
ASSEMBLY BILL NO. 64—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE SECRETARY OF STATE)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes changes to civil penalties for certain violations relating to campaign finance reports. (BDR 24-410)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 provisions relating to civil penalties for certain violations relating to campaign finance reports; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a candidate, person, organization, committee,
2 political party or nonprofit corporation that reports its contributions, campaign
3 expenses, independent expenditures or other expenditures after the date the report is
4 due is subject to a civil penalty, which is, for a report filed: (1) not more than 7
5 days late, \$25 for each day the report is late; (2) more than 7 days, but not more
6 than 15 days late, \$50 for each day the report is late; and (3) more than 15 days late,
7 \$100 for each day the report is late. For a public officer who is not entitled to
8 receive compensation for his or her office or a candidate for such an office, the civil
9 penalty for filing a report after the date the report is due must not exceed \$100 if the
10 public officer or candidate receives no contributions and makes no expenditures
11 during the relevant reporting periods. (NRS 294A.420) This bill expands this
12 limitation on the amount of civil penalty to apply to any public officer or candidate
13 who receives no contributions and makes no expenditures during the relevant
14 reporting periods, regardless of whether the public officer or candidate is entitled to
15 receive compensation for his or her office.



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

1 **Section 1.** NRS 294A.420 is hereby amended to read as
2 follows:

3 294A.420 1. If the Secretary of State receives information
4 that a candidate, person, organization, committee, political party or
5 nonprofit corporation that is subject to the provisions of NRS
6 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210,
7 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286
8 has not filed a report or form for registration pursuant to the
9 applicable provisions of those sections, the Secretary of State may,
10 after giving notice to that candidate, person, organization,
11 committee, political party or nonprofit corporation, cause the
12 appropriate proceedings to be instituted in the First Judicial District
13 Court.

14 2. Except as otherwise provided in this section, a candidate,
15 person, organization, committee, political party or nonprofit
16 corporation that violates an applicable provision of this chapter is
17 subject to a civil penalty of not more than \$10,000 for each violation
18 and payment of court costs and attorney's fees. The civil penalty
19 must be recovered in a civil action brought in the name of the State
20 of Nevada by the Secretary of State in the First Judicial District
21 Court and deposited by the Secretary of State for credit to the State
22 General Fund in the bank designated by the State Treasurer.

23 3. If a civil penalty is imposed because a candidate, person,
24 organization, committee, political party or nonprofit corporation has
25 reported its contributions, campaign expenses, independent
26 expenditures or other expenditures after the date the report is due,
27 except as otherwise provided in this subsection, the amount of the
28 civil penalty is:

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

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

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

35 ➤ A civil penalty imposed pursuant to this subsection against a
36 public officer ~~[who by law is not entitled to receive compensation~~
37 ~~for his or her office]~~ or a candidate ~~[for such an office]~~ must not
38 exceed a total of \$100 if the public officer or candidate received no
39 contributions and made no expenditures during the relevant
40 reporting periods.



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

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

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

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

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

21 (d) Whether the violation was inadvertent;

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

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

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

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

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

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

39 **Sec. 2.** This act becomes effective upon passage and approval.



