

NEVADA

LOBBYING DISCLOSURE

These resources are current as of 4/14/10: We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at advocacy@afj.org.

This guide summarizes key aspects of laws and regulations governing lobbying on the state level. It is not intended to provide legal advice or to serve as a substitute for legal advice

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

DEFINITIONS

Lobbying:

- Lobbying - is not specifically defined under Nevada law, but rather its meaning is described within the definition of a lobbyist.

Types of Lobbyists:

- Lobbyist – defined as any person who (1) appears in person in the Legislative Building or any other building in which the legislature or any of its standing committees hold meetings; and (2) communicates with a member of the legislative branch on behalf of someone other than him/herself to influence legislative action. NEV. REV. STAT. § 218.912(1).
 - “Legislative Action” – is the “introduction, sponsorship, debate, voting and any other official action on any bill, resolution, amendment, nomination, appointment, report and any other matter pending or proposed in a legislative committee or in either House of the Legislature, or on any matter which may be the subject of action by the Legislature.” *Id.* at § 218.910.
 - “Member of the Legislative Branch” – defined as “any member of the Legislature, member of the Legislator’s staff, assistant,

employee or other person employed with reference to the legislative duties of the Legislator.” *Id.* at § 218.914.

Other Actors:

- Principal – Nevada law does not explicitly cover principals or lobbyists’ employers.

Grassroots Lobbying:

- Grassroots lobbying – Nevada does not explicitly define grassroots lobbying. As noted above, a person is considered a lobbyist if they “appear in person” and “communicate directly” with “a member of the Legislative Branch on behalf of someone other than himself to influence legislative action whether or not any compensation is received for the communication.” NEV. REV. STAT. § 218.912(1).

Therefore, someone who participates in activities such as phone, mail, and electronic correspondence with a member of the Legislative Branch on behalf of someone else, yet does not appear in person would not be considered a lobbyist.

REGISTRATION

Registration of Client/Employer:

- The client or employer of a lobbyist is not required to register.

Registration of Lobbyists:

- Timing – Registration is required within two days of beginning lobbying activities. Registration is effective until the end of the regular legislative session. NEV. REV. STAT. § 218.916. Nevada’s online lobbyist registration system is available at:
<http://www.leg.state.nv.us/Lobbyist/RegistrationHome.cfm>)
- Renewing Registration – A lobbyist must renew his/her registration for each new regular legislative session. Nevada requires a lobbyist to register separately for special legislative sessions. See Legislative Commission, Regulation on Lobbying (Sept. 17, 2008), available at:
<http://www.leg.state.nv.us/Lobbyist/SessionData/75/Docs/12%202009%20LC%20Regulations.pdf>).
- For purposes of registration, Nevada distinguishes between two types of lobbyists:

- Paid Lobbyist – a person who receives compensation for engaging in lobbying activities. The compensation need not be solely for the act of lobbying, but may be paid for other tasks in addition to lobbying.
- Unpaid Lobbyist – a person who receives no compensation for lobbying.

Id. at (2).

- The fee for a paid lobbyist is \$120. The fee for a nonpaid lobbyist is \$20.
Id.

Registration Statement:

- The registration statement must contain the following information:
 - Lobbyist’s name and contact information;
 - Name and contact information of each organization the lobbyist represents;
 - A listing of any direct business associations or partnerships the lobbyist or the client has with a legislator. The list must include any business association where the legislator receives income or that involves debts or real estate interests;
 - The name of any current legislator that the lobbyist or his/her client or employer has “provided consulting, advertising or other professional services” in connection with a political campaign since the beginning of the preceding legislative session;
 - A description of the lobbying subject matter;
 - If the lobbyist is employed by legislators, a listing of the number of legislators.

NEV. REV. STAT. § 218.920.

REPORTING

Reporting by Client/Employer:

- All expenditures made by a client or the lobbyist’s employer during a legislative session on behalf of a legislator or certain political parties or legislative organizations established to support legislators (*e.g.*, a caucus) are reported by the lobbyist. NEV. REV. STAT. § 218.926

Reporting by Lobbyists:

- Lobbyists must file two types of disclosure reports:
 - Monthly Reports: Monthly reporting with the Director of the Legislative Counsel Bureau is required during the legislative

session even if no expenditures are made. Monthly reports are due by the 10th day of each month, covering all activities for the preceding month. NEV. REV. STAT. § 218.926(1).

- Close of Session Report: A final report is required within 30 days after the legislature adjourns. *Id.*
- Contents – A lobbyist’s monthly and final reports must include the following:
 - Itemized list of expenditures made on behalf of a legislator or caucus;
 - If expenditures exceed \$50, they must be further itemized into four categories:
 - Entertainment;
 - Parties or event events hosted by the lobbyist’s client;
 - Gifts and loans, including money, services and anything of value provided to a legislator, political party, caucus, or any other person for the benefit of a legislator, political party or caucus; and
 - Other expenditures directly associated with legislative action, not including the lobbyist’s personal expenses such as food, lodging and travel expenses or membership dues.

NEV. REV. STAT. § 218.926(2).

- Reports may be filed electronically, available at:
(<http://www.leg.state.nv.us/Lobbyist/Forms/ExpenditureReport.cfm>)
- Late reports are subject to a \$10-per-day fine. NEV. REV. STAT. § 218.940(1). Unpaid lobbyists are exempt from the fine. See Legislative Commission, Regulation on Lobbying, (7).

LOBBYING REGULATIONS

Time Restrictions on Lobbying:

- There are no time restrictions on lobbying.

Identification of Lobbyists:

- Lobbyists are required to wear an identification badge. NEV. REV. STAT. § 218.929.

Note that many states' rules on gifts, travel and other benefits provided to public officials are extremely complex. The laws outlined below are only summaries of some of the more commonly encountered issues; organizations and lobbyists are advised to consult with legal counsel for a complete analysis of their proposed activities before giving gifts or other benefits to officials.

Gifts:

- A lobbyist is prohibited from giving gifts that aggregate more than \$100 per year to a legislator, his/her immediate family, staff or legislative employees. NEV. REV. STAT. § 218.942(2).
- A gift is defined as “a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.” NEV. REV. STAT. § 218.908(1). However, a “gift” does *not* include: 1) political contributions; 2) a loan made in the ordinary course of business; 3) the cost of entertainment, including the cost of food or beverages; or 4) anything of value from certain family members. *Id.* at 218.908(2).

Entertainment:

- Entertainment costs are excluded from the definition of a “gift.” NEV. REV. STAT. § 218.908(2).

Travel:

- Nevada law does not explicitly address travel expenses, however they are most likely considered a “gift.” As noted previously, a lobbyist may provide gifts up to an aggregate of \$100 per year to a legislator or his/her family, staff or legislative employee. NEV. REV. STAT. § 218.942(2).

Campaign Contributions:

- A political contribution is excluded from the definition of a “gift.” NEV. REV. STAT. § 218.908(2). However, a lobbyist is restricted from making political contributions during the following two time periods:
 - The period beginning 30 days before a regular legislative session and 30 days after adjournment; and
 - The period beginning 15 days before a special legislative session and ending 15 days after adjournment unless the date of the Governor’s special legislative session proclamation is within 15 days of the commencement date, in which case the period begins the day after the proclamation was issued.NEV. REV. STAT. § 218.942(9).

Contingency Fees:

- Contingency fees are prohibited. NEV. REV. STAT. § 218.942(4).

Activity	Regulated by State? Y/N*	Statutory Citation
Lobbying by Former Officials	Yes	NEV. REV. STAT. § 281A.410
Limits on Lobbyists' Gifts to Officials	Yes	NEV. REV. STAT. § 218.942
Hospitality Provided to Officials	Yes	NEV. REV. STAT. § 218.942
Trips Organized by Lobbyists	Yes	NEV. REV. STAT. § 218.942

*No exemptions necessarily granted to nonprofits.

CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

Legislative Counsel Bureau Contact Information

Nevada Legislative Counsel Bureau

<http://www.leg.state.nv.us/lobbyist/> or lobbyist@lcb.state.nv.us

Phone: 1-775-684-6800

Address: 401 S. Carson St., Leg. Bldg.
Carson City, NV 89701-4747

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FOR FURTHER ASSISTANCE

For assistance regarding these resources or for more information about federal law, please contact our attorney one-on-one counseling service:

**Email: Advocacy@afj.org
Telephone: 1-866-NPLOBBY
(675-6229)**

For assistance regarding state law in Nevada, please contact:

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