

ASSEMBLY ELECTIONS COMMITTEE
JANUARY 19, 1977

MEMBERS PRESENT: Mr. Mann, Chairman
Mr. Sena
Mr. Chaney
Mr. Goodman
Mr. Horn
Mr. Kosinski
Mrs. Wagner

MEMBERS ABSENT: None

The Assembly Elections Committee was called to order by Chairman Lloyd Mann at 5:00 p.m. on January 18, 1977. Mr. Mann stated the purpose of the meeting to be adoption of the committee rules and general instructions to the members.

Copies of the suggested rules were distributed and discussed. Mr. Sena moved for adoption of these rules and Mr. Goodman seconded the motion. The motion carried unanimously. The rules for this committee are herewith attached to these minutes as Exhibit A.

Mr. Mann stated that each member had before him a copy of a report he had received from the District Attorney for Clark County. He further stated that he was having a bill drafted on this subject and would probably be asking for a committee introduction on it. He explained briefly the purpose of the proposed legislation and the results it would bring about. Exhibit B

Mr. Mann informed the committee that he had scheduled a hearing on AJR 4 for the next Wednesday. It was brought to the attention of the committee that a tour had been arranged for that day. Mr. Mann stated that the members of the committee would have to set their own priorities but that the hearing would be held as scheduled.

Mrs. Wagner requested a committee introduction for BDR C-431. She explained briefly the bill and moved the committee introduce it. Mr. Goodman seconded the motion. The motion carried unanimously.

Chairman Mann adjourned the meeting at 5:40 p.m.

Respectfully submitted,

Sandee Gagnier,
Assembly Attache

RULES

COMMITTEE ON ELECTIONS

59th SESSION

1. A quorum consists of at least four (4) Committee members.
2. It will require at least a quorum to hear a bill.
3. Action on a bill will require a second. An affirmative vote of five (5) members of the Committee will be required to reconsider an action on a bill.
4. Action on a bill will require a majority vote of the entire Committee.
5. The Committee members shall address the chair at all times for permission to be heard or to question witnesses.
6. Mason's Manual will be followed as to parliamentary procedure.
7. Any member of the Committee may request an item on the agenda by contacting the chairman a day ahead of time.
8. Committee bill introduction will be by affirmative vote of four members present. Committee introduction does not imply in any way a commitment on the part of any Committee member to support the bill.
9. The secretary of the Committee shall call the roll at each meeting and record in the minutes the members present and the members not present. Excused absences will be so recorded.
10. The secretary shall record the definite action on bills and resolutions of the Committee by roll call vote.
11. When the chairman is not present, the vice-chairman shall conduct the meeting.
12. Any final voting action of the Committee will not be made until all witnesses have been heard, questioned and dismissed. The chairman shall determine when a final action is to be taken.
13. A minority report can be filed with the Chief Clerk at the same time as the Committee actions are reported.

PROBLEM:

NRS Chapter 294A, election campaign practices requiring reports of campaign contributions and campaign expenses does not define candidate; requires reports to be filed with an agency far beyond the reach of the local public so that in one sense the report doesn't become a public document; provides penalties only for "willful violations" of the statute and applies only to general and primary elections.

PROPOSED SOLUTION:

Amend Chapter 294A by adding new Sections and amending present Sections to read as follows:

Section 1 - Add ~~to~~^a new Section to read: "'Candidate' as used in NRS 294A includes every person who files the Declaration of Candidacy provided for in NRS 293.177; every person who files an acceptance of candidacy under NRS 293.180; every person whose name appears on the official ballot or ballot label used at a primary, general, recall or special election; includes persons who, having once filed a Declaration or acceptance of Candidacy for public office, thereafter withdrew from such election; and includes persons whether or not they actually received campaign contributions or actually made campaign expenses.

Section 2 - NRS 294A.010 is hereby amended to read as follows:

1. Every candidate for State, District, County, City or Township office at a primary, [or] general, recall or special election, report the total amount of all of his campaign contributions [to the Secretary of State] on

affidavit forms to be designed and provided by the Secretary of State.

2. Such report shall be filed: (a) in the case of a candidate for office which serves territory in more than one county, with the Secretary of State; and (b) in the case of a candidate for an office which serves territory in only one County, with the Clerk of that County.

[2].....3. Each contribution, whether from an individual, association or corporation in excess of \$500, shall be separately identified with the name and address of the contributor and the date of the contribution, tabulated and reported to the secretary of state on the affidavit report form provided therefor [3] 4. As used in this section, "contribution" means a gift, subscription, pledge, loan, conveyance, deposit, payment, transfer or distribution of money, and includes the payment by any person other than a candidate, of compensation for the personal services of another person which are rendered to a candidate without charge to the candidate.

[4] 5. Any candidate who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

NRS 294A.020 is hereby amended to read as follows:

1. Every candidate for state, district, county, city, or township office at a primary [or] general, recall or special election shall, within 15 days after the primary election and 30 days after the general, recall or special election, report his campaign expenses [to

the secretary of state] on affidavit forms to be designed and provided by the secretary of state.

2. Such report shall be filed: (a) in the case of a candidate for an office which serves territory in more than one county, with the secretary of state; and (b) In the case of a candidate for an office which serves territory in only one county, with the clerk of that county.

[2] 3. Any candidate who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Section 4. A new section is hereby added to NRS 294A to read as follows: County clerks who have received for filing the contribution and expenditure reports required by NRS 294A.010 and NRS 294A.020 shall, after receipt thereof, forthwith transmit one copy of each such report to the secretary of state.

5. A new section is hereby added to NRS 294A to read as follows: Every person who delays in filing any report required by NRS 294A.010 or NRS 294A.020, shall forfeit to the county or state a civil penalty of \$100 for each day of delay. Such civil penalties shall be recovered by the appropriate district attorney or the attorney general in a civil action in a court of competent jurisdiction.

6. NRS 294A.080 is hereby amended to read as follows: If it appears to the secretary of state that the provisions of NRS 218.032, [or] NRS 294A.010 to 294A.030, inclusive, or section 5 above have been violated he shall report the alleged violation: 1. To the

attorney general in the case of a candidate for an office which serves territory in more than one county; and 2. To the appropriate district attorney in the case of a candidate for an office which serves territory in only one county, and the attorney general or district attorney to whom such report is made shall cause appropriate proceedings to be instituted and prosecuted in the court of proper jurisdiction without delay.