

State of Nevada

Campaign Guide



2014

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's Election Laws 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 and 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 they should contact the Secretary of State or a Nevada attorney with any specific questions.



ROSS MILLER

Secretary of State, Elections Division
101 North Carson Street, Suite 3
Carson City, Nevada 89701-3714

Bus: (775) 684-5705 Fax: (775) 684-5718

E-mail: nvelect@sos.nv.gov

Website: www.nvsos.gov

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 United States House of Representatives, Districts 1 and 3. The Clark County Registrar of Voters is the filing officer for those federal offices.

Deadlines for Declaring Candidacy – Judicial Candidate: Jan. 6- 17, 2014

The first day of candidate filing for **Judicial candidates** begins on **Monday, Jan. 6, 2014**. The last day to file is no later than 5 p.m., **Friday, Jan. 17, 2014**. Any declaration that is mailed must be received in the appropriate filing office by 5:00 p.m. on Friday, January 17, 2014. (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 3 – 14, 2014

The first day of candidate filing for **Non Judicial candidates** begins on **Monday, March 3, 2014**. The last day to file is no later than 5 p.m., **Friday, March 14, 2014**. Any declaration that is mailed must be received in the appropriate filing office by 5:00 p.m. on Friday, March 14, 2014. (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

If two or more candidates have the same given name or surname so similar as to likely 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 the word "incumbent" must appear next to the name of the candidate who is the incumbent. (NRS 293.2565)

Changing Name on Ballot

A candidate may change the manner in which his or her name will appear on the ballot by filing a written request to amend the declaration of candidacy or acceptance of candidacy. The candidate must file in person the request with the filing officer with whom the candidate filed his declaration of candidacy or acceptance of candidacy not later than 5 p.m. March 14, 2014. (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
State Board of Education	\$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 of a **major political party** in 2014, 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 31, 2013** 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 31, 2013. (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 2014.

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 identical office with the same district number, if any. 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. Use of the term “elect” or “for,” in any election materials creates the implication of non-incumbency and will ensure a candidate does not violate NRS 294A.340.

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)

Disclosures on Campaign Materials

A candidate that expends more than \$100 for the purpose of financing a communication through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising, shall disclose on the communication that it was paid for by the candidate. (NRS 294A.348)

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 earlier than 60 days before a primary election and must be removed by no later than 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)). For

more information or to report a violation, please contact the Department of Transportation at (775) 888-7000.

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 Defined

“Campaign Expenses” means all expenses incurred by a candidate for a campaign, including, without limitation:

(a) Office expenses; (b) Expenses related to volunteers; (c) Expenses related to travel; (d) Expenses related to advertising; (e) Expenses related to paid staff; (f) Expenses related to consultants; (g) Expenses related to polling; (h) Expenses related to special events; (i) Expenses related to a legal defense fund; (j) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; (k) Fees for filing declarations of candidacy or acceptances of candidacy; and (l) Repayment or forgiveness of a loan. “Campaign Expenses” definition includes disposal of any unspent contributions. (NRS 294A.0035; 294A.160)

Expenditures Defined

“Expenditures” means money paid for advertising or communication on television, radio, billboards or posters, in newspapers or other periodicals or by mail and all other money paid, 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, including any payments made to a candidate or any person who is related to the candidate within the second degree of consanguinity or affinity. (NRS 294A.0075)

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 must report all contributions and campaign expenses in excess of \$100 and multiple contributions from a single contributor that cumulatively exceed \$100. Every candidate must also report the aggregate total of all contributions and campaign expenses of \$100 or less, but they are not required to itemize contributions and campaign expenses of \$100 or less. (NRS 294A.120; 294A.200)

Every candidate, as defined in NRS 294A.005, must file all five reports **even though** he or she: (1) withdraws his or her candidacy; (2) ends his or her campaign without withdrawing; (3) receives no contributions; (4) has no campaign expenses; (5) is not opposed in the election by another candidate (6 is defeated in the primary election; (7) is removed from the ballot by court order; (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 required reports at one time** as long as the candidate has disposed of any unspent or excess contributions , the candidate does not accept additional campaign contributions, has no additional campaign expenses relating to that office, and files the Notice of Completion of Campaign form. (NRS 294A.350; NAC 294A.045)

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)

Reporting of Contributions In Excess of \$10,000 Before an Election Year

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 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, his or her contributions and campaign expenses in excess of \$100 made in that year. (NRS 294A.125; 294A.373)

Filing Contributions and Expenses Reports

All Contributions and Expenses (C&E) Reports must be filed electronically with the Secretary of State. (NRS 294A.120; 294A.200). To access the online filing system visit our website, Aurora, at the following link: <https://nvsos.gov/SOSCandidateServices/Login.aspx>

The due dates for C&E reports in 2014 are:

Annual Report:	Due January 15, 2014
Period: January 1, 2013 – December 31, 2013	
Report Number 1:	Due May 20, 2014
Period: January 1, 2014 – May 16, 2014	
Report Number 2:	Due June 6, 2014
Period: May 17, 2014 – June 5, 2014	
Report Number 3:	Due October 14, 2014
Period: June 6, 2014 – October 10, 2014	
Report Number 4:	Due October 31, 2014
Period: October 11, 2014 – October 30, 2014	
Report Number 5:	Due January 15, 2015
Period: October 31, 2014 – December 31, 2014	
Annual Report:	Due January 15, 2015
Period: January 1, 2014 – December 31, 2014	

A candidate may file a **paper** report only if: 1) the candidate did not receive or expend money in excess of \$10,000 after becoming a candidate pursuant to NRS 294A.005; and (2) the candidate files an affidavit with the Secretary of State which states the candidate does not own or have the ability to access the technology necessary to file the report electronically and the candidate does not have the financial ability to obtain such technology. The affidavit must be signed under an oath to God or penalty of perjury, filed before 15 days of the report due date, and will be available upon request to the Elections Division.

Please note that if a candidate files reports 1 through 4 in 2014, the fifth report due on January 15, 2015 only needs to cover the period from October 31, 2014 – December 31, 2014 and the candidate will not be required to file a separate Annual C&E Report because the entire calendar year will have already been reported. However, if a candidate did not file reports 1 through 4, the report due on January 15, 2015 must cover the period from January 1, 2014 – December 31, 2014. *Please note that for candidates elected into office, the Annual C&E Report is required each January 15th for the period that they are elected through the next election for that office. (NRS 294A.140)*

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 C&E 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 penalty schedule for late filings is 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.

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, and \$5,000 for the general 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 who is defeated at a primary 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 shall open and maintain a separate account in a financial institution for the deposit of any contributions, within one week of receiving a minimum contribution of \$100. The candidate shall not commingle the money in the account with money collected for other purposes. (NRS 294A.130) Candidates for judicial office should be aware that the Nevada Supreme Court Rules also address this issue.

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 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 Contributions Prior to Legislative Session

A legislator, governor, governor-elect, lieutenant governor, and 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 3, 2015 through July 1, 2015)** 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, e.g., a legislative caucus. (NRS 294A.310)

Disposition of Unspent Contributions Report

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

Ending of a Campaign

If a candidate withdraws, ends his or her campaign without withdrawing, is defeated in the primary election or is removed from the ballot by court order, and no other financial activity will occur, a candidate may file a Notice of Completion of Candidacy with the Secretary of State, ending his or her campaign. After the candidate disposes of any unspent funds, and files the Notice of Completion of Candidacy, a candidate may file all C&E Reports simultaneously. (NRS 294A.350)

Statement of Financial Disclosure

Nevada law requires a candidate for public office to file a **Financial Disclosure Statement** (FDS) with the Secretary of State electronically. This FDS is due 10 days after the last day to file a declaration of candidacy which is **March 24, 2014**. Additionally, if you are elected to office you will have to file a FDS by January 15th of each year you hold office including the last year of your term. (NRS 281.561) Candidates for judicial office should be aware that the Supreme Court Rules also address this issue.

Failure to file a Statement of Financial Disclosure is punishable by civil penalties of up to \$2,000. (NRS 281.581)

Special Filing Requirements for Federal Candidates

Candidates for federal office are required to file campaign finance reports with 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

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 primary election at \$5,000 and \$5,000 per general 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 281.561)

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, ends his or her campaign without withdrawing, receives no contributions, has no expenses, is defeated in the primary election, has their name removed from the ballot by court order, runs unopposed, 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 five (5) Contributions & Expenses Reports?

A: *The dates for 2014 are as follows: (NRS 294A.120 and NRS 294A.200)*

- ***Annual Report is due on January 15, 2014***
- ***Report No. 1 is due on May 20, 2014***
- ***Report No. 2 is due on June 6, 2014***
- ***Report No. 3 is due on October 14, 2014***
- ***Report No. 4 is due on October 31, 2014***
- ***Report No. 5 is due on January 15, 2015***
- ***Annual Report is due on January 15, 2015****

**** Report 5 suffices for the 2015 Annual filing only if Report #s 1-4 are previously filed***

Please note that for candidates elected into office, the Annual C&E Report is required each January 15th for the period that they are elected through the next election for that office. (NRS 294A.140)

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

A: **No.** *All reports must be filed electronically with the Secretary of State. A candidate may file a paper report if: 1) the candidate did not receive or expend money in excess of \$10,000 after becoming a candidate pursuant to NRS 294A.005; and (2) the candidate files an affidavit with the Secretary of State which states the candidate does not own or have the ability to access the technology necessary to file the report electronically and the candidate does not have the financial ability to obtain such technology. The affidavit must be signed under an oath to God or penalty of perjury. This form must be filed with Elections Division not later than 15 days before the report is required to be filed. (NRS 294A.3733)*

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 report(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 NRS 294A.160, personal use of campaign funds is prohibited.*

Q: What must a candidate do prior to accepting donations?

A: *Every candidate 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. (NRS 294A.130)*

Q: When is the Statement of Financial Disclosure due?

A: *(NRS 281.559 & .561)*

- **Candidates: March 24, 2014**
- **Elected Public Officers: January 15, 2014**
- **Appointed Officials: 30 Days after appointment**

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. This should be reported as a contribution in the form of a loan from the candidate to the campaign. If the contribution is intended as a loan, this can be marked as such on the C&E Report.*

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.*