

SENATE BILL NO. 104—SENATOR SETTELMEYER

PREFILED FEBRUARY 1, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Makes various changes relating to political advertising. (BDR 24-86)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to campaign practices; establishing certain exceptions to the requirement that political advertising must disclose information about the person or entity compensating the advertiser or paying for the advertising; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, if a person is compensated for publishing, within a
2 specified period before the election, a statement expressly advocating the election
3 or defeat of a candidate for state or local office, the statement must disclose the fact
4 of the compensation and the name of the person, political party or committee for
5 political action providing that compensation. (NRS 294A.347) Existing law also
6 requires that certain types of political advertising must include: (1) a disclosure of
7 the name of the person, political party or committee that paid for the advertising;
8 and (2) if the advertising is approved by a candidate, a statement to that effect and
9 additional information about the person or entity that paid for the advertising. (NRS
10 294A.348) This bill establishes exceptions to those disclosure requirements for any
11 article of clothing, regardless of its cost, and certain other forms of political
12 advertising having a retail cost per item of less than \$5.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 294A of NRS is hereby amended by
2 adding thereto a new section to read as follows:
3 *The provisions of NRS 294A.347 and subsections 1 and 2 of*
4 *NRS 294A.348 do not apply to any statement or communication*
5 *appearing on:*



1 *1. Any cap, hat, shirt or other article of clothing, regardless*
2 *of its cost; or*

3 *2. Except as otherwise provided in this subsection, any item*
4 *having a retail cost per item of less than \$5, including, without*
5 *limitation, any button, pen, pencil, ruler, magnet, key tag, emery*
6 *board, comb, letter opener, can holder, bottle opener, jar opener,*
7 *balloon or piece of candy. The exclusion otherwise provided by*
8 *this subsection does not apply to any door hanger, bumper sticker,*
9 *yard sign or advertising through a television or radio broadcast,*
10 *newspaper, magazine, outdoor advertising facility or mailing.*

11 **Sec. 2.** NRS 294A.347 is hereby amended to read as follows:

12 294A.347 1. ~~1A~~ *Except as otherwise provided in section 1*
13 *of this act, a* statement which:

14 (a) Is published within 60 days before a general election or
15 special election or 30 days before a primary election;

16 (b) Expressly advocates the election or defeat of a clearly
17 identified candidate for a state or local office; and

18 (c) Is published by a person who receives compensation from
19 the candidate, an opponent of the candidate or a person, political
20 party or committee for political action,

21 ➔ must contain a disclosure of the fact that the person receives
22 compensation pursuant to paragraph (c) and the name of the person,
23 political party or committee for political action providing that
24 compensation.

25 2. A statement which:

26 (a) Is published by a candidate within 60 days before a general
27 election or special election or 30 days before a primary election; and

28 (b) Contains the name of the candidate,
29 ➔ shall be deemed to comply with the provisions of this section.

30 3. As used in this section, "publish" means the act of:

31 (a) Printing, posting, broadcasting, mailing or otherwise
32 disseminating; or

33 (b) Causing to be printed, posted, broadcasted, mailed or
34 otherwise disseminated.

35 **Sec. 3.** NRS 294A.348 is hereby amended to read as follows:

36 294A.348 1. ~~1A~~ *Except as otherwise provided in section 1*
37 *of this act, a* person, committee for political action, political party or
38 committee sponsored by a political party that expends more than
39 \$100 for the purpose of financing a communication through any
40 television or radio broadcast, newspaper, magazine, outdoor
41 advertising facility, mailing or any other type of general public
42 political advertising that:

43 (a) Advocates expressly the election or defeat of a clearly
44 identified candidate or group of candidates; or



1 (b) Solicits a contribution through any television or radio
2 broadcast, newspaper, magazine, outdoor advertising facility,
3 mailing or any other type of general public political advertising,
4 ➤ shall disclose on the communication the name of the person,
5 committee for political action, political party or committee
6 sponsored by a political party that paid for the communication.

7 2. ~~¶¶~~ *Except as otherwise provided in section 1 of this act, if*
8 a communication described in subsection 1 is approved by a
9 candidate, in addition to the requirements of subsection 1, the
10 communication must state that the candidate approved the
11 communication and disclose the street address, telephone number
12 and Internet address, if any, of the person, committee for political
13 action, political party or committee sponsored by a political party
14 that paid for the communication.

15 3. A person, committee for political action, political party or
16 committee sponsored by a political party that has an Internet website
17 available for viewing by the general public or that sends out an
18 electronic mailing to more than 500 people that:

19 (a) Advocates expressly the election or defeat of a clearly
20 identified candidate or group of candidates; or

21 (b) Solicits a contribution through any television or radio
22 broadcast, newspaper, magazine, outdoor advertising facility,
23 mailing or any other type of general public political advertising,
24 ➤ shall disclose on the Internet website or electronic mailing, as
25 applicable, the name of the person, committee for political action,
26 political party or committee sponsored by a political party.

27 4. The disclosures and statements required pursuant to this
28 section must be clear and conspicuous, and easy to read or hear, as
29 applicable.



