STATE OF NEVADA
COMMITTEE FOR POLITICAL ACTION (PAC)
INFORMATION SHEET

Secretary of State Ross Miller

WHO MUST REGISTER AS A COMMITTEE FOR POLITICAL ACTION (PAC)? (NRS 294A.0055)

Any group of natural persons or entities that solicits or receives contributions from any other person, group or entity ***and*** makes or intends to make contributions to candidates or other persons or makes or intends to make expenditures designed to affect the outcome of ***any*** primary, general or special election or question on the ballot. NRS 294A.0055(1)(a)

A PAC also includes any business, social organization, corporation, partnership, association, trust, unincorporated corporation or labor union that: (i) has the primary purpose of influencing the outcome of elections and has contributions or expenditures in excess of $1,500 in a calendar year; **or** (ii) does not have that primary purpose but has contributions or expenditures in excess of $5,000 in a calendar year. NRS 294A.0055(1)(b)

A Political Action Committee does **NOT** include the following:

- Legislative Caucus - An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;
- An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public;
- An individual natural person;
- Except as otherwise provided in NRS 294A.0055(1)(b), an individual corporation or other business entity who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to Title 7 of NRS;
- Campaign Representative - A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as campaign contributions or expenditures by the candidate;
- A Recall Committee
- A major or minor political party or any committee sponsored by a major or minor political party; and
- Except as otherwise provided in NRS 294A.0055(1)(b), a labor union.

WHEN MUST A PAC REGISTER? (NRS 294A.230)

Before it engages in ***any*** activity in this state, a PAC must register with the Secretary of State's office.

The registration form must contain the following:

- The full name of the PAC and its common name (if applicable);
- The purpose for which the PAC was organized;
- The names, addresses, and telephone numbers of the PAC's officers;
- If the PAC is affiliated with any other organizations, the name, address, and telephone number of each affiliated organization must be included;
- The name, address, and telephone number of the PAC's registered agent; and
- The signature of the representative of the PAC.

If it qualifies under NRS 294A.0055(1)(b), a PAC must register not later than seven (7) calendar days after the qualifying event. NRS 294A.230(2)

REGISTERED AGENT DEFINED

Each PAC shall appoint and keep in this state a registered agent, as provided in NRS 14.020, who must be a natural person who resides in this State (NRS 294A.240).

FILING AN AMENDED PAC REGISTRATION (NRS 294A.230(4)(a))

A PAC **must** file with the Secretary of State an amended registration within 30 days following any change that occurs to any of the information contained in the PAC's current registration form.

FILING AN ANNUAL PAC REGISTRATION (NRS 294A.230(4)(b))

A PAC **must** file with the Secretary of State an annual registration on or before January 15th of each year if the PAC intends to continue activity in the State. **PLEASE NOTE**: the annual form must be filed regardless of whether there is a change in the information previously provided to the Secretary of State.

WHAT IF A PAC FAILS TO REGISTER WITH THE SECRETARY OF STATE? (NRS 294A.420)

If a PAC fails to register with the Secretary of State, the PAC may be subject to a civil penalty of up to $5,000 for each activity in which the PAC engages.

HOW IS A PAC INACTIVATED? (NAC 294A.250)

A PAC becomes inactive when: (a) an officer or the registered agent files with the Secretary of State a written notice that the PAC has ceased to engage in political activity in this state on the form prescribed by the Secretary of State; (b) the Secretary of State receives mail stamped by the postal service and returned from the address of record of the PAC on the most recent registration form on file with the Secretary of State's office stating that the addressee has moved and did not leave a forwarding address; or (c) the PAC does not file the annual registration form.

CAMPAIGN FINANCE INFORMATION

ARE THERE LIMITS ON WHAT A PAC CAN CONTRIBUTE TO CANDIDATES?

A PAC shall ***not*** make or commit to make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for ***any*** primary election and $5,000 for ***any*** general election. This limit applies regardless of the number of candidates for the office (*see*, NRS 294A.100).

PACs and other persons are prohibited from making "conduit" and "straw man" contributions. It is illegal to use another person's name when making a contribution. It is also illegal for a PAC to make a contribution to another PAC with the knowledge and intent that the recipient will contribute to a candidate such that the contributions would exceed the limits on contributions set forth in NRS 294A.100. *See*, NRS 294A.112.

ARE PACS REQUIRED TO FILE CONTRIBUTIONS AND EXPENSES REPORTS?

PACs are required to file Contributions & Expenses (C&E) Reports when:

- PAC receives contributions in excess of $1,000
- PAC makes any "Expenditure" for or against a candidate (includes "Independent Expenditures"); or
- PAC, *which advocates the passage or defeat of a ballot question*, receives a contribution or makes an expenditure in excess of $1,000.

If required to file a C&E Report, PAC must electronically report each contribution and expenditure in excess of $1,000 with the Secretary of State's office. PACs are required to file an Annual C&E Report and must also file periodic C&E Reports during an election cycle if its activity within a specific reporting period triggers a reporting obligation. *See*, NRS 294A.140, 294A.150, 294A.210, 294A.220.

Questions related to whether a PAC is required to file the reports required by NRS Chapter 294A should be directed to the Secretary of State's Elections Division at (775) 684-5705.

IS THERE A PENALTY FOR FAILING TO TIMELY FILE CONTRIBUTIONS AND EXPENSES REPORTS? (NRS 294A.420)

Yes. Any PAC may be subject to a civil penalty for each violation of the reporting requirements. Each violation is subject to a civil penalty of up to $5,000 in addition to court costs and attorney's fees. **Refer to NRS 294A.420(3) for the penalty schedule.**

For more information please obtain and review the most recent version of Title 24 of the Nevada Revised Statutes and the Nevada Administrative Code.