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Elections

Elections; campaign contributions and expenses—clarification of requirements for reporting

N.R.S. §293.031 (repealed); §§294A.—294A.— (new); §§294A.005, 294A.010, 294A.020 (amended).

SB 88 (Committee on Government Affairs); STATS 1981; Ch 399

Chapter 399 clarifies various requirements for reporting campaign contributions and expenses by a candidate¹ and modifies pertinent definitions.² Prior to the enactment of Chapter 399, campaign contribution was defined as including gifts, subscriptions, pledges, loans, conveyances, deposits, payments, transfers or distributions of money, and payments by any person, other than a candidate, of compensation for the personal services of another that are rendered without charge to the candidate.³ Chapter 399 amends this definition, deleting subscriptions and pledges and adding transactions of anything of value other than volunteered services.⁴ Prior law defined campaign expenses as all expenditures contracted or made for television, radio, billboard, poster, or newspaper advertising and all other expenditures contracted for or made in direct furtherance of the candidate's campaign if made during the period from the first day that a certificate of candidacy may be filed through the general election.⁵ Chapter 399 modifies this definition by removing the condition that the specified expenditures occur in any specific time period.⁶

Prior to the enactment of Chapter 399, the filing dates specified for reporting campaign contributions and expenses and the periods these reports covered applied to recall⁷ and special⁸ elections *as well as* primary⁹ and general¹⁰ elections.¹¹ Chapter 399 provides separate filing

1. N.R.S. §294A.005 (definition of candidate).

2. Compare N.R.S. §294A.— 4 (definition of contribution) with STATUTES OF NEVADA 1979, c. 328, §1, at 488 (enacting N.R.S. §294A.010 5); compare N.R.S. §294A.— 3 (definition of campaign expenses) with STATUTES OF NEVADA 1975, c. 719, §2, at 1483, 1484 (enacting N.R.S. §293.031).

3. STATUTES OF NEVADA 1979, c. 328, §1, at 488 (enacting N.R.S. §294A.010 5).

4. N.R.S. §294A.— 4.

5. STATUTES OF NEVADA 1975, c. 719, §2, at 1483, 1484.

6. Compare N.R.S. §294A.— 3 with STATUTES OF NEVADA 1975, c. 719, §2, at 1483, 1484.

7. See generally NEV. CONST. art. II, §9; N.R.S. §§306.010-306.130 (requirements and procedures in recall elections).

8. See generally N.R.S. §306.020 (conduct of special election).

9. See *id.* §293.080 (definition of primary election).

dates and reporting periods for special and recall elections.¹² A candidate in a special election for a district office is required to file reports of campaign contributions and expenses twice.¹³ The first reports must be filed no later than fifteen days before the special election and the second no later than thirty days after the election.¹⁴ The first reports must cover the time from the candidate's nomination up to twenty days before the election.¹⁵ The second, post-election, reports cover the period not addressed in the first reports up to the date of the election.¹⁶ Every candidate in a *recall* election, whether for state, district, county, city, or township office, must report the total amount of campaign contributions and expenses thirty days after the recall election.¹⁷ The time period covered by the reports is from the filing of the notice of intent to circulate the recall petition¹⁸ up to the date of the election.¹⁹ In addition, Chapter 399 alters the time period covered by the first reports required of a candidate in a *primary* election for any state, district, county, city, or township office.²⁰ The reports of campaign contributions and expenses now must cover the time period from January 1 of the election year up to the date of the election.²¹ As under prior law, any candidate who willfully violates the provisions for reporting either campaign contributions or expenses is guilty of a gross misdemeanor.²²

10. *See id.* §293.060 (definition of general election).

11. STATUTES OF NEVADA 1979, c. 328, §§1, 2, at 488 (enacting N.R.S. §§294A.010 1, 294A.020 1).

12. Compare N.R.S. §294A.010 1 and N.R.S. §294A.020 1 with STATUTES OF NEVADA 1979, c. 328, §§1, 2, at 488.

13. N.R.S. §§294A.010 2(a), (b), 294A.020 2(a), (b).

14. *Id.*

15. *Id.* §§294A.010 2(a), 294A.020 2(a).

16. *Id.* §§294A.010 2(b), 294A.020 2(b).

17. *Id.* §§294A.010 3, 294A.020 3.

18. *Id.* §306.015 (requirements for notice of intent to circulate recall petition).

19. *Id.* §§294A.010 3, 294A.020 3.

20. Compare N.R.S. §294A.010 1(a) and N.R.S. §294A.020 1(a) with STATUTES OF NEVADA 1979, c. 328, §§1, 2, at 488.

21. N.R.S. §§294A.010 1(a), 294A.020 1(a).

22. *Id.* §§294A.010 7, 294A.020 6.