

State of Nevada

CAMPAIGN GUIDE



2010

Provided by

Ross Miller
Secretary of State

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PREFACE

The Secretary of State's office has prepared this brief summary of information pertaining to Nevada election law to provide a general understanding of the requirements for campaign procedures and conduct. **It is important to note that this guide is for general information only and does not have the force and effect of Nevada law, regulation, or rule.** Interested citizens should obtain the most recent version of NRS, as Nevada's Election Laws are amended each legislative session. If you have further questions, please contact the Elections Division. Interested parties should also be aware that election issues are periodically addressed by the Attorney General, or by State or Federal courts. Due to the general scope of this guide, some of these issues may not be addressed here. Interested parties should review Attorney General Opinions and court decisions, and should contact the Secretary of State or a Nevada attorney with any specific questions.



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STARTING OUT

Filing Officer

The Secretary of State is the filing officer for all statewide offices, and those offices that are elected from districts comprised of more than one county. The County Clerk, or the Registrar of Voters in Clark and Washoe Counties, is the filing officer for county and township offices and for any offices elected from districts completely within one county or part of one county. (NRS 293.185) The City Clerk is the filing officer for offices that are elected at municipal elections. (NRS 293C.175)



The Secretary of State is the filing officer for all federal offices except for Representative of Congressional Districts 1 and 3. The Clark County Registrar of Voters is the filing officer for Representative of Congressional Districts 1 and 3.

Deadlines for Declaring Candidacy – Judicial Candidate: Jan. 4 - 15, 2010

The first day of candidate filing for **Judicial candidates** begins on **Monday, Jan. 4, 2010**. The last day to file is no later than 5 p.m., **Friday, Jan. 15, 2010**. Any declaration that is mailed must be received in the appropriate filing office by 5:00 p.m. on Friday, January 15, 2010. (NRS 293.177) Please note that in some municipalities, filing deadlines for municipal offices may be different if the municipality holds its primary and general elections on dates other than the dates for the statewide primary and general elections.

Deadlines for Declaring Candidacy – Non Judicial Candidate: March 1 – 12, 2010

The first day of candidate filing for **Non Judicial candidates** begins on **Monday, March 1, 2010**. The last day to file is no later than 5 p.m., **Friday, March 12, 2010**. Any declaration that is mailed must be received in the appropriate filing office by 5:00 p.m. on Friday, March 12, 2010. (NRS 293.177) Please note that in some municipalities, filing deadlines for municipal offices may be different if the municipality holds its primary and general elections on dates other than the dates for the statewide primary and general elections.

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 293.2565)

Candidates with the same Surname or Surnames

If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and neither of the candidates is an incumbent then the middle names or middle initials, if any, must be included on the ballot. If one of the candidates is an incumbent the name of the incumbent must be listed first and must be printed in bold type. Where a system of voting other than by paper ballot is used and the provisions are applicable, the Secretary of State may distinguish a candidate who is an incumbent in a manner other than printing the name of the incumbent in bold type provided that the manner used clearly emphasizes the name of the incumbent in a manner similar to printing his name in bold type. (NRS 293.2565)

Changing Name on Ballot

A candidate may change the manner in which his name will appear on the ballot by filing a written request to amend his declaration of candidacy or acceptance of candidacy. The candidate must file in person the request with the filing officer with whom he filed his declaration of candidacy or acceptance of candidacy not later than 5 p.m. March 12, 2010. (NAC 293.081)

Filing Fees

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
State Board of Education	\$200

* 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 of a **major political party** in 2010, if;;

- a) he/she changed their political party affiliation or
- b) he/she changed from nonpartisan to a designation of a political party affiliation, on an application to register to vote in Nevada or in any other state between **December 30, 2009** and the date of the election for the partisan office at issue. (NRS 293.176)

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 December 30, 2009. (NRS 293.176(2)) Please note that the above also does not apply to candidates of a minor political party. (NRS 293.176)

Also note that a person **may** change from any political party affiliation to **nonpartisan** and run for office in 2010.

Write-in Candidates

Nevada law prohibits write-in candidacies or write-in votes of any kind. (NRS 293.270)

CONDUCTING A CAMPAIGN



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)

Use of the Term “Reelect” and Implying Incumbency

Nevada law prohibits use of the term “reelect” in a campaign unless the candidate was elected at the most recent election to fill the same office. It is also unlawful to create an implication that a candidate is an incumbent unless the candidate is entitled to use the term “reelect,” or unless the candidate was appointed to and served continuously in the same office after the most recent election to fill that office. 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; NAC 294A.130; Nevada Attorney General Opinion 98-19 (June 18, 1998))

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, at the end of the poll, 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 up to \$5,000. (NRS 294A.341; 294A.342 & 294A.343)



Campaign Signs

Local as well as state laws govern the use of campaign signs. 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 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 information.

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)



Judicial Candidates

The Nevada Code of Judicial Conduct, included in the Supreme Court Rules, imposes several requirements on judicial candidates. Refer to the Nevada Code of Judicial Conduct for more details or contact the Committee on Judicial Ethics and Election Practices.

**STANDING COMMITTEE ON JUDICIAL ETHICS
AND ELECTION PRACTICES
POST OFFICE BOX 48
CARSON CITY, NEVADA 89702
PHONE (775) 687-4017 FAX (775) 687-3607
website: <http://judicial.state.nv.us/contentsscjeep3new.htm>**

WHAT ABOUT THE MONEY?

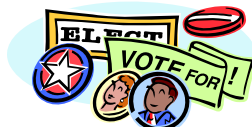
Contribution Defined



“Contribution” means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer. (NRS 294A.007)

Campaign Expenses and Expenditures Defined

“Campaign Expenses and Expenditures” are those expenditures made for advertising on television, radio, billboards, posters and in newspapers; and all other expenditures made to advocate expressly the election or defeat of a clearly identified candidate or group of candidates or the passage or defeat of a clearly identified question or group of questions on the ballot. (NRS 294A.004)



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)

Reporting 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 in excess of \$100, and multiple contributions from a single contributor that cumulatively exceed \$100. (NRS 294A.120; 294A.200)

Three separate contribution and expense reports are due each year. Please note that in some municipal elections, a candidate may be required to file only two contribution and expense reports. Please contact the city clerk for further information on municipal contribution and expense reports.

Every candidate, as defined in NRS 294A.005, 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 in the primary election; (5) is removed from the ballot by court order; (6) there is no other candidate for the office; (7) his or her name does not appear on either the primary or general election ballot; or (8) is the subject of a petition to recall and the special election is not held. (NRS 294A.350(1))

A candidate who withdraws or loses in the primary may file **all three required reports at one time with the appropriate filing officer.** (NRS 294A.350; NAC 294A.045)

For a copy of a Contribution and Expense Report form, please contact the Secretary of State. Blank forms can be downloaded from www.NVSOS.gov.

Loans and Written Acknowledgements

A candidate must report loans guaranteed by a third party, forgiven loans, and written commitments for a contribution. A candidate must also report the amount of any loans either obtained or forgiven, the names of any person who either guaranteed or forgave a loan, the amount of any written commitment, and the names of any person who made a written commitment. (NRS 294A.128)

Contributions In Excess of \$10,000 Report

Every candidate who receives contributions in excess of \$10,000 in any year before the year of an election, is required to file a **Contributions and Expenses Report** for that year and every year thereafter up to the election. 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 and expenditures in excess of \$100 made in that year. (NRS 294A.125 & 294A.373)

Filing Contributions and Expenses Reports

Reports must be filed with the candidate's filing 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:

Annual Report:	Due January 15, 2010
Report Number 1:	Due June 1, 2010
Report Number 2:	Due October 26, 2010
Report Number 3:	Due January 15, 2011
Annual Report:	Due January 15, 2011

All reports must be received no later than midnight. A candidate may submit the filing in person, via facsimile, or by mail. If certified mail is used, the date of the postmark shall be deemed the date of filing. Otherwise, a report is deemed filed on the date it is received by the filing officer. (NRS 294A.120 & NRS 294A.200)

Please note that a postmark is considered the date of filing only for submissions sent via certified mail.

Periods Covered by Contribution and Expense Reports

Annual Report due January 15, 2010:	January 1, 2009 – December 31, 2009
Report Number 1 due June 1, 2010:	January 1, 2010 – May 27, 2010
Report Number 2 due October 26, 2010:	May 28, 2010 – October 21, 2010
Report Number 3 due January 15, 2011:	October 22, 2010 – December 31, 2010
Annual Report due January 15, 2011:	January 1, 2010 – December 31, 2010 (if report 1 or 2 was not filed in 2010) October 22, 2010 – December 31, 2010 (if reports 1 and 2 were filed in 2010)

Please note that if a candidate files reports 1 and 2 in 2010, the third report due on January 15, 2011 only needs to cover the period from October 22, 2010 – December 31, 2010 and is considered the annual report. However, if a candidate did not file either report 1 or 2, the report due on January 15, 2011 must cover the period from January 1, 2010 – December 31, 2010.



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. Each violation is subject to a penalty up to \$5,000 and payment of court costs and attorney's fees. The amounts of the civil penalties are as follows:

- (a) if the report is 1-7 days late, \$25 for each day the report is late;
- (b) if the report is 8-15 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 – up to a maximum of \$5,000. (NRS 294A.420)

Violations may be referred to the Attorney General for enforcement.

Campaign Contribution Limits

A person shall not make a contribution for any office, except a federal office (which is subject to Federal reporting limits that may be lower), in an amount that 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)

Campaign Accounts

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 contribution 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

Anonymous contributions in excess of \$100 are prohibited. 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)



Personal Use of Campaign Funds

It is unlawful for a candidate to spend money received as a campaign contribution for his or her personal use. (NRS 294A.160); see also Nevada Attorney General Opinion 2002-23. (May 21, 2002)

In Kind Contributions

In kind contributions are the value of goods and services provided in kind for which money would have otherwise been paid; such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise

produced to promote a campaign and the use of paid personnel to assist in the campaign. In kind contributions must be reported. (NRS 294A.362; 294A.007)

Restrictions on Receipt of Campaign Contributions Prior to Legislative Session

A 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. **(January 7, 2011 through July 7, 2011)** If a special session is called, a 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) These restrictions also apply to a member of an organization whose primary purpose is to provide support for legislators of a particular political party and house. (NRS 294A.310)

Disposition of Unspent Contributions Report

Candidates who are elected or defeated, or who withdraw from a race, must file a Contributions & Expenses Report which shows how any remaining funds were disposed of with their appropriate filing officer. State law specifically limits the manner in which unspent contributions may be disposed. (NRS 294A.160)



Statement of Financial Disclosure

Nevada law requires a candidate for public office to file an original **Statement of Financial Disclosure** with the Secretary of State. This statement is due 10 days after the last day to file a declaration of candidacy which is **March 22, 2010**. Additionally, if you are elected to office you will have to file a Statement of Financial Disclosure January 15th of each year you hold office including the last year of your term. (NRS 281.610) Candidates for judicial office should be aware that the Supreme Court Rules also address this issue.

Please Contact the Ethics Commission for the Statement of Financial Disclosure form.

ETHICS COMMISSION
3476 EXECUTIVE POINTE WAY, STE 10
CARSON CITY, NEVADA 89706-7946
PHONE: (775) 687-5469 FAX: (775) 687-1279
website: www.ethics.nv.gov

Failure to file a Statement of Financial Disclosure is punishable by civil penalties of up to \$2,000. (NRS 281A.660)

Special Filing Requirements for Federal Candidates

Candidates for federal office are required to report campaign finances to the Federal Election Commission (FEC). All federal candidates are encouraged to contact the FEC for other requirements.

FEDERAL ELECTIONS COMMISSION
999 E. STREET N.W.
WASHINGTON, D.C. 20463
PHONE: (800) 424-9530 OR (202) 694-1100
WEBSITE: www.fec.gov
EMAIL: info@fec.gov

**** Please See Table on Page 13 for Quick Reference of Campaign Finance Requirements ****

CAMPAIGN GUIDE 2010

State of Nevada

Campaign Finance Reference Table

Candidate	Filing Officer	Contribution Limits	C&E Reports Annual Report Due January 15, 2010 Report #1 Due June 1, 2010 Report #2 Due Oct. 26, 2010 Report #3 Due Jan. 15, 2011 Annual Report Due January 15, 2011		Financial Disclosure Statement for Ethics Commission (Judicial Officers file with the AOC) Due January 15, 2010 (elected officials) Due March 22, 2010 (all candidates) Due January 15, 2011 (elected officials)
			File With:	Copy to Secretary of State?	File With:
Statewide	Secretary of State	\$5,000 for Primary; \$5,000 for General	Secretary of State	N/A	Secretary of State
Multi-County Candidate	Secretary of State	\$5,000 for Primary; \$5,000 for General	Secretary of State	N/A	Secretary of State
Single-County Candidate	County Clerk/ Registrar of Voters	\$5,000 for Primary; \$5,000 for General	County Clerk/ Registrar	Yes, if Legislative or Judicial Office, Clerk forwards within 10 working days of receipt	Secretary of State
City/ Municipal Candidate	City Clerk	\$5,000 for Primary; \$5,000 for General	City Clerk	No	Secretary of State



FREQUENTLY ASKED CAMPAIGN FINANCE QUESTIONS

Q: Is there a limit to the amount of contributions I can accept as a candidate?

A: Yes. The limit is \$5,000 per election for a maximum of \$10,000. If you receive more than \$5,000 from any person and lose the primary election, you must return any amount in excess of \$5,000 to the contributor. (NRS 294A.100; NRS 294A.160; Interpretation of the Secretary of State 97-1 and 97-2)

Q: What if I don't have a primary election? Can I still receive the maximum of \$10,000?

A: Yes, except candidates in cities where they do not hold a primary election. (Interpretation of the Secretary of State 97-2)

Q: Is there a limit to the amount of contributions a PAC can receive?

A: No. There is no limit to the amount of contributions a PAC can receive or give to another PAC. However, PACs are still limited to the amount they can contribute to a candidate. (NRS 294A.100)

Q: What is an in kind contribution?

A: The value of services provided in kind for which money would have otherwise been paid. Example: a person donates billboard space to a candidate free of charge. (NRS 294A.007)

Q: Can I make an anonymous contribution to a candidate?

A: Anonymous contributions of \$100 or more are prohibited. (NRS 294A.190)

Q: Can I make a contribution to a candidate in the name of another person?

A: No. Prohibited by law. (NRS 294A.112)

Q: Are the Contributions and Expenses Reports the only finance forms I have to file?

A: No. Statements of Financial Disclosure must also be filed with the Secretary of State. (NRS 281.600)

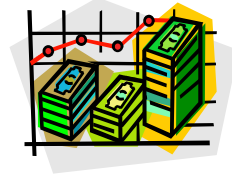
Q: Do all candidates have to file Contributions and Expenses Reports?

A: Yes. Every candidate (Excluding Federal Candidates), as defined in NRS 294A.005, must file even if he or she withdraws their candidacy, receives no contributions, has no expenses, loses in the primary election, has their name removed from the ballot by court order, runs unopposed, his or her name does not appear on either the primary or general election ballot, or is the subject of a petition to recall and the special election is not held. (NRS 294A.120; NRS 294A.200; NRS 294A.350)

Q: When are the filing deadlines for the three (3) Contributions & Expenses Reports?

A: (NRS 294A.120 and NRS 294A.200)

- **Annual Report is due on January 15, 2010**
- **Report No. 1 is due on June 1, 2010**
- **Report No. 2 is due on October 26, 2010**
- **Report No. 3 is due on January 15, 2011**
- **Annual Report is due on January 15, 2011**



Q: Can I mail my Contributions & Expenses Report in to the appropriate filing officer?

A: Yes. If you send by certified mail the report is deemed filed on the postmarked date. If you mail it in via regular mail or via fax, it is deemed filed on the date that it is actually received by the appropriate filing officer. (NRS 294A.120(6); 294A.200(6))

Q: Can I FAX my Contributions & Expenses Report in to the appropriate filing officer?

A: Yes. Please be aware that if your fax is not received, your report is not considered filed. (NRS 294A.120; NRS 294A.200)

Q: What happens if I file my report(s) late?

A: There is a civil penalty of up to \$5,000 per violation. (NRS 294A.420)



- If the report is filed 1-7 days late, \$25 for each day the report is late.
- If the report is filed 8-15 days late, \$50 for each day the report is late.
- If the report is filed more than 15 days late, \$100 for each day the report is late, up to a maximum of \$5,000.

Q: What happens if I don't file my reports(s) at all?

A: In addition to any civil penalty of up to \$5,000 per violation, your file may be referred to the Attorney General's Office for further action. (NRS 294A.420). Please note that even if you have missed the deadline to file a report, you are still required to file the report.

Q: Can I pay the penalty out of my campaign account?

A: No. Pursuant to Nevada Revised Statute 294A.160, personal use of campaign funds is prohibited.

Q: When is the Statement of Financial Disclosure due?

A: (NRS 281.600)

- **Candidates: March 22, 2010**
- **Elected Public Officers: January 15, 2010**

Q: What happens if I fail to timely file a Financial Disclosure Statement or don't file one at all?

A: *There is a civil penalty of up to \$2,000 per violation provided by law and your file may be remanded to the Attorney General's Office if you fail to pay the penalty. (NRS 281.581)*

- | | |
|---|------------|
| • If the report is filed 1-10 days late - | \$25.00 |
| • If the report is filed 11-20 days late - | \$50.00 |
| • If the report is filed 21-30 days late - | \$100.00 |
| • If the report is filed 31-45 days late - | \$250.00 |
| • If the report is not filed or is filed more than 45 days late - | \$2,000.00 |

Q: Can I pay campaign expenses out of my own funds and later reimburse myself out of campaign contributions?

A: Yes, but you must report both the expense and the reimbursement.

Q: Do I need to report donated or discounted goods or services that are provided to my campaign?

A: Yes. The standard cost of donated goods or services is an in-kind contribution and must be reported. With respect to discounted goods and services, the difference between the standard cost for the goods or services and the discounted cost is considered an in-kind contribution and must be reported.

