

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 (775) 684-5705.

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. (NRS 293.057)

Deadlines for declaring candidacy: Democratic or Republican candidates or candidates running for nonpartisan office: The first day to file for office is Monday, May 1, 2000. The last day to file is no later than 5 p.m., Monday, May 15, 2000. Any declaration which is mailed must be received in the appropriate filing office by 5:00 p.m. on Monday, May 15, 2000. (NRS 293.177)

Independent candidates: Independent candidates may file for office beginning on Monday May 1, 2000, through no later than 5 p.m. on Monday May 15, 2000. 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." (NRS 293.1725; 293.200)

Minor Party candidates: 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 1, 2000, through no later than 5 p.m. on Monday, May 15, 2000. The last day for a minor party candidate to complete and file a declaration of candidacy is no later than 5 p.m. on Monday, May 15, 2000. (NRS 293.1725)

Using a nickname on the ballot: 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. (NRS 293.177)

Cost of filing for office: Filing fees must be paid in cash, cashier's check or certified check. Personal checks are not accepted. The filing fees are as follows:

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.** (NRS 293.193)

Deadline for changing political party affiliation prior to declaring candidacy: A person may NOT run for partisan office in 2000, if he or she has changed his or her political party affiliation in the State of Nevada or in any other state beginning September 1, 1999, and ending on the date of that election, in the following manner: (NRS 293.176)

- 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, 1999 (NRS 293.171)

Also note that a person **may** change from any political party affiliation to **nonpartisan** and run for office in 2000.

Running for office as a write-in candidate: Nevada law prohibits write-in candidacies or write-in votes of any kind. (NRS 293.270)

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

The use of the term “reelect” and “incumbent” in campaigns: 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. (NRS 294A.330 & 294A.340)

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

The use of persuasive polls: 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. (NRS 294A.341; 294A.342 & 294A.343)

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

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 (775) 888-7000 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: 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; (4) loses the primary election; or (5) his or her name does not appear on either the primary or general election ballot. (NRS 294A.004; 294A.120)

Candidate defined: 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. (NRS 294A.005)

Reports of candidate receiving contributions in years before election: Every candidate who receives contributions in excess of \$10,000 in any year before the year of election is required to report those contributions and any expenditures made during that year. The report must be filed with the appropriate filing officer on or before January 15 of the year immediately after the year for which the report is made. Each year thereafter before the election year the candidate must file by January 15 with the appropriate filing officer, a report of all contributions received and expenditures made in that year. (NRS 294A.125)

The filing of campaign contributions and expenses reports for candidates who withdraw: Any candidate who withdraws his or her candidacy may file all three required reports at one time with the appropriate filing officer. (NRS 294A.350; NAC 294A.045)

Campaign contribution limits: A person 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. (NRS 294A.009; 294A.100 & 294A.160)

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. (NRS 294A.160)

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

The filing of contributions and expenses reports: 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 29, 2000
Report Number 2:	Due October 31, 2000
Report Number 3:	Due January 15, 2001

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. (NRS 294A.120)

Penalties for failure to file or for filing a late report: 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 follows:

- (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. (NRS 294A.420)

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

Anonymous contributions: 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. (NRS 294A.190)

Campaign funds for personal use: It is unlawful for a candidate to spend money received as a campaign contribution for his or her personal use. (NRS 294A.160)

OTHER IMPORTANT CONTRIBUTIONS AND EXPENSES REQUIREMENTS

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

The reporting of unspent contributions and expenses: Candidates who are elected or defeated, or who withdraw from a race, must file a report of the disposition of unspent contributions with the appropriate filing officer. 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. (NRS 294A.160; 294A.180)

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) 219-4140

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 a candidate for public office to file an original Statement of Financial Disclosure with the Ethics Commission and file the appropriate copy of the statement with his or her filing officer. This statement is 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 (775) 687-5469 for further details.

Questions?

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