

STATE OF NEVADA

COMMITTEE FOR POLITICAL ACTION (PAC)

INFORMATION SHEET



Secretary of State Francisco V. Aguilar

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 organization or labor union that:

(1) Has the primary purpose of influencing the outcome of elections and receives contributions or expenditures in excess of \$1,500.00 in a calendar year;

or

(2) Does not have the primary purpose of influencing the outcome of elections but receives contributions or independent expenditures in excess of \$5,000.00 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 the state of Nevada, a PAC must register with the Secretary of State's office.

The registration form must contain the following:

- The full name of the PAC;
- 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, email, and telephone number of the PAC **and** the name, address, email, and telephone number of the registered agent;
- The signature of the registered agent **and** the signature of a 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

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 (NRS 294A.230(4)(a)).

FILING AN ANNUAL PAC REGISTRATION

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 of Nevada.

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 (NRS 294A.230(4)(b)).

WHAT IF A PAC FAILS TO REGISTER WITH THE SECRETARY OF STATE?

If a PAC fails to register with the Secretary of State, the PAC may be subject to a civil penalty of up to \$10,000.00 for each activity in which the PAC engages (NRS 294A.420).

HOW IS A PAC INACTIVATED?

A PAC becomes inactive when:

- (a) an officer or the registered agent files a written notice stating the PAC has ceased to engage in political activity in this state on the form prescribed by the Secretary of State, a Notice of Inactivity.
- (b) A PAC is out of compliance by not filing C&E reports or is not current on the annual registration form (NAC 294A.250).

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 the primary election and \$5,000 for the general election. This limit applies regardless of the number of candidates for the office (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. A PAC may not make a contribution to another PAC with the knowledge and intent that the recipient will contribute to a candidate, thus the total amount of contributions would exceed the limits on contributions set forth in NRS 294A.100, 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 \$1,000.00
- PAC makes an 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 \$1,000.00.

To file a C&E report, a PAC must electronically report each contribution and expenditure in excess of \$1,000.00 with the Secretary of State's office. PACs are required to file an Annual CE Filing and must also file quarterly C&E reports if the PAC's activity exceeds the threshold of \$1,000.00. See, NRS 294A.140, 294A.150, 294A.210, 294A.220.

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

ARE PACS REQUIRED TO FILE C&E REPORTS IN NON-ELECTION YEARS?

No. A PAC is not required to file the quarterly C&E reports in non-election years per NRS 294A.120(3). These filings are optional. If the PAC would like to file these reports, they may.

IS THERE A PENALTY FOR FAILING TO TIMELY FILE CONTRIBUTIONS AND EXPENSES REPORTS?

Yes. A 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 \$10,000.00 in addition to court costs and attorney's fees. **Refer to NRS 294A.420(3) for the penalty schedule.**