

SENATE BILL NO. 333—SENATORS SETTELMAYER, GOICOECHEA,  
SEEVERS GANSERT, HAMMOND, PICKARD; HANSEN,  
HARDY AND KIECKHEFER

MARCH 18, 2019

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.  
(BDR 24-738)

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; requiring a person who makes certain campaign contributions to candidates to file a report of contributions with the Secretary of State; limiting the form of monetary contributions to candidates; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires candidates and certain other persons, committees and  
2 political organizations to file with the Secretary of State reports disclosing certain  
3 contributions received and campaign expenses and expenditures made. (NRS  
4 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220)  
5 **Section 1** of this bill requires, with limited exception, a person who makes a  
6 monetary contribution to an individual candidate in excess of \$1,000 to report that  
7 contribution to the Secretary of State. **Sections 1 and 3** of this bill require, with  
8 limited exception, such a report of contributions to be filed electronically. **Section 4**  
9 of this bill requires the Secretary of State to include these contributions in the  
10 compiled information made publicly available by the Secretary of State in each  
11 odd-numbered year. **Section 5** of this bill provides that a person who fails to report  
12 a monetary contribution to an individual candidate in excess of \$1,000 may be  
13 subject to a civil penalty.  
14 Existing law sets forth certain limits on contributions to a candidate for a  
15 primary or general election for state, district, county or township office. (NRS  
16 294A.100) **Section 2** of this bill prohibits a person from making a monetary  
17 contribution to a candidate in a form other than by credit card or a check, money  
18 order or other written financial instrument.



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

1 **Section 1.** Chapter 294A of NRS is hereby amended by  
2 adding thereto a new section to read as follows:

3 *1. Every person who makes a monetary contribution to a*  
4 *candidate in excess of \$1,000 shall, except as otherwise provided*  
5 *in subsection 2, report to the Secretary of State all such*  
6 *contributions made not later than:*

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

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

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

13 *(d) January 15 of the following year, for the period beginning*  
14 *October 1 and ending on December 31 of the year.*

15 *2. A person who makes a monetary contribution in the form*  
16 *of a check in excess of \$1,000 shall report that contribution*  
17 *pursuant to subsection 1 during the period that the check is*  
18 *presented for collection at a financial institution. If the check is*  
19 *never presented for collection at a financial institution by the*  
20 *candidate, the person is not required to report the contribution.*

21 *3. Except as otherwise provided in NRS 294A.3737, the*  
22 *reports must be filed electronically with the Secretary of State.*

23 *4. If a person makes a contribution in excess of \$1,000 to*  
24 *more than one candidate, the reports must be itemized for each*  
25 *candidate.*

26 *5. A report shall be deemed to be filed on the date that it was*  
27 *received by the Secretary of State.*

28 **Sec. 2.** NRS 294A.100 is hereby amended to read as follows:

29 294A.100 1. A person shall not make or commit to make a  
30 contribution or contributions to a candidate for any office, except a  
31 federal office ~~[, in]~~ :

32 *(a) If it is a monetary contribution, in a form other than a*  
33 *credit card or a check, money order or other written financial*  
34 *instrument; and*

35 *(b) In an amount which exceeds \$5,000 for the primary election,*  
36 *regardless of the number of candidates for the office, and \$5,000 for*  
37 *the general election, regardless of the number of candidates for the*  
38 *office, during the period:*

39 ~~[(a)]~~ *(1) Beginning January 1 of the year immediately following*  
40 *the last general election for the office and ending December 31*  
41 *immediately following the next general election for the office, if that*  
42 *office is a state, district, county or township office; or*



1 ~~(b)~~ (2) Beginning from 30 days after the last election for the  
2 office and ending 30 days after the next general city election for the  
3 office, if that office is a city office.

4 2. A candidate shall not accept a contribution or commitment  
5 to make a contribution made in violation of subsection 1.

6 3. A person who willfully violates any provision of this section  
7 is guilty of a category E felony and shall be punished as provided in  
8 NRS 193.130.

9 **Sec. 3.** NRS 294A.3737 is hereby amended to read as follows:

10 294A.3737 1. ~~(A)~~ *Except as otherwise provided in*  
11 *subsection 2, a* person, committee or political party that is required  
12 to file a report pursuant to this chapter is not required to file the  
13 report electronically if the person, committee or political party:

14 (a) Did not receive contributions or expend money in excess of  
15 \$10,000 in the previous calendar year; and

16 (b) Has on file with the Secretary of State an affidavit which  
17 satisfies the requirements set forth in subsection ~~(2)~~ 3 and which  
18 states that:

19 (1) The person, committee or political party does not own or  
20 have the ability to access the technology necessary to file  
21 electronically the report; and

22 (2) The person, committee or political party does not have  
23 the financial ability to purchase or obtain access to the technology  
24 necessary to file electronically the report.

25 2. *A person who is required to file a report pursuant to*  
26 *section 1 of this act is not required to file the report electronically*  
27 *if the person:*

28 (a) *Did not make contributions to candidates in excess of*  
29 *\$10,000 in the previous calendar year; and*

30 (b) *Has on file with the Secretary of State an affidavit which*  
31 *satisfies the requirements set forth in subsection 3 and which*  
32 *states that:*

33 (1) *The person does not own or have the ability to access*  
34 *the technology necessary to file electronically the report; and*

35 (2) *The person does not have the financial ability to*  
36 *purchase or obtain access to the technology necessary to file*  
37 *electronically the report.*

38 3. The affidavit described in subsection 1 must be:

39 (a) In the form prescribed by the Secretary of State and signed  
40 under an oath to God or penalty of perjury. A person who signs the  
41 affidavit under an oath to God is subject to the same penalties as if  
42 the person had signed the affidavit under penalty of perjury.

43 (b) Filed:

44 (1) At least 15 days before any report is required to be filed  
45 pursuant to this chapter by the person, committee or political party.



1 (2) Not earlier than January 1 and not later than January 15  
2 of each year, regardless of whether or not the person, committee or  
3 political party was required to file any report pursuant to this chapter  
4 in the previous year.

5 ~~§ 4.~~ 4. A person, committee or political party that has properly  
6 filed the affidavit pursuant to this section may file the relevant  
7 report with the Secretary of State by transmitting the report by  
8 regular mail, certified mail, facsimile machine or personal delivery.  
9 A report transmitted pursuant to this subsection shall be deemed to  
10 be filed on the date on which it is received by the Secretary of State.

11 **Sec. 4.** NRS 294A.400 is hereby amended to read as follows:

12 294A.400 Based on the reports received pursuant to this  
13 chapter, the Secretary of State shall, not later than February 15 of  
14 each odd-numbered year, prepare and make available for public  
15 inspection a compilation of:

16 1. The following totals for each candidate from whom reports  
17 of contributions and campaign expenses are required pursuant to this  
18 chapter:

- 19 (a) The total amount of monetary contributions to the candidate;
- 20 (b) The total amount of goods and services provided to the  
21 candidate in kind for which money would otherwise have been paid;
- 22 (c) The total amount of loans guaranteed by a third party and  
23 forgiveness of any loans previously made to the candidate;
- 24 (d) The total amount committed to the candidate via written  
25 commitments for contributions; and
- 26 (e) The total amount of campaign expenses.

27 2. The following totals for each person, committee, political  
28 party or nonprofit corporation from which reports of contributions  
29 and campaign expenses are required pursuant to this chapter:

- 30 (a) The total amount of monetary contributions to the person,  
31 committee, political party or nonprofit corporation;
- 32 (b) The total amount of goods and services provided to the  
33 person, committee, political party or nonprofit corporation in kind  
34 for which money would otherwise have been paid; and
- 35 (c) The total amount of independent expenditures or other  
36 expenditures, as applicable, made by the person, committee,  
37 political party or nonprofit corporation.

38 3. The following totals for each committee for political action  
39 for which reports of contributions and expenditures are required  
40 pursuant to this chapter:

- 41 (a) The total amount of monetary contributions to the committee  
42 for political action;
- 43 (b) The total amount of goods and services provided to the  
44 committee for political action in kind for which money would  
45 otherwise have been paid; and



1 (c) The total amount of expenditures made by the committee for  
2 political action.

3 4. The contributions made to and expenditures from a  
4 committee for the recall of a public officer in excess of \$100.

5 5. The total contributions received by and expenditures made  
6 from a legal defense fund.

7 **6. *The monetary contributions made by a person to an***  
8 ***individual candidate in excess of \$1,000.***

9 **Sec. 5.** NRS 294A.420 is hereby amended to read as follows:

10 294A.420 1. If the Secretary of State receives information  
11 that a candidate, person, committee, political party or nonprofit  
12 corporation that is subject to the provisions of NRS 294A.120,  
13 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220,  
14 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286 ***and***  
15 ***section 1 of this act*** has not filed a report or form for registration  
16 pursuant to the applicable provisions of those sections, the Secretary  
17 of State may, after giving notice to that candidate, person,  
18 committee, political party or nonprofit corporation, cause the  
19 appropriate proceedings to be instituted in the First Judicial District  
20 Court.

21 2. Except as otherwise provided in this section, a candidate,  
22 person, committee, political party or nonprofit corporation that  
23 violates an applicable provision of this chapter is subject to a civil  
24 penalty of not more than \$5,000 for each violation and payment of  
25 court costs and attorney's fees. The civil penalty must be recovered  
26 in a civil action brought in the name of the State of Nevada by the  
27 Secretary of State in the First Judicial District Court and deposited  
28 by the Secretary of State for credit to the State General Fund in the  
29 bank designated by the State Treasurer.

30 3. If a civil penalty is imposed because a candidate, person,  
31 committee, political party or nonprofit corporation has reported its  
32 contributions, campaign expenses, independent expenditures or  
33 other expenditures after the date the report is due, except as  
34 otherwise provided in this subsection, the amount of the civil  
35 penalty is:

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

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

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

42 ↪ A civil penalty imposed pursuant to this subsection against a  
43 public officer who by law is not entitled to receive compensation for  
44 his or her office or a candidate for such an office must not exceed a  
45 total of \$100 if the public officer or candidate received no



1 contributions and made no expenditures during the relevant  
2 reporting periods.

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

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

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

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

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

21 (d) Whether the violation was inadvertent;

22 (e) Any knowledge or experience the candidate, person,  
23 committee, political party or nonprofit corporation has with the  
24 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. 6.** 1. The provisions of sections 1 and 2 of this act do  
40 not apply to any contribution made to a candidate before January 1,  
41 2020.

42 2. No person is required to file a report required pursuant to  
43 section 1 of this act before April 15, 2020.

44 **Sec. 7.** This act becomes effective:



- 1        1. 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        2. On January 1, 2020, for all other purposes.



