SENATE BILL NO. 414–SENATORS SCHEIBLE, CANNIZZARO; DONDERO LOOP AND PAZINA

MARCH 20, 2025

JOINT SPONSOR: ASSEMBLYMEMBER YEAGER

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to public office. (BDR 23-1111)

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 governing financial disclosure statements filed by certain public officers and candidates for public office; defining the term "inaugural committee"; requiring an inaugural committee to report certain contributions and expenditures; requiring a candidate who is elected to a constitutional office to report certain contributions and expenditures for a certain period preceding the election and preceding the next regular legislative session; prohibiting a foreign national from making a contribution or commitment to make a contribution to an inaugural committee; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Financial Disclosure Act requires certain public officers and candidates for public office to disclose certain information in financial disclosure statements filed with the Secretary of State. (NRS 281.005, 281.5555-281.581) In part, existing law requires the disclosure of each business entity with which the public officer or candidate or member of the public officer's or candidate's household is involved as a holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity. (NRS 281.571) **Section 1** of this bill additionally requires the disclosure of each business entity with which the public officer or candidate or a member of the

public officer's or candidate's household is involved as a holder of a class of stock or security issued by the business entity that is valued at $5,000 or more.

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 report such contributions and expenditures. (NRS 294A.140, 294A.150, 294A.210, 294A.220, 294A.230) **Section 5** of this bill requires an inaugural committee to report certain contributions and expenditures. **Section 4** of this bill defines the term "inaugural committee."

Existing law requires a candidate for office at a primary election or general election to report certain contributions made during the election year. (NRS 294A.120) **Section 6** of this bill requires a candidate who has been elected to a constitutional office to report certain contributions and expenditures in relation to the transition to the constitutional office. **Section 3** of this bill defines the terms "constitutional office" and "constitutional officer."

Section 7 of this bill makes a conforming change to apply the terms defined in **sections 3 and 4** to certain provisions of law governing campaign practices.

Section 8 of this bill prohibits a foreign national from making a contribution or a commitment to make a contribution to an inaugural committee.

Sections 9-12 of this bill make conforming changes to incorporate the requirements of **sections 5 and 6** into existing law governing campaign practices.

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

Section 1. NRS 281.571 is hereby amended to read as follows:

281.571 Each financial disclosure statement must contain the following information concerning the public officer or candidate:

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

2. Each source of the public officer's or candidate's income, or that of any member of the 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.

3. A list of the specific location and particular use of real estate, other than a personal residence:

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

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

(c) That is located in this State or an adjacent state.

4. The name of each creditor to whom the public officer or candidate or a member of the public officer's or candidate's household owes $5,000 or more, except for:

(a) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to subsection 3; and

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

5. If the public officer or candidate has undertaken or attended any educational or informational meetings, events or trips during the immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such meetings, events or trips, including:

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

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

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

6. If the public officer or candidate has received any gifts in excess of an aggregate value of $200 from a donor during the immediately preceding calendar year or other period for which the public officer or candidate is filing the financial disclosure statement, a list of all such gifts, including the identity of the donor and the value of each gift.

7. A list of each business entity with which the public officer or candidate or a member of the public officer's or candidate's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security ~~[representing]~~ ***issued by the business entity that:***

(a) Represents 1 percent or more of the total outstanding stock or securities issued by the business entity ~~[.]~~ ***; or***

(b) Is valued at $5,000 or more.

8. A list of all public offices presently held by the public officer or candidate for which this financial disclosure statement is required.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. ***"Constitutional office" or "constitutional officer" means:***

1. The Governor;

2. The Lieutenant Governor;
3. The Secretary of State;
4. The State Treasurer;
5. The State Controller; and
6. The Attorney General.

Sec. 4. *"Inaugural committee" means any organization, person or group of persons that anticipates receiving contributions or making expenditures for the inauguration of a constitutional officer.*

Sec. 5. *1. An inaugural committee shall report for each period required pursuant to subsection 2:*

(a) Each contribution received relating to the inauguration in excess of $1,000;

(b) Contributions received during the period relating to the inauguration from a contributor which cumulatively exceed $1,000;

(c) The total of all contributions received during the period relating to the inauguration which are not otherwise required to be reported pursuant to paragraph (b);

(d) Each expenditure relating to the inauguration made during the period in excess of $1,000; and

(e) Expenditures made relating to the inauguration during the period to one recipient which cumulatively exceed $1,000.

2. The report required to subsection 1 must be filed:

(a) Not later than the 90th day following the first day of the regular session of the Legislature that is immediately following the inauguration of the constitutional officer, for the period beginning on the date of the organization of the committee and ending on the 75th day of such regular session;

(b) Not later than 15 days after the end of such regular session, for the period beginning on the 76th day of such regular session and ending on the last day of such regular session; and

(c) Not later than January 15, for the period beginning on January 1 of any year other than the year immediately following the year of the general election in which the constitutional officer was elected and ending on December 31 of the previous year.

3. An inaugural committee that disbands shall:

(a) Notify the Secretary of State; and

(b) File a final report that sets forth:

(1) Each contribution and expenditure required to be reported pursuant to subsection 1 that has not previously been reported; and

(2) The disposition of any contributions made to the inaugural committee that are not spent or committed for expenditure by the inaugural committee.

➥ *Nothing in this subsection requires an inaugural committee to report information that has previously been reported in a timely manner pursuant to this section.*

4. An inaugural committee is not subject to the provisions of NRS 294A.100 or 294A.300.

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

6. A report filed pursuant to this section shall be deemed to be filed on the date that it was received by the Secretary of State. Every inaugural committee shall file a report as required by this section even if the committee receives no contributions.

Sec. 6. *1. A candidate for a constitutional office who is elected shall report, not later than the 90th day following the first day of the regular session of the Legislature that is immediately following the inauguration of the constitutional officer, for the period beginning on the day following the general election in which the constitutional officer was elected and ending on the day immediately preceding the beginning of the period set forth in NRS 294A.300:*

(a) Each contribution in excess of $100 received in relation to the transition to holding the constitutional office during the period;

(b) Contributions received in relation to the transition to holding the constitutional office during the period from a contributor which cumulatively exceed $100;

(c) The total of all contributions received in relation to the transition to holding the constitutional office during the period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b);

(d) The balance in the account maintained by the candidate pursuant to NRS 294A.130 on the ending date of the period; and

(e) Goods and services provided in kind in relation to the transition to holding the constitutional office and for which money would otherwise have been paid.

2. Nothing in this section requires the candidate to report information that has previously been reported in a timely manner pursuant to this chapter.

3. Except as otherwise provided in NRS 294A.3733, the reports required by this section must be filed electronically with the Secretary of State.

4. A report filed pursuant to this section shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 7. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.014, inclusive, ***and sections 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 294A.325 is hereby amended to read as follows:

294A.325 1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:

(a) A candidate;

(b) A committee for political action;

(c) A committee for the recall of a public officer;

(d) A person who makes an independent expenditure;

(e) A political party or committee sponsored by a political party that makes an expenditure for or against a candidate or group of candidates;

(f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;

(g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; ~~[or]~~

(h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225 ~~[.]~~ ***; or***

(i) An inaugural committee.

2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.

3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization or nonprofit corporation is aware of facts that would lead a reasonable person to inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization or nonprofit corporation shall be deemed to have not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual

knowledge that the source of the contribution solicited, accepted or received is a foreign national.

4. If a candidate, person, group, committee, political party, organization or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization or nonprofit corporation shall, if at the time of discovery of the violation:

(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.

(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.

(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.

5. A violation of any provision of this section is a gross misdemeanor.

6. As used in this section:

(a) "Foreign national" has the meaning ascribed to it in ~~[2 U.S.C. § 441e.]~~ ***52 U.S.C. § 30121.***

(b) "Knowingly" means that a candidate, person, group, committee, political party, organization or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 9. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. Except as otherwise provided in subsection 2, every candidate for office shall file the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, ***and section 6 of this act,*** even though the candidate:

(a) Withdraws his or her candidacy pursuant to NRS 293.202 or 293C.195;

(b) Ends his or her campaign without withdrawing his or her candidacy pursuant to NRS 293.202 or 293C.195;

(c) Receives no contributions;

(d) Has no campaign expenses;

(e) Is not opposed in the election by another candidate;

(f) Is defeated in the primary election;

(g) Is removed from the ballot by court order; or

(h) Is the subject of a petition to recall and the special election is not held.

2. A candidate described in paragraph (a), (b), (f) or (g) of subsection 1 may simultaneously file all the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362 ***and section 6 of this act*** that are due after the candidate disposes of any unspent or excess contributions as provided in NRS 294A.117 or subsections 4, 5 and 6 of NRS 294A.160, as applicable, if the candidate gives written notice to the Secretary of State, on the form prescribed by the Secretary of State, that the candidate is ending his or her campaign and will not accept any additional contributions. If the candidate has submitted a withdrawal of candidacy pursuant to NRS 293.202 or 293C.195 to an officer other than the Secretary of State, the candidate must enclose with the notice a copy of the withdrawal of candidacy. A form submitted to the Secretary of State pursuant to this subsection must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. A candidate described in paragraph (b) of subsection 1 who simultaneously files reports pursuant to subsection 2 but is elected to office despite ending his or her campaign is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.286 and 294A.362, ***and section 6 of this act,*** beginning with the next report that is due pursuant to those sections after his or her election to office.

Sec. 10. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128 and 294A.200, ***and section 6 of this act,*** each candidate who is required to file a report pursuant to NRS 294A.120, 294A.125, 294A.128 or 294A.200 ***or section 6 of this act*** shall report on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form:

(a) Each such contribution in excess of $100 received during the reporting period;

(b) Each such contribution from a contributor received during the reporting period which cumulatively exceeds $100;

(c) Each such campaign expense in excess of $100 incurred during the reporting period;

(d) The total of all such contributions received during the reporting period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(e) The total of all such campaign expenses incurred during the reporting period which are $100 or less.

2. The Secretary of State shall not require a candidate to list the contributions and campaign expenses described in this section on any form other than the form designed and made available by the Secretary of State pursuant to NRS 294A.373.

3. Except as otherwise provided in NRS 294A.3733, the report required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.125, 294A.128 or 294A.200 ~~[.]~~ ***or section 6 of this act.***

Sec. 11. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. The registration of a nonprofit corporation pursuant to NRS 294A.225, a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

3. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 or 294A.280 ***or sections 5 and 6 of this act*** relating to the making, accepting or reporting of contributions, campaign expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 12. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a candidate, person, organization, committee, political party or

nonprofit corporation that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286 ***or sections 5 and 6 of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that candidate, person, organization, committee, political party or nonprofit corporation, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a candidate, person, organization, committee, political party or nonprofit corporation that violates an applicable provision of this chapter is subject to a civil penalty of not more than $10,000 for each violation 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. If a civil penalty is imposed because a candidate, person, organization, committee, political party or nonprofit corporation has reported its contributions, campaign expenses, independent expenditures or other expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section.

5. When considering whether to waive, pursuant to subsection 4, a civil penalty that would otherwise be imposed pursuant to subsection 3, the Secretary of State may consider, without limitation:

(a) The seriousness of the violation, including, without limitation, the nature, circumstances and extent of the violation;

(b) Any history of violations committed by the candidate, person, organization, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed;

(c) Any mitigating factor, including, without limitation, whether the candidate, person, organization, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed reported the violation, corrected the violation in a timely manner, attempted to correct the violation or cooperated with the Secretary of State in resolving the situation that led to the violation;

(d) Whether the violation was inadvertent;

(e) Any knowledge or experience the candidate, person, organization, committee, political party or nonprofit corporation has with the provisions of this chapter; and

(f) Any other factor that the Secretary of State deems to be relevant.

6. If the Secretary of State waives a civil penalty pursuant to subsection 4, 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.

7. The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.