of \$1,000; and

(b) Every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of \$1,000 or makes an expenditure for or against a candidate for office or a group of such candidates.

2. Every person, committee and political party described in subsection 1 shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report ~~each~~:

(a) ~~Each~~ contribution in excess of \$1,000 received during the period ~~and contributions~~;

(b) ~~Contributions~~ received during the period from a contributor which cumulatively exceed \$1,000 ~~H~~;

(c) ~~The total amount of all contributions of \$1,000 or less received during the period and which are not required to be reported pursuant to paragraph (b); and~~

(d) ~~The balance in the account maintained pursuant to NRS 294A.130, if applicable.~~

3. In addition to the requirements set forth in subsection 2, every person, committee and political party described in subsection 1 shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year,

↪ report each contribution in excess of \$1,000 received during the period, ~~and~~ contributions received during the period from a contributor which cumulatively exceed \$1,000 ~~H~~, *the total amount of all contributions of \$1,000 or less received during the period and which are not received from a contributor which cumulatively exceed \$1,000 and, if applicable, the balance in the account maintained pursuant to NRS 294A.130.*

4. Except as otherwise provided in subsections 5, 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election or for or against a group of such candidates shall, not later than:



(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the nomination of the candidate through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↳ report each contribution in excess of \$1,000 received during the period , ~~and~~ contributions received during the period from a contributor which cumulatively exceed \$1,000 ~~and~~ , *the total amount of all contributions of \$1,000 or less received during the period and which are not received from a contributor which cumulatively exceed \$1,000 and, if applicable, the balance in the account maintained pursuant to NRS 294A.130.*

5. Except as otherwise provided in subsections 6 and 7 and NRS 294A.223, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such special elections shall, not later than:

(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date the notice of intent to circulate a petition to recall is filed pursuant to NRS 306.015 through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

↳ report each contribution in excess of \$1,000 received during the period , ~~and~~ contributions received during the period from a contributor which cumulatively exceed \$1,000 ~~and~~ , *the total amount of all contributions of \$1,000 or less received during the period and which are not received from a contributor which cumulatively exceed \$1,000 and, if applicable, the balance in the account maintained pursuant to NRS 294A.130.*

6. Except as otherwise provided in subsection 7, if a petition for recall is not submitted to the filing officer before the expiration of the notice of intent pursuant to the provisions of chapter 306 of



NRS or is otherwise legally insufficient when submitted to the filing officer pursuant to the provisions of that chapter, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of such candidates shall, not later than 30 days after the expiration of the notice of intent, for the period from the filing of the notice of intent through the date that the notice of intent expires or the petition is determined to be legally insufficient, report each contribution in excess of \$1,000 received and contributions received which cumulatively exceed \$1,000. The provisions of this subsection apply to the person, committee and political party if the petition for recall:

(a) Is not submitted to the filing officer as required by chapter 306 of NRS;

(b) Is submitted to the filing officer without any valid signatures or with fewer than the necessary number of valid signatures required by chapter 306 of NRS; or

(c) Is otherwise legally insufficient or efforts to obtain the necessary number of valid signatures required by chapter 306 of NRS are suspended or discontinued.

7. If the legal sufficiency of a petition for recall is challenged and a district court determines that the petition is legally:

(a) Sufficient pursuant to chapter 306 of NRS and the order of the district court is appealed, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall:

(1) Not later than 30 days after the date on which the notice of appeal is filed, for the period from the filing of the notice of intent to circulate the petition for recall through the date on which the notice of appeal is filed ~~I report each contribution in excess of \$1,000 received during the period and contributions received during the period which cumulatively exceed \$1,000.~~ ; and

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date on which the notice of appeal is filed through the date on which all appeals regarding the petition are exhausted,

↪ report each contribution in excess of \$1,000 received during the period , ~~and~~ contributions received during the period *from a contributor* which cumulatively exceed \$1,000 ~~I~~ , *the total amount of all contributions of \$1,000 or less received during the*



period and which are not received from a contributor which cumulatively exceed \$1,000 and, if applicable, the balance in the account maintained pursuant to NRS 294A.130.

(b) Insufficient pursuant to chapter 306 of NRS, every person, committee and political party described in subsection 1 which makes an independent expenditure or other expenditure, as applicable, for or against a candidate for office at a special election to determine whether a public officer will be recalled or for or against a group of candidates for offices at such a special election shall:

(1) Not later than 30 days after the date on which the district court orders the filing officer to cease any further proceedings regarding the petition, 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 order ~~I, report each contribution in excess of \$1,000 received during the period and contributions received during the period which cumulatively exceed \$1,000.] ; and~~

(2) Not later than 30 days after the date on which all appeals regarding the petition are exhausted, for the period from the day after the date of the district court's order through the date on which all appeals regarding the petition are exhausted,

→ report each contribution in excess of \$1,000 received during the period , ~~[and]~~ contributions received during the period *from a contributor* which cumulatively exceed \$1,000 ~~[-]~~ , *the total amount of all contributions of \$1,000 or less received during the period and which are not received from a contributor which cumulatively exceed \$1,000 and, if applicable, the balance in the account maintained pursuant to NRS 294A.130.*

8. In addition to complying with the applicable requirements of subsections 2 to 7, inclusive, a person, committee or political party described in subsection 1 must, not later than January 15 of each year that is not an election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each contribution in excess of \$1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed \$1,000. Nothing in this subsection:

(a) Requires the person, committee or political party to report information that has previously been reported in a timely manner pursuant to subsections 2 to 7, inclusive; or

(b) Authorizes the person, committee or political party to not comply with any applicable requirement set forth in subsections 2 to 7, inclusive.



9. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

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

11. Every person, committee and political party described in this section shall file a report required by this section even if the person, committee or political party receives no contributions.

12. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$1,000 and contributions which a contributor has made cumulatively in excess of \$1,000 since the beginning of the current reporting period.

Sec. 2. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election or general election shall, not later than January 15 of the election year, for the period beginning January 1 of the previous year and ending on December 31 of the previous year, report each contribution in excess of \$1,000 received during that period , ~~and~~ contributions received during the period from a contributor which cumulatively exceed \$1,000 ~~and~~ *and the balance in the account maintained pursuant to NRS 294A.130.*

2. In addition to the requirements set forth in subsection 1, the committee for political action shall, not later than:

(a) April 15 of the election year, for the period beginning January 1 and ending on March 31 of the election year;

(b) July 15 of the election year, for the period beginning April 1 and ending on June 30 of the election year;

(c) October 15 of the election year, for the period beginning July 1 and ending on September 30 of the election year; and

(d) January 15 of the year immediately following the election year, for the period beginning October 1 and ending on December 31 of the election year,

➤ report each contribution in excess of \$1,000 received during the period , ~~and~~ contributions received during the period from a contributor which cumulatively exceed \$1,000 ~~and~~ *the total amount of all contributions of \$1,000 or less received during the period and which are not received from a contributor which cumulatively exceed \$1,000 and the balance in the account maintained pursuant to NRS 294A.130.*

3. Except as otherwise provided in NRS 294A.223, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:



(a) Four days before the beginning of early voting by personal appearance for the special election, for the period from the date that the question qualified for the ballot through 5 days before the beginning of early voting by personal appearance for the special election;

(b) Four days before the special election, for the period from 4 days before the beginning of early voting by personal appearance for the special election through 5 days before the special election; and

(c) Thirty days after the special election, for the remaining period through the date of the special election,

report each contribution in excess of \$1,000 received during the period, ~~and~~ contributions received during the period from a contributor which cumulatively exceed \$1,000 ~~and~~, *the total amount of all contributions of \$1,000 or less received during the period and which are not received from a contributor which cumulatively exceed \$1,000 and the balance in the account maintained pursuant to NRS 294A.130.*

4. The provisions of this section apply to a committee for political action even if the question or group of questions that the committee for political action advocates the passage or defeat of is removed from the ballot by a court order or otherwise does not appear on the ballot at a primary, general or special election.

5. Except as otherwise provided in NRS 294A.3737, the reports required pursuant to this section must be filed electronically with the Secretary of State.

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

7. If the committee for political action is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

Sec. 3. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Except as otherwise provided in subsection 2, each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. A person who qualifies as a committee for political action in accordance with:

(a) Subparagraph (1) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of \$1,500 in a calendar year or making expenditures in excess of \$1,500 in a calendar year; or

(b) Subparagraph (2) of paragraph (b) of subsection 1 of NRS 294A.0055 by receiving contributions in excess of \$5,000 in a



1 calendar year or making independent expenditures in excess of
2 \$5,000 in a calendar year,

3 ➔ shall, not later than 7 calendar days after the qualifying event,
4 register with the Secretary of State on forms supplied by the
5 Secretary of State. When reporting contributions *or expenditures* as
6 required by this chapter, a person who qualifies as a committee for
7 political action in accordance with subparagraph (2) of paragraph
8 (b) of subsection 1 of NRS 294A.0055 is required to report only
9 those contributions received for *or expenditures made for* the
10 purpose of affecting the outcome of any primary election, general
11 election, special election or any question on the ballot.

12 3. The form must require:

13 (a) The name of the committee for political action;

14 (b) The purpose for which it was organized;

15 (c) The names, addresses and telephone numbers of its officers;

16 (d) If the committee for political action is affiliated with any
17 other organizations, the name, address and telephone number of
18 each organization;

19 (e) The name, address and telephone number of its registered
20 agent; and

21 (f) Any other information deemed necessary by the Secretary of
22 State.

23 4. A committee for political action shall file with the Secretary
24 of State:

25 (a) An amended form for registration within 30 days after any
26 change in the information contained in the form for registration.

27 (b) A form for registration on or before January 15 of each year,
28 regardless of whether there is a change in the information contained
29 in the most recent form for registration filed by the committee for
30 political action with the Secretary of State.

31 5. The Secretary of State shall include on the Secretary of
32 State's Internet website the information required pursuant to
33 subsection 3.

34 6. For purposes of the civil penalty that the Secretary of State
35 may impose pursuant to NRS 294A.420 for violating the provisions
36 of subsection 1 or 2, if a committee for political action fails to
37 register with the Secretary of State pursuant to subsection 1 or 2,
38 each time the committee for political action engages in any activity
39 in this State constitutes a separate violation of subsection 1 or 2 for
40 which the Secretary of State may impose a civil penalty.

41 **Sec. 4.** 1. This section becomes effective upon passage and
42 approval.

43 2. Sections 1, 2 and 3 of this act become effective:



- 1 (a) Upon passage and approval for the purpose of adopting any
2 regulations and performing any other preparatory administrative
3 tasks that are necessary to carry out the provisions of this act; and
4 (b) On January 1, 2024, for all other purposes.

