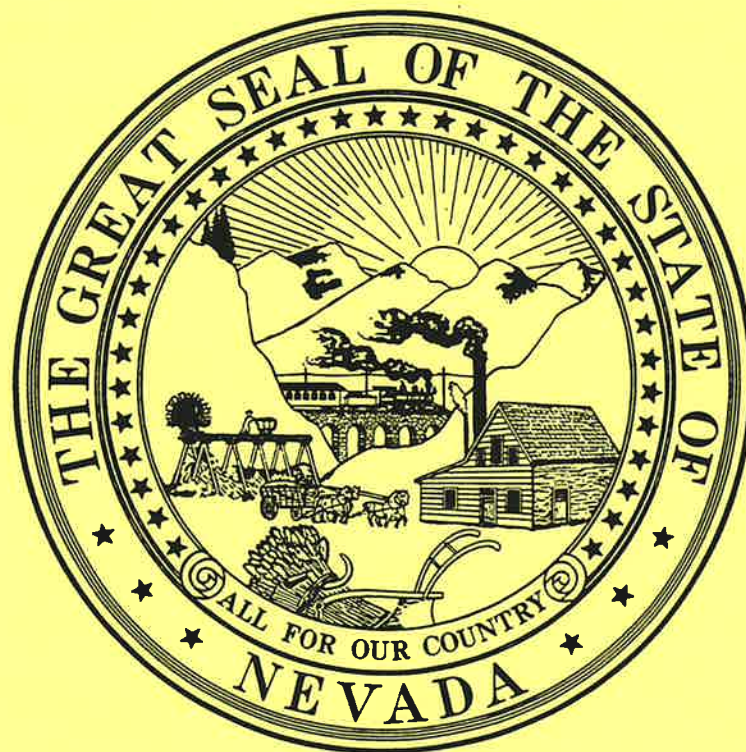


1998  
*Campaign Guide*



*Dean Heller*  
*Secretary of State*



The Elections Division of the Nevada Secretary of State's office has prepared this brief summary of information pertaining to Nevada election law to provide an understanding of the requirements for campaign procedures and conduct. ***This publication is for general information only and does not have the force and effect of law, regulation, or rule.*** In case of conflict, the actual law, regulation or rule will apply. If you have any further questions, feel free to contact the Elections Division at (702) 687-3176.

## DECLARING CANDIDACY

### Filing officers

The Secretary of State is the filing officer for statewide offices, and those offices which are elected from districts comprised of more than one county. The county clerk (registrar of voters in Clark and Washoe Counties) is the filing officer for those offices which are elected from districts comprising only one county or part of one county. The city clerk is the filing officer for offices which are elected at municipal elections.

### Deadlines for declaring candidacy (NRS 293.177)

**Democratic, Republican or candidates running for nonpartisan office:** The first day to file for office is ***Monday, May 4, 1998***. The last day to file is ***no later than 5 p.m., Monday, May 18, 1998***. Any declaration which is mailed must be received in the appropriate filing office by 5:00 p.m. on ***Monday, May 18, 1998***.

**Independent candidates: (NRS 293.1725 and NRS 293.200)** Independent candidates may file for office beginning ***Monday May 4, 1998, through Wednesday July 1, 1998 (no later than 5 p.m.)***. Independent candidates must complete a petition process in order to be placed on the ballot for partisan office. Please contact the appropriate filing officer for more details, and contact the Elections Division for an "Independent Candidate Guide."

**Minor Party candidates: (NRS 293.1725)** Those who wish to run for office as a minor party candidate must wait until the minor party files a list of candidates for all offices in Nevada with the Secretary of State. After the list is filed with the Secretary of State, the candidates appearing on that list may begin to file for office. A minor political party may file its list of candidates with the Secretary of State from ***Monday, May 4, 1998, through Friday, June 26, 1998, (no later than 5 p.m.)***. The last day for a minor party candidate to complete and file a declaration of candidacy is ***no later than 5 p.m. on Wednesday, July 1, 1998***.

### Using a nickname on the ballot (NRS 293.177)

A nickname of not more than 10 letters may be used on the ballot; however, it must be in quotation marks and appear immediately before the candidate's surname. A nickname must not indicate any political, economic, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis. The nickname must not, in any way, deceive a voter regarding the person or principles for which he or she is voting.



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State of Nevada

## Cost of filing for office (NRS 293.193)

Filing fees must be paid in cash, cashier's check or certified check. Personal checks are not accepted. The filing fees are:

United States Senator .....	\$500
Representative in Congress .....	300
Governor .....	300
Justice of Supreme Court .....	300
Any state office, other than Governor or Justice of Supreme Court .....	200
District Judge .....	150
Any county office .....	100
State Senator or Assemblyman .....	100
Justice of the Peace .....	100
Any district office other than District Judge .....	30
Constable or other town or township office .....	30
University Board of Regents* .....	0

\*No filing fee is required from a candidate for an office if the holder receives no compensation. ~~There is no filing fee for trustees of a county school district, hospital or hospital district.~~

## Deadline for changing political party affiliation prior to declaring candidacy (NRS 293.176)

A person may NOT run for office in 1998, if he or she has changed his or her political party affiliation after September 1, 1997, in the following manner:

- Democrat to Republican;
- Republican to Democrat;
- Any Existing Minor Party to Democrat or Republican;
- Democrat or Republican to Existing Minor Party;
- Nonpartisan to Democrat or Republican or Existing Minor Party; or
- Existing Minor Party to Existing Minor Party.

Please note the above does not apply to a person who is a candidate of a political party that was not in existence prior to September 1, 1997 (NRS 293.171).

Also note that a person may change from any political party affiliation to nonpartisan and run for office in 1998.

## RUNNING FOR OFFICE

### Running as a write-in candidate (NRS 293.270)

Nevada law prohibits write-in candidacies or write-in votes of any kind.

### Code of Fair Campaign Practices (NRS 294A.290)

The Code of Fair Campaign Practices is a voluntary code to which a candidate may subscribe. It states certain principles by which a fair, ethical campaign should be run. A candidate who subscribes to the code may indicate so on his or her campaign literature. A copy of the Code of Fair Campaign Practices is given to each candidate at the time of filing.



## **The use of the term "reelect" and "incumbent" in campaigns (NRS 294A.330)**

Nevada law prohibits use of the term "reelect" in a campaign unless the candidate was chosen at the most recent election to fill the same office. Statutes also prohibit use of the term "incumbent" unless the candidate holds that office at the time of the election. It is recommended that candidates use the term "elect," "for," or other identifier so as not to create the implication of incumbency.

## **Identification of person paying for published campaign material (NRS 294A.320)**

Published material or information (print, broadcast, or other advertisement relating to an election) which refers to a ballot question or to a candidate other than the person the material is promoting, must include the name, address, and a statement of responsibility (e.g., "paid for by ...") of each person who paid for the publication. This requirement does not apply to published material that prominently displays the name of the candidate *and* refers only to the candidate whom the material promotes; if the material is approved and paid for by the candidate and has been reported by the candidate as a campaign contribution; or to a natural person who acts independently and not in cooperation with business or social organizations, nongovernmental entity. Please note that identification that complies with the Federal Communications Act of 1934 and subsequent regulations shall be deemed to comply with these requirements.

## **The use of persuasive polls (NRS 294A.341, 294A.342 and 294A.343)**

If a candidate, political party, committee sponsored by a political party or committee for political action requests or compensates a person to conduct or cause to be conducted a persuasive poll or produce an automated or computerized message by telephone concerning a candidate, the person conducting the poll shall disclose the name and telephone number of the candidate, political party, committee sponsored by a political party or committee for political action that requested or compensated the person for the poll. Each violation is subject to a civil penalty of not more than \$5,000.

## **Causing publication of false statements/Impeding success of campaign of candidate or ballot question (NRS 294A.345 and 294A. 346)**

An employee, agent or volunteer of the campaign of a candidate or a person shall not willfully impede the success of the campaign of a candidate or the success of a ballot question. Enforcement is with the Nevada Commission on Ethics.

## **The use of campaign signs**

The use of campaign signs is governed by local as well as state laws. Candidates should examine county and city ordinances for the rules regarding campaign signs. In addition, state law governs campaign signs placed within highway rights-of way. Check NRS 405.030 and 405.110 for specific prohibitions, removal policy by the Department of Transportation, and possible penalties.

State law sets time periods for the placement of campaign signs along interstate and primary highways. Campaign signs must not be placed next to these highways more than 60 days before a primary election and concerns a candidate, party or question for that primary or the ensuing general election, and must be removed 30 days after that election. A successful



candidate in the primary election may display his or her campaign signs through the following general election, removing them 30 days later (NRS 410.400(4)). Please contact the Department of Transportation at (702) 687-5440 for further clarification.

Remember to always seek permission of property owners prior to placing campaign signs on private property. The posting of campaign signs on public utility poles is prohibited. (NRS 704.638)

## **CAMPAIGN CONTRIBUTIONS, EXPENSES, AND OTHER FINANCIAL INFORMATION**

### **Campaign contributions and expenses reporting (NRS 294A.004 and 294A.120)**

Every candidate for state, district, county, municipal, or township office at a primary or general election, must report all campaign contributions and expenses. Every candidate **must** file all three reports even though he or she: (1) withdraws his or her candidacy; (2) receives no campaign contributions; (3) has no expenses; or (4) loses the primary election or his or her name does not appear on either the primary or general election ballot.

### **Candidate defined (NRS 294A.005)**

Candidate means any person (1) who files a declaration of candidacy; (2) who files an acceptance of candidacy; (3) whose name appears on an official ballot at any election; or (4) who has received contributions in excess of \$100.

### **Reports of candidate receiving contributions in years before election (NRS 294A.125)**

Every candidate who receives contributions in excess of \$10,000 any year before the year of election is required to report those contributions. The report must be filed with the Secretary of State before December 31 of that year. Each year thereafter before the election year the candidate must file by December 31 with the Secretary of State, a report of all contributions received and expenditures made that year.

### **The filing of campaign contributions and expenses reports for candidates who withdraw (NAC 294A.045 and 294A.350)**

Any candidate who withdraws his or her candidacy may file all three required reports at one time with the appropriate filing officer.

### **The filing of campaign contributions report for candidates receiving less than \$1,000 (NRS 294A.120, 294A.200, 294A.360 and 294A.385)**

Candidates receiving less than \$1,000 in contributions are required to file a Simplified Contributions and Expenses Report form prescribed by the Secretary of State. This is a separate form from those candidates receiving contributions in excess of \$1,000.

### **Campaign contribution limits (NRS 294A.009; 294A.100; and 294A.160)**

A person (see NRS 294A.009) shall not make a contribution for any office, except a federal office, in an amount which exceeds \$5,000 for the primary election or primary city election, and \$5,000 for the general election or general city election, regardless of the number of candidates for the office. There are no constitutional or statutory limits of contributions made to groups such as political parties, committees sponsored by political parties or committees for political action.



**Every candidate** for a state, district, county, city or township office who is defeated at a primary or primary city election and received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after his or her defeat, return any money in excess of \$5,000 to the contributor.

## **Contributions made in the name of another person prohibited (NRS 294A.112)**

A person shall not make or assist in making a contribution in the name of another person. Accepting a contribution made by a person in the name of another person is prohibited.

## **The filing of contributions and expenses reports (deadlines and locations) (NRS 294A.120)**

Reports must be filed with the officer with whom the candidate filed his or her declaration of candidacy or acceptance of candidacy. The due dates for contributions and expenses reports are:

- Report Number 1: Due August 25, 1998
- Report Number 2: Due October 27, 1998
- Report Number 3: Due January 15, 1999

All reports must be received no later than 5 p.m. on the date designated. A candidate may submit the filing in person or by mail. If certified mail is used, the date of the postmark shall be deemed the date of filing.

## **Penalties for failure to file or for filing a late report (NRS 294A.420)**

The Secretary of State may impose civil penalties on any candidate who fails to file his or her campaign contributions and expenses report, or who files the report late. After notifying the candidate of the action, the Secretary of State shall cause the appropriate proceedings to be instituted in court. Each violation is subject to no more than a \$5,000 penalty and payment of court costs and attorney's fees. The amounts of the civil penalties are as follow:

- (a) if the report is not more than 7 days late, \$25 for each day the report is late;
- (b) if the report is more than 7 days late, but not more than 15 days late, \$50 for each day the report is late;
- (c) if the report is more than 15 days late, \$100 for each day the report is late.

## **The depositing/accounting of campaign funds (NRS 294A.130)**

Every candidate for state, district, county, city or township office shall open and maintain a separate account in a financial institution for the deposit of any campaign contributions, within one week of receiving a minimum of \$100.00. The candidate shall not commingle the money in the account with money collected for other purposes. Candidates for judicial office should be aware that the Nevada Supreme Court Rules also address this issue.

## **Anonymous contributions (NRS 294A.190)**

A candidate who receives a contribution of \$100 or more from an anonymous or unidentifiable contributor shall, within 10 days after receiving the contribution, deliver the money to the state treasurer or donate it to a nonprofit entity.

## **Campaign funds for personal use (NRS 294A.160)**

It is unlawful for a candidate to spend money received as a campaign contribution for his or her personal use.



## OTHER IMPORTANT CONTRIBUTIONS AND EXPENSES REQUIREMENTS

### **Restrictions for campaign contributions--governor, governor-elect, lieutenant governor, lieutenant governor-elect and legislators (NRS 294A.300 and 294A.310)**

A legislative caucus, legislator, governor, governor-elect, and lieutenant governor, lieutenant governor-elect may not receive or solicit a contribution during the period beginning 30 days before and ending 30 days after a regular session of the legislature. If a special session is called, a legislative caucus, legislator, governor, governor-elect, lieutenant governor and lieutenant governor-elect, may not receive or solicit a campaign contribution during the period beginning the day after the governor issues a proclamation calling for a special session and ending 15 days after the final adjournment of a special session.

### **The reporting of unspent contributions and expenses (NRS 294A.160, 294A.180)**

Candidates who are elected or defeated, or who withdraw from a race, must file a report of the disposition of unspent contributions with the Secretary of State. State law specifically limits the manner in which unspent contributions may be disposed. A Disposition of Unspent Contributions report for candidates, elected officers and public officers is included in the filing packet. Please note that if a candidate does not have any remaining contributions as of the date of the last contributions and expenses report, he or she need not file the Disposition of Unspent Contributions report.

### **Special filing requirements for federal candidates**

Candidates for federal office are required to report campaign finances to the Federal Election Commission. Each candidate who files campaign reports with the Federal Election Commission is required to file a duplicate copy of all reports with the Nevada Secretary of State at the same time the originals are filed in Washington, D.C. All federal candidates are encouraged to contact the Federal Elections Commission:

Federal Elections Commission  
999 E Street N.W.  
Washington, D.C. 20463  
Phone: (800) 424-9530 or (202) 219-3440

### **Special requirements for judicial candidates**

The Nevada Code of Judicial Conduct, included in the Supreme Court Rules, sets time constraints on the period during which a judge or candidate for judicial office may solicit contributions. Please also note that some judicial offices are subject to different contribution limits. Refer to the Nevada Code of Judicial Conduct and Cannon Five of the Nevada Supreme Court Rules for more details.



## The Statement of Financial Disclosure

Nevada law requires that candidates for public office file original Statements of Financial Disclosure with the Ethics Commission and file the appropriate copy of the statement with his or her filing officer. These statements are due 10 days after the last day to file a declaration of candidacy. Candidates for judicial office should be aware that the Supreme Court Rules also address this issue. Please Contact the Ethics Commission at (702) 687-5469 for further details.

## Questions?

Please call or write:

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Carson City, NV 89701-4786

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