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SUMMARY OF ASSEMBLY BILL 528 (First Reprint)
OFFERED BY SECRETARY OF STATE DEAN HELLER

Section 1: Subsections 1 and 3 are intended to specify exactly how many days should be counted for determining events such as filings and deadlines included in Title 24. This was an issue during the 2001 special session with respect to the date upon which legislators were prohibited from receiving campaign contributions in connection with the date the Governor's proclamation was issued (did it change if the proclamation was issued on a Friday or a Saturday?). It has also been an issue that the clerks and registrars have wrestled with each election cycle in connection with counting under various other statutes, such as challenge statutes.

Section 2: Changes to subsection 2 are to comply with the U.S. Supreme Court decision in Buckley v. Valejo (Buckley v. American Constitutional Law Foundation, et al (97-930) 120 F.3d 1092, affirmed.), wherein it was decided that a circulator of a petition is not required to be a registered voter. These changes are also made to Chapter 306 (recall of public officers) of the NRS as set forth in Section 21 of the bill. The changes cannot be made to Chapter 295 (initiatives and referendums) because of the constitutional requirement (Article 19, Section 3) that a signer of the petition also sign the verification. The Buckley decision also confirmed that circulators are not required to be residents of the districts where they circulate petitions.

Section 3: The change in subsection 2 is required because the secretary of state must determine names on the ballot as of January 1 of the preceding election year, so that reporting the number of registered voters on the first Monday in January may be too late. Specifically, NRS 293.1715 provides that the name of a candidate for partisan office for a minor political party must only be placed on the ballot for the general election if on the **January 1** preceding the primary, the minor party has been designated as the political party on applications to register to vote of at least 1% of the total number of registered voters in the state. This number cannot be determined unless the requirement to report the number of registered voters is changed to January 1 because if the first Monday is after January 1, the figure will not be accurate.

Section 4: Specifies how vacancies are filled for a minor party and makes conforming changes to the statutes to accommodate the changes made in Sections 10 and 11, which address the issue of candidates who die prior to a primary election.

Section 5: Clarifies that the filing fee is not refundable except as provided in NRS 293.194 that requires the return of filing fees to candidates and parties when their petition does not contain the required number of signatures. A factor of Election 2000, when a candidate was removed from the ballot by the Secretary of State's office prior to the election and demanded a filing refund. Unclear of the procedure to use because under the statutory scheme there was no clear answer, but the clerks and registrars commonly construe it as being non-refundable.

Section 6: Changes are intended to clarify that independent candidates must first file with their filing officer the petition of candidacy, before they circulate the same for signatures. This section also deletes the previous confusing and duplicative language of requiring a "copy" be filed.

Section 7: Provides for the procedure for posting the name of a candidate who died prior to the primary election at the polling place, just as it currently requires for general elections.

Section 8: Provides the deadline for requiring a deceased candidate's name to still appear on the ballot for a primary election and the procedures for counting any votes cast for such candidate. The statute currently provides the procedures for candidates who die prior to a general election.

Section 9: Pushes the date of the canvass back to the Tuesday before Thanksgiving instead of the day before Thanksgiving to make it easier to get the Secretary of State and the members of the Supreme Court together. The justices of the Supreme Court have also requested this change.

Section 10: Technical change to the statute because of the change in Section 1 defining the counting of days.

Section 11: brings minor parties on equal footing with major parties for obtaining lists of registered voters. Also makes it clear that anyone receiving a free list, cannot resell the same for profit.

Section 12: Subsection 3 is intended to ensure that each voter receives a sample ballot prior to the time early voting begins.

Sections 13 through 15: Conforming changes to statutes for city elections to address death of candidate.

Section 16: Conforming changes to statutes for city elections to provide for timely sample ballots prior to early voting.

Section 17: To clarify that a person who files a notice of intent to circulate a petition for recall is a "committee for the recall of a public officer" and thus, required to file the appropriate campaign disclosure reports. Arises out of issues in the past where people argue they aren't an "organization" so they don't have to file.

Section 18: Requires disposition report to be filed with "filing officer" same as other contribution and expenditure reports. This section will need to be deleted if A.B. 529 is passed, as that bill repeals this section.

Section 19: Specifies when newspapers, etc. must make available information pertaining to advertising for candidates, BAG's, etc.

Section 20: With regard to the filing of campaign and expenditure reports, the changes in subsection 3 will modify the maximum penalty for late filings to \$100 from \$5000 for individuals who receive no compensation for the office they hold, or for candidates who had no contributions and no expenditures. The larger penalties should be restricted to those candidates who do receive larger sums in contributions and are compensated for their positions. It is imperative that the reports be filed and lack of filing should result in a fine, because disclosure is important as is the public's right to know how much candidates are receiving and expending on their races and who is funding their candidates. If an individual was running for office, regardless of compensation or campaign contributions, the report should be required, otherwise, there would be no way of knowing whether contributions were made.

Section 21: Makes the same changes for petitions relating to recall of public officers as those changes made in section 2 of this bill for petitions for qualification of major political parties. As stated above, these changes are intended to bring us into compliance with the U.S. Supreme Court decision in Buckley v. Valejo (Buckley v. American Constitutional Law Foundation, et al (97-930) 120 F.3d 1092, affirmed.), wherein it was decided that a circulator of a petition is not required to be a registered voter.