

**PROPOSED REGULATION OF THE**

**SECRETARY OF STATE**

**LCB FILE NO. R061-21I**

**The following document is the initial draft regulation proposed**

**by the agency submitted on 10/18/2021**

**PROPOSED REGULATIONS OF THE SECRETARY OF STATE**

**ELECTIONS DIVISION**

**LCB File No. \_\_\_\_\_**

**Section 1. Chapter 294A of NAC is hereby amended by adding thereto the provisions set forth in Section 2 of this regulation.**

**Sec. 2. NAC 294A.097 is hereby amended as follows. Waiver or reduction of civil penalty for good cause. ([NRS 293.124](#), [294A.380](#), [294A.420](#))**

1. The Secretary of State may waive a civil penalty for good cause pursuant to subsection 4 of [NRS 294A.420](#), if the person, committee for political action or entity that is subject to a civil penalty pursuant to [NRS 294A.420](#):

(a) Files a written request for a waiver setting forth the basis for the waiver;

(b) Properly files the appropriate report pursuant to the applicable provisions of [chapter 294A](#) of NRS; and

(c) Establishes that:

(1) Within a reasonable time before or on the date the applicable report was due, the candidate or a member of the family of the candidate, within the second degree of consanguinity or affinity, died, had a serious medical condition or was hospitalized;

(2) The candidate is experiencing extreme financial hardship to the extent that payment of the penalty would result directly in the loss or inability of the candidate to obtain the minimal necessities of food, medicine and shelter;

(3) The candidate or each officer and representative of the committee for political action or entity is or was a member of the Armed Forces of the United States serving outside of the State or

country within a reasonable period of time before or on the date the applicable report was due and the candidate or each officer and representative of the committee for political action or entity executes an affidavit under penalty of perjury attesting to such facts;

(4) The candidate has been directly impacted by a natural disaster;

(5) The entity is organized as a nonprofit under the laws of the State of Nevada, has no paid employees and is comprised only of volunteers and:

(I) The representative of the entity who is responsible for filing the appropriate report on behalf of the entity pursuant to the applicable provisions of [chapter 294A](#) of NRS, or a member of the family of such a representative, meets the conditions set forth in subparagraph (1) of paragraph (c); or

(II) The representative of the entity who is responsible for filing the appropriate report on behalf of the entity pursuant to the applicable provisions of [chapter 294A](#) of NRS has, without notice, severed his or her relationship with the entity within a reasonable time before or on the date that the applicable report was due; or

(6) The violation was not due to mere inadvertence, mistake or neglect, and circumstances exist of a similarly serious nature as set forth in this subsection to justify a waiver of the civil penalty, including, without limitation, an obligation to report for active military service or to serve in an official capacity in response to a public emergency.

*(7) After filing the (1) Annual Contributions & Expenses and (2) Financial Disclosure Statement, all penalty fees for any person who holds a non-elected office, or who has been appointed, and earns less than \$6,000 annually for duties related to the position, shall be automatically waived.*

*(8) Failure to receive a courtesy reminder notice does not excuse the candidate or official from the penalty imposed by law.*