

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:

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

9 Existing law provides that when reporting contributions, a person who qualifies
10 as a committee for political action is required to report only those contributions
11 received for the purpose of affecting the outcome of any election or question on the
12 ballot. (NRS 294A.230) Section 3 of this bill provides similarly that such a person
13 is required to report only those expenditures made for the purpose of affecting the
14 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:

1 Section 1. NRS 294A.140 is hereby amended to read as
2 follows:
3 294A.140 1. The provisions of this section apply to:



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

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

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

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

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

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

18 (d) *The balance in the account maintained pursuant to NRS*
19 *294A.130, if applicable.*

20 3. In addition to the requirements set forth in subsection 2,
21 every person, committee and political party described in subsection
22 1 shall, not later than:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

15 (a) Is not submitted to the filing officer as required by chapter
16 306 of NRS;

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

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

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

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

32 (1) Not later than 30 days after the date on which the notice
33 of appeal is filed, for the period from the filing of the notice of
34 intent to circulate the petition for recall through the date on which
35 the notice of appeal is filed ~~[, report each contribution in excess of~~
36 ~~\$1,000 received during the period and contributions received during~~
37 ~~the period which cumulatively exceed \$1,000.] ; and~~

38 (2) Not later than 30 days after the date on which all appeals
39 regarding the petition are exhausted, for the period from the day
40 after the date on which the notice of appeal is filed through the date
41 on which all appeals regarding the petition are exhausted,
42 **↳ report each contribution in excess of \$1,000 received during the**
43 **period , [and] contributions received during the period from a**
44 **contributor which cumulatively exceed \$1,000 [;] , the total**
45 **amount of all contributions of \$1,000 or less received during the**



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

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

11 (1) Not later than 30 days after the date on which the district
12 court orders the filing officer to cease any further proceedings
13 regarding the petition, for the period from the filing of the notice of
14 intent to circulate the petition for recall through the date of the
15 district court's order ~~[-, report each contribution in excess of \$1,000~~
16 ~~received during the period and contributions received during the~~
17 ~~period which cumulatively exceed \$1,000.]; and~~

18 (2) Not later than 30 days after the date on which all appeals
19 regarding the petition are exhausted, for the period from the day
20 after the date of the district court's order through the date on which
21 all appeals regarding the petition are exhausted,
22 ~~report each contribution in excess of \$1,000 received during the~~
23 ~~period, [and] contributions received during the period~~ *from a*
24 *contributor* which cumulatively exceed \$1,000 ~~[-]~~, *the total*
25 *amount of all contributions of \$1,000 or less received during the*
26 *period and which are not received from a contributor which*
27 *cumulatively exceed \$1,000 and, if applicable, the balance in the*
28 *account maintained pursuant to NRS 294A.130.*

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

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

41 (b) Authorizes the person, committee or political party to not
42 comply with any applicable requirement set forth in subsections 2 to
43 7, inclusive.



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

33 294A.230 1. Except as otherwise provided in subsection 2,
34 each committee for political action shall, before it engages in any
35 activity in this State, register with the Secretary of State on forms
36 supplied by the Secretary of State.

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

39 (a) Subparagraph (1) of paragraph (b) of subsection 1 of NRS
40 294A.0055 by receiving contributions in excess of \$1,500 in a
41 calendar year or making expenditures in excess of \$1,500 in a
42 calendar year; or

43 (b) Subparagraph (2) of paragraph (b) of subsection 1 of NRS
44 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.



