

ASSEMBLY BILL NO. 197—ASSEMBLYMEMBER BACKUS

PREFILED FEBRUARY 3, 2025

Referred to Committee on Government Affairs

SUMMARY—Enacts provisions strengthening certain protections for certain activities under the First Amendment. (BDR 19-136)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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 governmental administration; requiring, with certain exceptions, a governmental entity to keep confidential certain personal information regarding donors, members or volunteers of a nonprofit organization; prohibiting, with certain exceptions, a governmental entity from requesting or releasing certain personal information regarding donors, members or volunteers of a nonprofit organization; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes certain governmental agencies to collect certain
2 personal information. (Chapter 239B of NRS) Existing law also prohibits, with
3 certain exceptions, a governmental agency from requiring a person to include
4 certain personal information on any document submitted to the governmental
5 agency after a certain date. (NRS 239B.030) **Section 2** of this bill requires, with
6 certain exceptions, a governmental entity to keep confidential any personal
7 information in the records of the governmental entity that identifies a person as a
8 donor, member or volunteer of a nonprofit organization. **Section 2** also prohibits,
9 with certain exceptions, a governmental entity from: (1) requiring that any person
10 or nonprofit organization provide the governmental entity with personal
11 information that identifies a person as a donor, member or volunteer of a nonprofit
12 organization; (2) releasing, publicizing or otherwise publicly disclosing personal
13 information that identifies a person as a donor, member or volunteer of a nonprofit
14 organization; or (3) requesting or requiring a current or prospective contractor or
15 grantee to provide a list of nonprofit organizations to which the contractor or
16 grantee has provided support. **Section 2** provides that the personal information that
17 identifies a person as a donor, member or volunteer of a nonprofit organization
18 includes any list, record, register, roster or other data of any kind that includes a



19 donation, name, address or telephone number that directly or indirectly identifies a
20 person as a donor of financial or nonfinancial support, member or volunteer of any
21 nonprofit organization.

22 **Section 2** provides that a person who alleges that the person has been harmed
23 by a governmental entity or an officer or employee of a governmental entity that
24 has violated these provisions may bring a civil action to obtain certain relief.

25 **Section 1** of this bill provides that such personal information is not a public
26 record.

27 **Section 3** of this bill prohibits the Secretary of State, when carrying out certain
28 requirements of existing law, from collecting or disclosing any information that
29 directly identifies a person as a donor of financial support to a nonprofit
30 organization.

31 **Section 4** of this bill provides that any information collected by the Attorney
32 General in an audit, examination, review or investigation of a corporation for public
33 benefit or a corporation holding assets in charitable trust may only be used in
34 connection with the audit, examination, review or investigation and is otherwise
35 subject to the requirements of **section 2**.

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

1 **Section 1.** NRS 239.010 is hereby amended to read as follows:

2 239.010 1. Except as otherwise provided in this section and
3 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
4 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
5 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
6 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
7 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
8 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
9 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
10 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
11 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
12 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
13 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245,
14 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156,
15 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495,
16 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772,
17 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923,
18 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040,
19 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
20 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615,
21 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570,
22 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300,
23 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040,
24 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
25 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264,
26 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130,



1 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910,
2 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680,
3 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,
4 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
5 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
6 293.906, 293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110,
7 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593,
8 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
9 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240,
10 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138,
11 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300,
12 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626,
13 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750,
14 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120,
15 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317,
16 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975,
17 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143,
18 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685,
19 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
20 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
21 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205,
22 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430,
23 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
24 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116,
25 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
26 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
27 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245,
28 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164,
29 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056,
30 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407,
31 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063,
32 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363,
33 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833,
34 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285,
35 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,
36 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710,
37 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315,
38 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137,
39 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
40 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671,
41 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327,
42 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415,
43 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716,
44 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169,
45 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085,



1 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183,
2 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220,
3 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
4 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090,
5 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170,
6 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
7 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050,
8 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,
9 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,
10 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900,
11 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275,
12 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480,
13 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
14 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
15 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
16 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
17 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
18 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
19 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
20 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
21 711.600, **and section 2 of this act**, sections 35, 38 and 41 of chapter
22 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes
23 of Nevada 2013 and unless otherwise declared by law to be
24 confidential, all public books and public records of a governmental
25 entity must be open at all times during office hours to inspection by
26 any person, and may be fully copied or an abstract or memorandum
27 may be prepared from those public books and public records. Any
28 such copies, abstracts or memoranda may be used to supply the
29 general public with copies, abstracts or memoranda of the records or
30 may be used in any other way to the advantage of the governmental
31 entity or of the general public. This section does not supersede or in
32 any manner affect the federal laws governing copyrights or enlarge,
33 diminish or affect in any other manner the rights of a person in any
34 written book or record which is copyrighted pursuant to federal law.
35 2. A governmental entity may not reject a book or record
36 which is copyrighted solely because it is copyrighted.
37 3. A governmental entity that has legal custody or control of a
38 public book or record shall not deny a request made pursuant to
39 subsection 1 to inspect or copy or receive a copy of a public book or
40 record on the basis that the requested public book or record contains
41 information that is confidential if the governmental entity can
42 redact, delete, conceal or separate, including, without limitation,
43 electronically, the confidential information from the information
44 included in the public book or record that is not otherwise
45 confidential.



1 4. If requested, a governmental entity shall provide a copy of a
2 public record in an electronic format by means of an electronic
3 medium. Nothing in this subsection requires a governmental entity
4 to provide a copy of a public record in an electronic format or by
5 means of an electronic medium if:

6 (a) The public record:

7 (1) Was not created or prepared in an electronic format; and

8 (2) Is not available in an electronic format; or

9 (b) Providing the public record in an electronic format or by
10 means of an electronic medium would:

11 (1) Give access to proprietary software; or

12 (2) Require the production of information that is confidential
13 and that cannot be redacted, deleted, concealed or separated from
14 information that is not otherwise confidential.

15 5. An officer, employee or agent of a governmental entity who
16 has legal custody or control of a public record:

17 (a) Shall not refuse to provide a copy of that public record in the
18 medium that is requested because the officer, employee or agent has
19 already prepared or would prefer to provide the copy in a different
20 medium.

21 (b) Except as otherwise provided in NRS 239.030, shall, upon
22 request, prepare the copy of the public record and shall not require
23 the person who has requested the copy to prepare the copy himself
24 or herself.

25 **Sec. 2.** Chapter 239B of NRS is hereby amended by adding
26 thereto a new section to read as follows:

27 *1. Except as otherwise provided in subsection 3, a*
28 *governmental entity shall maintain in a confidential manner any*
29 *personal information that identifies a person as a donor, member*
30 *or volunteer of a nonprofit organization.*

31 *2. Except as otherwise provided in subsection 3, a*
32 *governmental entity shall not:*

33 *(a) Require any person or nonprofit organization to provide*
34 *the governmental entity with personal information that identifies a*
35 *person as a donor, member or volunteer of a nonprofit*
36 *organization or otherwise compel the release of such personal*
37 *information;*

38 *(b) Release, publicize or otherwise publicly disclose personal*
39 *information in possession of the governmental entity that*
40 *identifies a person as a donor, member or volunteer of a nonprofit*
41 *organization; or*

42 *(c) Request or require a current or prospective contractor or*
43 *grantee working with the governmental entity to provide a list of*
44 *nonprofit organizations to which the contractor or grantee has*
45 *provided financial or nonfinancial support.*



1 3. *The provisions of subsections 1 and 2 do not apply to*
2 *personal information that identifies a person as a donor, member*
3 *or volunteer of a nonprofit organization that is requested,*
4 *obtained, released or disclosed as a result of any of the following:*

5 (a) *Any personal information required to be disclosed by*
6 *statute or regulation for the purpose of complying with federal*
7 *law;*

8 (b) *Any information, report or disclosure required to be filed*
9 *with the Secretary of State pursuant to title 7 of NRS provided*
10 *that, except as otherwise provided in this subsection, any*
11 *information that directly identifies a person as a donor of*
12 *financial support to a nonprofit organization must not be collected*
13 *or disclosed;*

14 (c) *Any report or disclosure required to be filed pursuant to*
15 *chapter 294A of NRS;*

16 (d) *Any confidential information shared pursuant to*
17 *NRS 232.357;*

18 (e) *Any lawful warrant for personal information issued by a*
19 *court of competent jurisdiction;*

20 (f) *Any lawful request for personal information in connection*
21 *with discovery proceedings if:*

22 (1) *The relevant and probative value of the information*
23 *requested outweighs its prejudicial effect; and*

24 (2) *The requester obtains a protective order from the court*
25 *barring the disclosure of such information to any person not*
26 *named in the proceedings;*

27 (g) *Any personal information voluntarily released by a person*
28 *to the governmental entity or any personal information voluntarily*
29 *released by a nonprofit organization to the public;*

30 (h) *Any personal information admitted as evidence before a*
31 *court of competent jurisdiction, if the court finds there is good*
32 *cause for the public release of such information;*

33 (i) *Any contract, resolution or agreement entered into by a*
34 *nonprofit organization with a governmental entity, including for*
35 *purposes of obtaining a governmental benefit or grant, whereby*
36 *the governmental entity is authorized to or any statute which*
37 *expressly authorizes a governmental entity to inspect the records*
38 *of the nonprofit organization, including, without limitation, a*
39 *contract, resolution or agreement entered into pursuant to NRS*
40 *427A.085, 433.354, 433B.220 or 439.155 or a request for a*
41 *screening submitted pursuant to NRS 179A.325;*

42 (j) *Any report required to be filed by a nonprofit organization*
43 *and posted by the Department of Health and Human Services on*
44 *the Internet website maintained by the Department pursuant to*
45 *NRS 439B.665 and 439B.670;*



1 (k) Any information required to be filed by a nonprofit
2 organization of surplus line brokers with the Commissioner of
3 Insurance pursuant to NRS 685A.075;

4 (l) Any information submitted to a governmental entity by a
5 national securities association that is registered pursuant to 15
6 U.S.C. § 78o-3 or any regulation adopted pursuant thereto,
7 including, without limitation, any information submitted to the
8 Secretary of State pursuant to chapters 90 and 91 of NRS and any
9 regulations adopted pursuant thereto for the purposes of licensing,
10 registration, examination, investigation or enforcement;

11 (m) Any requirement to disclose the relationship between a
12 public officer or employee and a nonprofit organization pursuant
13 to NRS 281A.420, as a response to a lawful request or subpoena in
14 an investigation or as part of or in response to a request for an
15 advisory opinion submitted pursuant to NRS 281A.670 to
16 281A.690, inclusive, or an ethics complaint filed or initiated
17 pursuant to NRS 281A.700 to 281A.790, inclusive;

18 (n) Any information submitted to or requested by the Nevada
19 Gaming Control Board pursuant to NRS 462.160 for the purposes
20 of the licensing or registration of a charitable lottery or charitable
21 game, provided that any information collected is confidential as
22 provided in NRS 463.120;

23 (o) A request for information:

24 (1) Required by the Attorney General for an audit,
25 examination, review or investigation conducted pursuant to NRS
26 82.536, provided that:

27 (I) Such information must only be used in connection
28 with the specific audit, examination, review or investigation to
29 which the request is related and for any related proceedings; and

30 (II) Such information otherwise remains subject to the
31 provisions of this section, unless expressly required by law to be
32 publicly disclosed;

33 (2) Relating to the authority to exercise the power of the
34 Secretary of State or the power of the Attorney General in the
35 areas of consumer protection pursuant to NRS 228.380, including,
36 without limitation, the provisions of NRS 90.615, 597.262,
37 597.8198, 598C.180, 599B.015, and 599B.213 to 599B.245,
38 inclusive, and chapters 598, 598A and 711 of NRS, provided that
39 such information is otherwise subject to the requirements of this
40 section, unless expressly required by law to be publicly disclosed;

41 (3) Relating to a criminal investigation or prosecution by
42 the Attorney General, where there is credible evidence that a crime
43 has been or is being committed or for information relating to any
44 authorized civil investigation or inquiry undertaken by the
45 Attorney General, provided that any personal information



1 *obtained in such an investigation or prosecution must remain*
2 *confidential unless its disclosure is expressly required by law to be*
3 *publicly disclosed or is necessary to publicize in a court pleading*
4 *or submission of evidence to a court; or*

5 *(4) Connected with a constituent complaint submitted to the*
6 *Attorney General; and*

7 *(p) The names of members of a labor organization and the*
8 *amount of dues collected by a governmental entity that are*
9 *provided to the labor organization for the purposes of collecting*
10 *and reporting the remittance of dues to the labor organization*
11 *from its members, in accordance with a valid authorization to*
12 *withhold dues.*

13 *4. Any person who alleges that the person has been harmed*
14 *by a governmental entity or an officer or employee of a*
15 *governmental entity that has violated the provisions of subsection*
16 *1 or 2 may bring a civil action in a court of competent jurisdiction.*
17 *If the person prevails, the person is entitled to receive any or all of*
18 *the following relief:*

19 *(a) Injunctive relief as the court deems appropriate;*

20 *(b) Costs incurred in bringing the action, including, without*
21 *limitation, reasonable attorney's fees;*

22 *(c) Except as otherwise provided in paragraph (d), the greater*
23 *of actual damages or statutory damages equal to:*

24 *(1) For a first offense, \$1,000;*

25 *(2) For a second offense, \$5,000; and*

26 *(3) For a third or any subsequent offense, \$10,000.*

27 *(d) If the court determines that a governmental entity or*
28 *officer or employee of a governmental entity acted recklessly or*
29 *willfully to violate the provisions of this section, the court may*
30 *award treble the amount of the damages assessed pursuant to*
31 *paragraph (c).*

32 *5. For the purposes of this section, "personal information*
33 *that identifies a person as a donor, member or volunteer of a*
34 *nonprofit organization":*

35 *(a) Includes, without limitation, any list, record, register,*
36 *roster or other data of any kind that includes a donation, name,*
37 *address or telephone number that directly or indirectly identifies a*
38 *person as a donor of financial or nonfinancial support, member or*
39 *volunteer of any nonprofit organization; and*

40 *(b) Does not include information that identifies a person as a*
41 *staff member, employee or contractor of a nonprofit organization.*

42 *6. As used in this section:*

43 *(a) "Governmental entity" has the meaning ascribed to it in*
44 *NRS 239.005.*



1 ***(b) "Labor organization" has the meaning ascribed to it in***
2 ***NRS 288.048.***

3 ***(c) "Nonprofit organization" means:***

4 ***(1) An organization which qualifies as tax exempt pursuant***
5 ***to section 501(c) of the Internal Revenue Code, 26 U.S.C. §***
6 ***501(c); and***

7 ***(2) Any entity that has submitted an application with the***
8 ***Internal Revenue Service for recognition as a tax exempt entity***
9 ***pursuant to section 501(c) of the Internal Revenue Code, 26***
10 ***U.S.C. § 501(c).***

11 **Sec. 3.** Chapter 75 of NRS is hereby amended by adding
12 thereto a new section to read as follows:

13 ***Pursuant to section 2 of this act, in carrying out the***
14 ***requirements of this title, the Secretary of State shall not collect or***
15 ***disclose any information that directly identifies a person as a***
16 ***donor of financial support to a nonprofit organization.***

17 **Sec. 4.** NRS 82.536 is hereby amended to read as follows:

18 82.536 1. A corporation for public benefit and a corporation
19 holding assets in charitable trust is subject at all times to
20 examination by the Attorney General, on behalf of the State, to
21 ascertain the condition of its affairs and to what extent, if at all, it
22 fails to comply with trusts it has assumed or has departed from the
23 purposes for which it is formed. In case of any such a failure or
24 departure, the Attorney General may institute, in the name of the
25 State, the proceeding necessary to correct the noncompliance or
26 departure.

27 2. The Attorney General, or any person given the status of
28 relator by the Attorney General, may bring an action to enjoin,
29 correct, obtain damages for or otherwise to remedy a breach of a
30 charitable trust or departure from the purposes for which it is
31 formed.

32 ***3. Any information collected by the Attorney General***
33 ***pursuant to this section:***

34 ***(a) Must only be used in connection with an audit,***
35 ***examination, review or investigation by the Attorney General and***
36 ***for any proceedings or action resulting from such an audit,***
37 ***examination, review or investigation; and***

38 ***(b) Except as otherwise provided in this subsection and section***
39 ***2 of this act, is subject to the requirements of section 2 of this act,***
40 ***unless expressly required by law to be publicly disclosed.***

41 **Sec. 5.** This act becomes effective on July 1, 2027.



