

ASSEMBLY BILL NO. 392—ASSEMBLYMEN OSCARSON;
ELLISON AND WHEELER

MARCH 20, 2017

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions concerning certain communications relating to elections. (BDR 23-85)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 elections; prohibiting a public officer or employee from using official stationery for certain purposes relating to elections; requiring a disclosure on certain elections-related communications; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a public officer or employee from using governmental
2 time, property, equipment or other facility to benefit a significant personal or
3 pecuniary interest of the public officer or employee, unless certain exceptions
4 apply. (NRS 281A.400) Existing law also prohibits a public officer or employee
5 from requesting or otherwise causing a governmental entity to incur an expense or
6 make an expenditure to support or oppose a ballot question or candidate. (NRS
7 281A.520) **Section 1** of this bill expressly prohibits a public officer or employee
8 from using official stationery from a state or local governmental entity to express
9 support for or opposition to a candidate, committee for political action, political
10 party, committee sponsored by a political party or ballot question or to solicit a
11 contribution or a commitment to make a contribution for any political purpose. If a
12 communication that is published in support of or in opposition to a candidate
13 includes the name and address of a governmental entity, **section 2** of this bill
14 requires that the communication disclose in a clear and conspicuous manner that
15 the communication was not published by the governmental entity.



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

1 **Section 1.** Chapter 281A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 1. *A public officer or employee shall not use official*
4 *stationery to:*

5 (a) *Express support for or opposition to a candidate or group*
6 *of candidates, committee for political action, political party,*
7 *committee sponsored by a political party or ballot question; or*

8 (b) *Solicit a contribution or a commitment to make such a*
9 *contribution for any political purpose.*

10 2. *As used in this section:*

11 (a) *“Candidate” has the meaning ascribed to it in*
12 *NRS 294A.005.*

13 (b) *“Committee for political action” has the meaning ascribed*
14 *to it in NRS 294A.0055.*

15 (c) *“Committee sponsored by a political party” has the*
16 *meaning ascribed to it in NRS 294A.0065.*

17 (d) *“Contribution” has the meaning ascribed to it in*
18 *NRS 294A.007.*

19 (e) *“Official stationery” means stationery that contains any*
20 *symbol, name, word or mark of a state or local governmental*
21 *entity, including, without limitation, the Great Seal of the State of*
22 *Nevada.*

23 **Sec. 2.** Chapter 294A of NRS is hereby amended by adding
24 thereto a new section to read as follows:

25 1. *If a communication that is published in support of or in*
26 *opposition to a candidate includes the name and address of a*
27 *governmental entity, the communication must disclose in a clear*
28 *and conspicuous manner that the communication was not*
29 *published by the governmental entity.*

30 2. *As used in this section:*

31 (a) *“Governmental entity” means an institution, board,*
32 *commission, bureau, council, department, division, authority or*
33 *other unit of government of this State, including, without*
34 *limitation, an agency of this State or of a political subdivision.*

35 (b) *“Publish” means the act of:*

36 (1) *Printing, posting, broadcasting, mailing or otherwise*
37 *disseminating; or*

38 (2) *Causing to be printed, posted, broadcasted, mailed or*
39 *otherwise disseminated.*

