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Elections

Elections; disclosure of campaign expenses

NEV. REV. STAT. §294A.— (new); §§294A.002, 294A.050, 294A.065, 294A.070, 294A.080 (amended).

SB 91 (Wilson); 1983 STAT. Ch 513

Existing law seeks to deter corruption and undue influence¹ by requiring candidates² to disclose campaign contributions³ and expenses.⁴ The past decade has witnessed an increased presence in the political arena of organizations not directly under the control of or affiliated with a particular candidate.⁵ Chapter 513 addresses this new source of campaign funding by requiring the disclosure of all expenditures in excess of five hundred dollars made by persons⁶ advocating the election of a candidate or group of candidates other than themselves, or by persons advocating the defeat of a candidate or candidates other than the opponent.⁷ This disclosure requirement applies in special,⁸ recall,⁹ primary,¹⁰ and general¹¹ elections.¹² The five hundred dollars limit on expenditures includes cumulative expenditures accumulated since the beginning of the reporting period, but does not include contributions that the candidate must report.¹³ Chapter 513 also requires that expenditures made outside the state, but intended for use within the state, including expenditures for printing, television, radio broadcasts, or

1. See *Buckley v. Valeo*, 424 U.S. 1, 76 (1976) (stating that disclosure provisions had an independent function to "insure that the voters are fully informed and to achieve through publicity the maximum deterrence to corruption and undue influence possible."); accord *Arvey v. Sheriff*, Clark County, 93 Nev. 469, 471, 567 P.2d 470, 470-71 (1977).

2. NEV. REV. STAT. §294A.005 (definition of candidate).

3. *Id.* §294A.007 (definition of contribution).

4. *Id.* §§294A.010, 294A.031; see *id.* §294A.004 (definition of expense).

5. See generally Epstein, *The PAC Phenomenon: An Overview*, 22 ARIZ. L. REV. 355 (1980) (discussing the recent growth of political action committees and their impact on campaign funding).

6. 1983 Nev. Stat. c. 513, §2, at 1373 Person includes any natural person, labor union, business or voluntary association, committee for political action or a committee sponsored by a political party, and any corporation. *Id.*

7. *Id.* c. 513, §3(1), at 1373.

8. NEV. REV. STAT. §306.120 (conduct of special election).

9. See generally NEV. CONST. art. II, §9; NEV. REV. STAT. §§306.015-.130 (requirements and procedures for recall elections).

10. NEV. REV. STAT. §293.080 (definition of primary election).

11. *Id.* §293.060 (definition of general election).

12. 1983 Nev. Stat. c. 513, §3(1), at 1373 (disclosure required for national, congressional, state, district, county, city or township office).

13. *Id.*; see NEV. REV. STAT. §294A.010 (contribution reports by candidate).

other media production, be included in the report of expenditures.¹⁴ Expenditures for communications between the members of the group, however, are exempt from these reporting requirements.¹⁵

Chapter 513 also establishes three reporting periods for primary and general elections.¹⁶ The first period that requires an expenditure report runs from the last election for a particular office to twenty days before the primary election.¹⁷ The second period begins twenty days before the primary election and ends twenty days before the general election.¹⁸ The twenty day period before the general election is covered by the final report.¹⁹ Reports must be filed²⁰ directly with the Secretary of State.²¹ If a candidate is elected from one county, however, the report must be filed with the respective county clerk.²² When expenditures are made for a group of candidates, the report must be made to the appropriate officer for each candidate, but need not be itemized by the candidate.²³ Finally, persons who willfully violate the provisions of Chapter 513 are guilty of a gross misdemeanor.²⁴

14. 1983 Nev. Stat. c. 513, §3(2), at 1373; *see* NEV. REV. STAT. §294A.050 (amended by 1983 Nev. Stat. c. 513, §5, at 1374) (requiring that any person or group of persons who accepts, broadcasts, disseminates, prints, or publishes advertising for any candidate or group of candidates, or persons other than candidates make available for inspection information on the cost of all advertisements handled for each candidate).

15. 1983 Nev. Stat. c. 513, §3(2), at 1373.

16. *Id.* c. 513, §3(1), at 1373.

17. *Id.* c. 513, §3(1)(a), at 1373.

18. *Id.* c. 513, §3(1)(b), at 1373.

19. *Id.* c. 513, §3(1)(c), at 1373.

20. *See* *Golden v. McKim*, 45 Nev. 350, 353, 204 P. 602, 603 (1922) (definition of filing). Reports submitted by certified mail are deemed filed on the date of mailing. 1983 Nev. Stat. c. 513, §3(3), at 1373.

21. 1983 Nev. Stat. c. 513, §3(3), at 1373. Persons required to disclose expenditures may request the necessary forms and regulations from the officer who is to receive the report and must acknowledge receipt thereof. *Id.* c. 513, §6(2), at 1375.

22. *Id.* c. 513, §3(3), at 1373. Each county clerk who receives a report must file a copy of the report with the Secretary of State. *Id.* c. 513, §3(4), at 1373.

23. *Id.* c. 513, §3(3), at 1373.

24. *Id.* c. 513, §3(5), at 1373. The Secretary of State must report alleged violations to the Attorney General. *Id.* c. 513, §8(1), at 1375. County clerks are to report alleged violations to the appropriate district attorney. *Id.* c. 513, §8(2), at 1375.

Elections; petitions for initiatives and referenda

NEV. REV. STAT. §295.— (new); §293.092 (amended).

SB 354 (Committee on Government Affairs); 1983 STAT. Ch 384

Existing law reflects constitutional provisions that specify the