
ASSEMBLY BILL NO. 442—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 25, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to campaign practices.
(BDR 24-816)

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 campaign practices; setting forth factors that the Secretary of State may consider when determining whether good cause has been shown to waive a civil penalty imposed for filing late certain campaign reports; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires candidates, committees for political action, political
2 parties, committees sponsored by political parties and certain other persons to file
3 with the Secretary of State reports relating to certain campaign contributions,
4 expenses and expenditures. (NRS 294A.120, 294A.128, 294A.140, 294A.150,
5 294A.200, 294A.210, 294A.220) A person, committee or entity that is required to
6 file a report is subject to a civil penalty, under a graduated schedule, for filing the
7 report late, and the Secretary of State may waive that penalty for good cause
8 shown. (NRS 294A.420) This bill sets forth factors that the Secretary of State may
9 consider when determining whether good cause has been shown. The factors
10 include: (1) the seriousness of the violation; (2) any history of violations committed
11 by the person, committee or entity; (3) various mitigating factors; (4) whether the
12 violation was inadvertent; (5) any knowledge or experience the person, committee
13 or entity has with campaign practices; and (6) any other factor that the Secretary of
14 State deems to be relevant.



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 person, committee or entity that is subject to the provisions of
5 NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200,
6 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280,
7 294A.286 or 294A.360 has not filed a report or form for registration
8 pursuant to the applicable provisions of those sections, the Secretary
9 of State may, after giving notice to that person, committee or entity,
10 cause the appropriate proceedings to be instituted in the First
11 Judicial District Court.

12 2. Except as otherwise provided in this section, a person,
13 committee or entity that violates an applicable provision of this
14 chapter is subject to a civil penalty of not more than \$5,000 for each
15 violation and payment of court costs and attorney's fees. The civil
16 penalty must be recovered in a civil action brought in the name of
17 the State of Nevada by the Secretary of State in the First Judicial
18 District Court and deposited by the Secretary of State for credit to
19 the State General Fund in the bank designated by the State
20 Treasurer.

21 3. If a civil penalty is imposed because a person, committee or
22 entity has reported its contributions, expenses or expenditures after
23 the date the report is due, except as otherwise provided in this
24 subsection, the amount of the civil penalty is:

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

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

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

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

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

40 5. *When considering whether to waive, pursuant to*
41 *subsection 4, a civil penalty that would otherwise be imposed*



1 *pursuant to subsection 3, the Secretary of State may consider,*
2 *without limitation:*

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

5 *(b) Any history of violations committed by the person,*
6 *committee or entity against whom the civil penalty would*
7 *otherwise be imposed;*

8 *(c) Any mitigating factor, including, without limitation,*
9 *whether the person, committee or entity against whom the civil*
10 *penalty would otherwise be imposed reported the violation,*
11 *corrected the violation in a timely manner, attempted to correct the*
12 *violation or cooperated with the Secretary of State in resolving the*
13 *situation that led to the violation;*

14 *(d) Whether the violation was inadvertent;*

15 *(e) Any knowledge or experience the person, committee or*
16 *entity has with the provisions of this chapter; and*

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

19 **6.** If the Secretary of State waives a civil penalty pursuant to
20 ~~this~~ subsection ~~H~~ 4, the Secretary of State shall:

21 (a) Create a record which sets forth that the civil penalty has
22 been waived and describes the circumstances that constitute the
23 good cause shown; and

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

26 **Sec. 2.** This act becomes effective on July 1, 2013.

