



**STATE OF NEVADA  
COMMISSION ON ETHICS**

3476 Executive Pointe Way, Suite 10  
Carson City, Nevada 89706  
(775) 687-5469 • Fax (775) 687-1279  
<http://ethics.nv.gov>

**NOTICE**

DATE: October 12, 2009

To: Nevada County Clerks; City Clerks; Registrars of Voters; Director,  
Legislative Counsel Bureau; and Chief, Budget Division, Department of  
Administration

From: Caren Jenkins, Esq., Executive Director

CC: Michelle A. Ené, Executive Assistant, Nevada Commission on Ethics  
Matthew Griffin, Deputy Secretary of State for Elections  
Kristi Geiser, Office of the Secretary of State  
Pamela DuPré, Public Information Officer, Secretary of State

Re: **Request for List of Public Officers Required to File a Financial  
Disclosure Statement; Acknowledgment of Statutory Ethical Standards  
Form**

No later than December 1, 2009, you must submit to the Ethics Commission and the Secretary of State an electronic list of elected and appointed public officers in your jurisdiction, including the public officers of all other local governments, or in your branch of government. See NRS 281A.640.

Please do not include judges and officers of the court system, county health officers, advisory board members, special district officers, or other public officers who do not formulate a budget or authorize the expenditure of the public money.

The prescribed form for the list is attached and should be transmitted to [ncoe@ethics.nv.gov](mailto:ncoe@ethics.nv.gov) and [kgeiser@sos.nv.gov](mailto:kgeiser@sos.nv.gov). Please note that the form is revised each year. You should not attempt to use an older version. If you have any difficulties, please contact Mike Vavra at 702-486-7250 ext. 223 or by e-mail at [mvavra@ethics.nv.gov](mailto:mvavra@ethics.nv.gov).

The Ethics Commission mails or emails reminders about the Financial Disclosure Statement filing deadline to the public officers at the addresses you supply. Occasionally, clerks have listed the city or county's mailing address for each officer. If you do not wish to be responsible for forwarding the postcards to the public officers in a timely manner, please send us their direct addresses.

Please also note that **all** elected and appointed public officers are required to file an acknowledgement of statutory ethical standards, regardless of the amount of annual compensation that they receive.

Therefore, please include information regarding this form in your candidate guides for all elections. Additionally, if your office interacts with any appointed public officers, you can provide us great help by notifying them of the requirement to file this form.

Thank you for your timely assistance. If you have any questions, please contact me at 775-687-5469 ext. 222.

**NRS 281A.160 defines “public officer”:**

**1. “Public officer” means a person elected or appointed to a position which:**

- (a) Is established by the Constitution of the State of Nevada, a statute of this State or a charter or ordinance of any county, city or other political subdivision; and
- (b) Involves the exercise of a public power, trust or duty. As used in this section, “the exercise of a public power, trust or duty” means:
  - (1) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy;
  - (2) The expenditure of public money; and
  - (3) The administration of laws and rules of the State or any county, city or other political subdivision.

**2. “Public officer” does not include:**

- (a) Any justice, judge or other officer of the court system;
- (b) Any member of a board, commission or other body whose function is advisory;
- (c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district’s money; or
- (d) A county health officer appointed pursuant to NRS 439.290.

**3. “Public office” does not include an office held by:**

- (a) Any justice, judge or other officer of the court system;
- (b) Any member of a board, commission or other body whose function is advisory;
- (c) Any member of a special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district’s money; or
- (d) A county health officer appointed pursuant to NRS 439.290.

**ACKNOWLEDGEMENT OF STATUTORY ETHICAL STANDARDS**

**From SB 160, effective May 28, 2009:**

**281A.500** 1. ~~Every~~ *Each* public officer shall acknowledge that he ~~has~~ :

*(a) Has received, read and understands the statutory ethical standards [-] ; and*

*(b) Has a responsibility to inform himself of any amendments to the statutory ethical standards as soon as reasonably practicable after each session of the Legislature.*

2. The acknowledgment must be *executed* on a form prescribed by the Commission and must ~~accompany the first statement of financial disclosure that the public officer is required to file~~ *be filed* with the Commission ~~[pursuant to NRS 281A.600 or the Secretary of State pursuant to NRS 281A.610. 2.]~~ :

*(a) If the public officer is elected to office at the general election, on or before January 15 of the year following his election.*

*(b) If the public officer is elected to office at an election other than the general election or is appointed to office, on or before the 30th day following the date on which he takes office.*

3. *Except as otherwise provided in this subsection, a public officer shall execute and file the acknowledgment once for each term of office. If the public officer serves at the pleasure of the appointing authority and does not have a definite term of office, the public officer, in addition to executing and filing the acknowledgment after he takes office in accordance with subsection 2, shall execute and file the acknowledgment on or before January 15 of each even-numbered year while he holds that office.*

4. *For the purposes of this section, the acknowledgment is timely filed if, on or before the last day for filing, the acknowledgment is filed in one of the following ways:*

*(a) Delivered in person to the principal office of the Commission in Carson City.*

*(b) Mailed to the Commission by first-class mail, or other class of mail that is at least as expeditious, postage prepaid. Filing by mail is complete upon timely depositing the acknowledgment with the United States Postal Service.*

*(c) Dispatched to a third-party commercial carrier for delivery to the Commission within 3 calendar days. Filing by third-party commercial carrier is complete upon timely depositing the acknowledgment with the third-party commercial carrier.*

*5. The form for making the acknowledgment must contain:*

*(a) The address of the Internet website of the Commission where a public officer may view the statutory ethical standards and print a hard copy; and*

*(b) The telephone number and mailing address of the Commission where a public officer may make a request to obtain a hard copy of the statutory ethical standards from the Commission.*

*6. Whenever the Commission, or any public officer or employee as part of his official duties, provides a public officer with a hard copy of the form for making the acknowledgment, a hard copy of the statutory ethical standards must be included with the form.*

7. The Commission ~~[and the Secretary of State]~~ shall retain ~~[an]~~ *each* acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

~~[3-]~~ 8. Willful refusal to execute and file the acknowledgment required by this section ~~[constitutes nonfeasance]~~ shall be deemed to be:

*(a) A willful violation of this chapter for the purposes of NRS 281A.480; and*

*(b) Nonfeasance in office ~~[and is a ground for removal]~~ for the purposes of NRS 283.440 and, if the public officer is removable from office pursuant to NRS 283.440 [-], the Commission may file a complaint in the appropriate court for removal of the public officer pursuant to that section. This paragraph grants an exclusive right to the Commission, and no other person may file a complaint against the public officer pursuant to NRS 283.440 based on any violation of this section.*

9. As used in this section, “general election” has the meaning ascribed to it in NRS 293.060.

WHO IS REQUIRED TO FILE:	WHEN (Due Date):
Appointed public officer.	Within 30 days of taking office, for each term of office.
Elected public officer who is elected at general election.	Jan. 15 <sup>th</sup> of the year following the general election, for each term of office.
Elected public officer who is elected at an election other than the general election.	Within 30 days of taking office, for each term of office.
Appointed public officer who serves at the pleasure of the appointing authority and does not have a definite term of office.	Within 30 days of taking office and then Jan. 15 <sup>th</sup> every even-numbered year while holding that office.

**Statutory Ethical Standards may be obtained or requested from:**

Nevada Commission on Ethics  
 3476 Executive Pointe Way, Suite 10  
 Carson City, Nevada 89706  
 775.687.5469 • 775.687.1279 fax  
<http://ethics.nv.gov>

**File completed form with:**

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