

PASSAGE OF LANDMARK ELECTION REFORM BILLS INCREASE TRANSPARENCY, EFFICIENCY OF CAMPAIGNS AND ELECTIONS

BY ROSS MILLER, SECRETARY OF STATE

As Nevada's Chief Officer of Elections, I campaigned for and have consistently made election reforms a priority. Voters have the right to easily access information in a timely manner so they can make informed decisions at the polls. It's not unusual to hear elected officials call for more transparency in campaign finance. What *is* unusual is seeing actual legislation enacted. Time and again we have seen much needed and highly touted campaign reform proposals wither away in the legislative drawer.

That's why one of my proudest accomplishments as Secretary of State was the passage of landmark election transparency reform bills AB 81, 82 and 452 in the 2011 legislative session. This trio of bills will prove transformative in the transparency of our state's electoral process.

AB 452: Electronic Reporting of Contribution and Expense Reports, and Financial Disclosure Statements

In previous election cycles, the process of seeking out basic campaign finance information was so cumbersome our campaign disclosure statutes were nearly meaningless. Voters interested in seeking information about who contributed to candidates' campaigns had to first figure out where the reports were filed among the dozens of filing offices in our state and then sift through hundreds, if not thousands, of pages of often handwritten and illegible reports. Even then, because the reports were not made available in a timely manner, campaign finance information was often not available until well after most voters had already cast their ballots.

AB 452 brought the dawn of a new era in campaign finance transparency to Nevada. Whether it is a candidate, a PAC, a party or any other political group, AB 452 requires all Contributions and Expenses (C&E) Reports and



Financial Disclosure Statements (FDS) to be filed electronically on the Secretary of State's system: Aurora. Voters now know who is funding campaigns immediately after the information is filed. Data is publicly available in a timely manner and in an accessible format.

Through its user-friendly database, Aurora, the Secretary of State's office provides the public with a level of disclosure and transparency not previously available in Nevada. Visitors can modify searches by various criteria, including contributions and expenditures (by name, address, amount, date or type), parties, office and political groups.

Paper filings are only allowed for filers who submit an affidavit declaring they do not own, have access to or have the financial ability to obtain access to, the necessary technology. The exemption cannot be granted to a filer who receives or expends in excess of \$10,000.

Changes to Reporting Deadlines

We also changed reporting deadlines so additional and more relevant reports are available to the public leading up to an election. Reports are now due four days before the beginning of early voting and four days before Election Day for both the primary and general elections. Previously, reports were only filed seven days before the election and were deemed filed as of the date of the postmark, meaning that many reports were received and posted after the election.

Secretary of State is the Sole Filing Officer

This election cycle, the Secretary of State becomes the sole filing office for every race, regardless of the office the candidate is seeking or where the declaration of candidacy is filed. The public can easily obtain campaign finance information without having to go to multiple locations for information related to municipal and county elections and candidates.

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Contributions or Expenses under \$100

We also closed a significant loophole in mandating that contributions or expenses less than \$100 be cumulatively reported. Previously, reporting those contributions was not required, which made it impossible to accurately discern how much money was actually flowing in or out of a candidate's campaign.

AB 81: Requires Groups Engaging in Political Advertising to Disclose who Paid for the Messaging

Because the voting public isn't able to discern who is responsible for the content of paid messages, which are often anonymous "attack ads," one of the top complaints I hear every election cycle relates to the volume of anonymous political advertisements. As a battleground state, Nevada will certainly be flooded with political messages from many third-party groups. AB 81 made important clarifications about when that political advocacy is subject to our state's disclosure laws.

Political groups must file paperwork disclosing officers, expenses and contributions if they engage in "express advocacy." "Advocates expressly" or "expressly advocates" is now explicitly defined in statute as a communication, taken as a whole, which is susceptible to no other reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate, group of candidates or questions on the ballot at any election. Such language does not have to contain specific words to be considered a communication that expressly advocates the passage or defeat of a candidate or question.

Furthering transparency in political messaging, a disclaimer is now required on certain campaign communications that cost more than \$100 and are made either on behalf of, or in opposition to, a candidate; or solicit contributions. The

disclaimer must note the name of the person or group that paid for the communication and, if the communication is approved by a candidate, it must state as such and further disclose the street address, telephone number and internet address, if any, of the person or group that paid for the communication.

Third-Party Campaign Finance Transparency

During the last few election cycles, we have witnessed quite a few instances of candidates or groups attempting to shield the identity of campaign donors or skirt the contribution limits by funneling campaign money through third-party groups. AB 81 clarifies that making a contribution to a PAC, with the knowledge that the PAC will contribute money to a specific candidate, in order to circumvent the contributions limit, is a violation of state law. Further, each time a PAC fails to register with the Secretary of State's office, prior to engaging in political activity, this constitutes as a separate violation, for which the Secretary of State may impose a civil penalty.

For reporting purposes, additional expense categories have been established so that filers can clearly identify legal defense fund expenses and contributions made to another candidate, nonprofit or PAC.

AB 82: Online Voter Registration

For the first time in Nevada history, voters will be able to register to vote or amend their registration information online. Online voter registration, which was first launched in Clark County, will be launched in all remaining Nevada counties prior to the November General Election. Notably, the online system is more secure than paper-based registration because, in order to process the registration, a voter must have a Nevada DMV issued ID, allowing our office to authenticate and verify the required information.

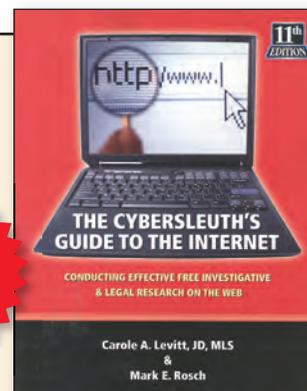
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The online system also enhances the convenience and security of the voter registration process and improves the overall quality of data included in the statewide voter registration database. Additionally, the system provides significant cost savings to state and local election officials by reducing the need for paper forms. Currently, Nevada is one of nine states that offer online voter registration. Soon, all Nevadans will be able to register at www.registertovotenv.gov.

Increased Penalties for Election Law Violations

We also increased the severity of penalties for violating voter registration and election-related laws, such as the following:

- Intimidating voters (category E felony);
- Interfering with the conduct of an election (category E felony);
- Tampering or interfering with a mechanical voting system, device or computer program used to count ballots (category B felony, punishable by a term of not less than two, nor more than 20, years in state prison); and
- Failure of field registrar or person to submit completed voter registration applications to the county clerk (category E felony). ■



ROSS MILLER is a former criminal prosecutor. As Secretary of State, Miller established the Election Integrity Task Force, a multi-jurisdictional task force recognized by the Department of Justice as a model for protecting the integrity of elections. With a Master of Business Administration degree and a law degree from Loyola Marymount University, as well as a Bachelor of Arts degree from Stanford University, Miller brings a valuable mix of pro-business perspective and legal background to the office of Secretary of State.