

SENATE BILL NO. 123—SENATOR TITUS

FEBRUARY 13, 2003

JOINT SPONSOR: ASSEMBLYMAN PARKS

Referred to Committee on Government Affairs

SUMMARY—Prohibits public officers and employees from requesting or otherwise causing state and local governments to, under certain circumstances, make expenditures to support or oppose ballot questions or candidates. (BDR 23-214)

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.

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AN ACT relating to campaign practices; prohibiting public officers and employees from requesting or otherwise causing state and local governments to, under certain circumstances, make an expenditure to support or oppose a ballot question or a candidate; and providing other matters properly relating thereto.

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

- 1     **Section 1.** Chapter 281 of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     1. *Except as otherwise provided in subsections 4 and 5, a*  
4     *public officer or employee shall not request or otherwise cause a*  
5     *governmental entity to incur an expense or make an expenditure*  
6     *to support or oppose:*  
7     (a) *A ballot question.*  
8     (b) *A candidate.*  
9     2. *For the purposes of paragraph (b) of subsection 1, an*  
10    *expense incurred or an expenditure made by a governmental*



\* S B 1 2 3 R 1 \*

1 *entity shall be considered an expense incurred or an expenditure*  
2 *made in support of a candidate if:*

3 *(a) The expense is incurred or the expenditure is made for the*  
4 *creation or dissemination of a pamphlet, brochure, publication,*  
5 *advertisement or television programming that prominently*  
6 *features the activities of a current public officer of the*  
7 *governmental entity who is a candidate for a state, local or federal*  
8 *elective office; and*

9 *(b) The pamphlet, brochure, publication, advertisement or*  
10 *television programming described in paragraph (a) is created or*  
11 *disseminated during the period specified in subsection 3.*

12 *3. The period during which the provisions of subsection 2*  
13 *apply to a particular governmental entity begins when a current*  
14 *public officer of that governmental entity files a declaration of*  
15 *candidacy or acceptance of candidacy and ends on the date of the*  
16 *general election, general city election or special election for the*  
17 *office for which the current public officer of the governmental*  
18 *entity is a candidate.*

19 *4. The provisions of this section do not prohibit the creation*  
20 *or dissemination of, or the appearance of a candidate in or on, as*  
21 *applicable, a pamphlet, brochure, publication, advertisement or*  
22 *television programming that:*

23 *(a) Is made available to the public on a regular basis and*  
24 *merely describes the functions of:*

25 *(1) The public office held by the public officer who is the*  
26 *candidate; or*

27 *(2) The governmental entity by which the public officer*  
28 *who is the candidate is employed; or*

29 *(b) Is created or disseminated in the course of carrying out a*  
30 *duty of:*

31 *(1) The public officer who is the candidate; or*

32 *(2) The governmental entity by which the public officer*  
33 *who is the candidate is employed.*

34 *5. The provisions of this section do not prohibit an expense or*  
35 *an expenditure incurred to create or disseminate a television*  
36 *program that provides a forum for discussion or debate regarding*  
37 *a ballot question, if persons both in support of and in opposition to*  
38 *the ballot question participate in the television program.*

39 *6. As used in this section:*

40 *(a) "Governmental entity" means:*

41 *(1) The government of this state;*

42 *(2) An agency of the government of this state;*

43 *(3) A political subdivision of this state; and*

44 *(4) An agency of a political subdivision of this state.*



1 (b) "Pamphlet, brochure, publication, advertisement or  
2 television programming" includes, without limitation, a  
3 publication, a public service announcement and any programming  
4 on a television station created to provide community access to  
5 cable television. The term does not include:

6 (1) A press release issued to the media by a governmental  
7 entity; or

8 (2) The official website of a governmental entity.

9 (c) "Political subdivision" means a county, city or any other  
10 local government as defined in NRS 354.474.

11 **Sec. 2.** NRS 281.431 is hereby amended to read as follows:

12 281.431 As used in NRS 281.411 to 281.581, inclusive, *and*  
13 *section 1 of this act*, unless the context otherwise requires, the  
14 words and terms defined in NRS 281.432 to 281.4375, inclusive,  
15 have the meanings ascribed to them in those sections.

16 **Sec. 3.** NRS 293.725 is hereby repealed.

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**TEXT OF REPEALED SECTION**

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**293.725 Government expenditure in support of or  
opposition to ballot question or candidate prohibited.** The  
government of this state or a political subdivision of this state or an  
agency thereof shall not incur an expense or make an expenditure to  
support or oppose:

1. A ballot question.
2. A candidate.

