



STATE OF NEVADA

SECRETARY OF STATE
BARBARA K. CEGAVSKE

101 N. Carson St.
Carson City, NV 89701

Phone: 775-684-5705
Fax: 775-684-5718

nvelect@sos.nv.gov

www.nvsos.gov

For official use only:

Received by: _____

Date Received: _____

Complaint
Type: _____

[Stamp here]

ELECTION INTEGRITY VIOLATION REPORT

The information you report on this form may be used to help us investigate violations of Nevada election laws. When completed, mail, email, or fax your form and supporting documents to the office listed above. Upon receipt, your complaint will be reviewed by a member of our staff. The length of this process can vary depending on the circumstances and information you provide with your complaint. The Office of the Secretary of State may contact you if additional information is needed.

INSTRUCTIONS: Please TYPE/PRINT your complaint in dark ink. You must write LEGIBLY. All fields **MUST** be completed.

SECTION 1.

COMPLAINANT INFORMATION

Salutation: Mr. Mrs. Ms. Miss

Your Name: _____
Last First MI

Your Organization, if any: _____

Your Address: _____
Address City State Zip

Your Phone Number : _____
Home Cell Work Fax

Email: _____ Call me between 8am-5pm at: Home Cell Work

SECTION 2.

TYPE OF COMPLAINT

Campaign Practices

Contributions / Expenses

Voter Registration

Other

Voter Fraud

Initiative / Referendum Petition

Financial Disclosure Statement

SECTION 3.

COMPLAINT IS AGAINST

Please detail the nature of your complaint. Include the name and contact information (if known) of the individual, candidate, campaign, or group that is the subject of your complaint. Your complaint must also include a clear and concise statement of facts sufficient to establish that the alleged violation occurred. Any relevant documents or other evidence that support your complaint should be listed and attached. You may attach additional sheets if necessary.

SECTION 4.

Sign and date this form. The Secretary of State's Office cannot process any unsigned, incomplete, or illegible complaints. In order to resolve your complaint, we may send a copy of this form to the person or group about whom you are complaining.

I am filing this complaint to notify the Office of the Secretary of State of the activities of a particular candidate, campaign, individual or group. I understand that the information contained in this complaint may be used to establish violations of Nevada law in both private and public enforcement actions. I authorize the Office of the Secretary of State to send my complaint and supporting documents to the individual or group identified in this complaint.

By signing my name below, I certify under penalty of perjury that the information provided in this complaint is true and correct to the best of my knowledge.



Signature

Print Name

Date (mm/dd/yyyy)

Election Integrity Violation Report

I. Factual Background

Jim Marchant is the Republican nominee for Nevada Secretary of State.¹ Mr. Marchant is also President, Registered Agent, and the only reported officer of Conservatives for Election Integrity (“CFEI”), a Nevada Political Action Committee.² Mr. Marchant’s campaign committee and CFEI share the same phone number and email address (jim@jimmarchant.com).³

Mr. Marchant has used CFEI extensively to support his own candidacy. Campaign finance reports show that in March 2022, CFEI contributed \$10,000 to Mr. Marchant’s campaign — the maximum amount permitted under Nevada law.⁴ However, CFEI’s financial support of Mr. Marchant’s campaign did not stop when it reached the maximum legal contribution limit. Instead, CFEI has aired purportedly “independent” television commercials expressly advocating for Mr. Marchant’s election to Secretary of State. One advertisement told voters, “We need Jim Marchant, a conservative businessman, for Secretary of State.”⁵ Another proclaimed, “Jim Marchant for Secretary of State.”⁶ Both advertisements contain the disclaimer “Paid for By Conservatives for Election Integrity PAC.” Records indicate CFEI has spent over \$60,000 to broadcast these commercials, to say nothing of the thousands of dollars it likely took to produce the advertisements.⁷

But, of course, a group *controlled by the candidate* is not acting independently of the candidate. These ads were instead “coordinated expenditures” — and therefore in-kind contributions — that greatly exceeded the legal limits.

¹ See *James Marchant*, Nev. Sec. of State, <https://www.nvsos.gov/SOSCandidateServices/AnonymousAccess/CEFDSearchUU/CandidateDetails.aspx?o=gMNW8CBZy8MRc30S2D6NPQ%253d%253d> (last accessed June 27, 2022); see also Adam Edelman, *Election denier Jim Marchant wins Nevada Republican secretary of state primary*, NBC News (June 15, 2022), <https://www.nbcnews.com/politics/2022-election/election-denier-jim-marchant-wins-nevada-republican-secretary-state-pr-rcna33638>.

² See Conservatives for Election Integrity, *State of Nevada Committee Registration Form*, Nev. Sec. of State (May 4, 2021) <https://www.nvsos.gov/elections/7024.pdf>; see also Conservatives for Election Integrity, Nev. Sec. of State, <https://www.nvsos.gov/SOSCandidateServices/AnonymousAccess/CEFDSearchUU/GroupDetails.aspx?o=LSu3cH5a5DeuVXf76EhxAw%253d%253d> (last accessed June 27, 2022).

³ *James Marchant*, *supra* note 1; *Conservatives for Election Integrity*, *supra* note 2.

⁴ Conservatives for Election Integrity, *Contributions and Expenses Report, Report #1*, Nev. Sec. of State (Apr. 12, 2022), <https://www.nvsos.gov/SOSCandidateServices/AnonymousAccess/ViewCCEReport.aspx?syn=inHjW0fEGLgKWXjkgCiUEw%253d%253d> (showing a \$10,000 contribution to Committee to Elect Jim Marchant on March 31, 2022); *James Marchant, Contributions and Expenses Report, Report #1*, Nev. Sec. of State (Apr. 13, 2022), <https://www.nvsos.gov/SOSCandidateServices/AnonymousAccess/ViewCCEReport.aspx?syn=Iz8UnYoGea2c%252bbbhFiFfUw%253d%253d> (showing a \$10,000 contribution received March 31, 2022 from Conservatives for Election Integrity PAC).

⁵ The advertisement “Election Fraud” is available here: https://mycmag.kantarmediana.com/KMIcmagvidbin2/SECSTE_NV_CFEI_ELECTION_FRAUD.html.

⁶ The advertisement “Meddle” is available here: https://mycmag.kantarmediana.com/KMIcmagvidbin2/SECSTE_NV_CFEI_MEDDLE.html.

⁷ See Attachment A.

II. Legal Requirements

Under Nevada law, no person may give, and no candidate may accept, contributions in an amount which exceeds \$5,000 for the primary election and \$5,000 for the general election during the two-year election cycle.⁸ In addition to civil penalties of up to \$10,000 per campaign finance violation, a person who willfully violates these limits is guilty of a category E felony punishable by not less than one year and not more than four years in prison, and a fine of up to \$5,000.

The term “contribution” under Nevada law includes “anything of value” other than volunteer services.⁹ The “contributions” include “the value of services provided in kind for which money would have otherwise been paid,” such as “any paid paraphernalia that was printed or otherwise produced to promote a campaign.”¹⁰

Nevada law states that a communication “expressly advocates” for a candidate when that communication “taken as a whole, is susceptible to no other reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate.”¹¹ A communication does not need to include the words “vote for,” “vote against,” “elect,” “support,” or other similar language to be considered a communication that expressly advocates for or against a candidate.¹²

While contribution limits do not apply to “independent expenditures,” to be an “independent expenditure” an advertisement must, by definition, be *independent* from the candidate it supports. The law defines “independent expenditure” in relevant part to include only advertisements “not under the direction or control of a candidate for office,” and not “solicited or approved” by the candidate.¹³ Advertisements that are under the direction or control of a candidate or that are solicited or approved by the candidate, are not “independent expenditures” but rather are “contributions” subject to the \$5,000 per election limit.

III. Analysis

Mr. Marchant and CFEI’s actions are a blatant violation of Nevada’s election laws. Mr. Marchant is the president and apparently only officer of CFEI. CFEI contributed the legal maximum, \$10,000, to Mr. Marchant’s campaign. It subsequently spent significant sums of money to create, produce, and broadcast advertisements expressly advocating the election of Mr. Marchant. Because he was the president of the PAC, the advertisements were necessarily produced “under the direction or control” of Mr. Marchant. Therefore, any funds spent on those advertisements exceeds Nevada contribution limits and constitutes illegal contributions to the Marchant campaign. Mr. Marchant was on both the giving and receiving end of these illegal contributions.

The advertisements “expressly advocate” for Mr. Marchant. The on-screen text of one advertisement says, “Jim Marchant Republican for Secretary of State” while the voice over

⁸ Nev. Rev. Stat. Ann. § 294A.100.

⁹ *Id.* § 294A.007.

¹⁰ *Id.*

¹¹ *Id.* § 294A.0025.

¹² *Id.*

¹³ *Id.* § 294A.0077.

states, “we need Jim Marchant, a conservative businessman, for Secretary of State.”¹⁴ Another advertisement unambiguously advocated, “Jim Marchant for Secretary of State,” and criticized one of Marchant’s primary election opponents.¹⁵ Pairing the candidate’s name with the office sought, with the word “for” in between, is plainly express advocacy under even a “magic words” standard, let alone Nevada’s broader standard.¹⁶ Certainly, these advertisements are susceptible to no other reasonable interpretation than as appeals to vote for Mr. Marchant, the standard under Nevada law.

I urge the office of the Secretary of State to fully investigate these violations and take the necessary actions to enforce Nevada’s election laws. Both Mr. Marchant and CFEI should be subject to fines, and the campaign should be forced to refund the value of the advertisements. In addition, Mr. Marchant is a candidate for Secretary of State, the very office charged with enforcing Nevada’s election laws. He has also served in the Nevada legislature and run for office in Nevada many times. Thus, Mr. Marchant’s actions may rise to the level of “willful” violations and therefore constitute a category E felony under Nevada law.

¹⁴ The advertisement “Election Fraud” is available here:

https://mycmag.kantarmediana.com/KMIcmagvidbin2/SECSTE_NV_CFEI_ELECTION_FRAUD.html; see also Attachment B.

¹⁵ The advertisement “Meddle” is available here:

https://mycmag.kantarmediana.com/KMIcmagvidbin2/SECSTE_NV_CFEI_MEDDLE.html; see also Attachment C.

¹⁶ *FEC v. Furgatch*, 807 F.2d 857, 860 (9th Cir. 1987) (defining “magic words” express advocacy to include “vote for,” “elect,” “support,” “cast your ballot for,” “*Smith for Congress*,” “vote against,” “defeat,” and “reject.”) (emphasis added).

Attachment A

NV SOS 2022 Primary

CURRENT WEEK
Complete

ELECTION DATE
06/14/2022

TOTAL CAMPAIGN SPENDING
\$63,270

START 6/7/2022 END 6/14/2022 ADVERTISER Conservatives For Election Integrity

Campaign

Advertiser

Market

Advantage

Key

Expand Row

Collapse Row

View Spending

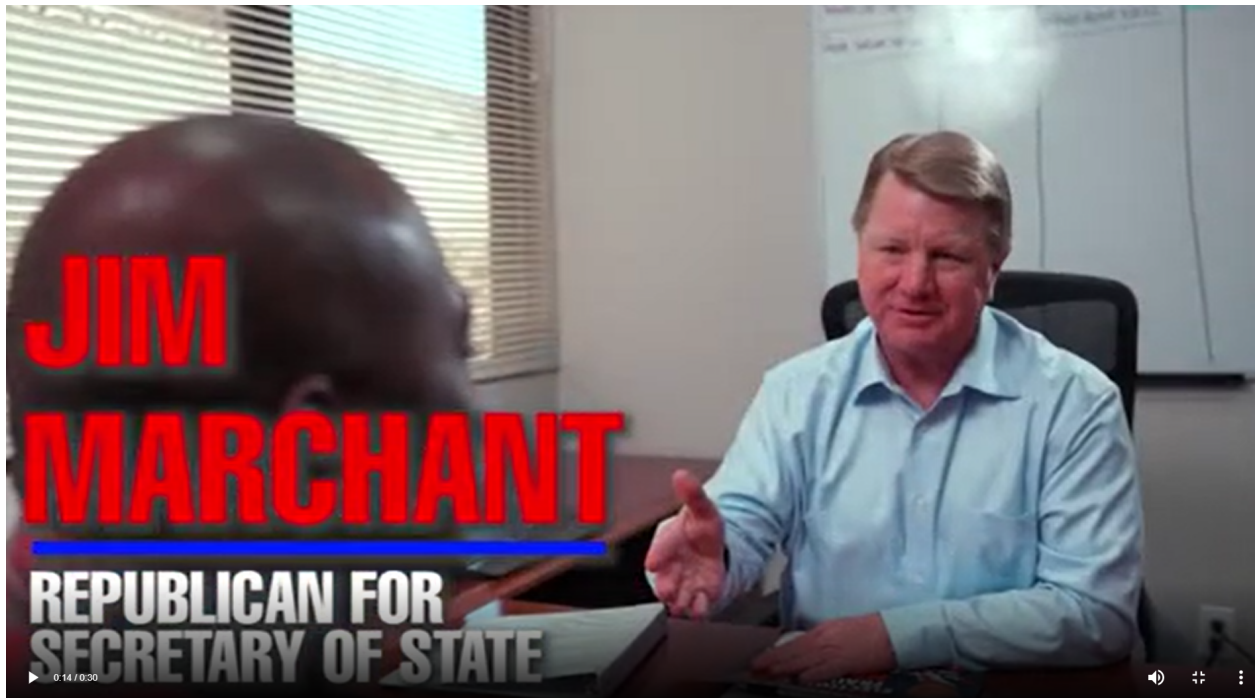
					WEEK 1 6/7/22 - 6/14/22		TOTAL 6/7/22 - 6/14/22	
TV					\$	GRPS	\$	GRPS
Conservatives For Electi...	NV SOS 2022 Primary	Las Vegas, NV	🔍	30s	\$10,525	19	\$10,525	19
		Reno, NV	🔍	30s	\$34,945	100	\$34,945	100
		TOTAL			\$45,470	—	\$45,470	—
	CABLE					\$	SYS (SPOTS)	\$
Conservatives For Electi...	NV SOS 2022 Primary	Las Vegas, NV	🔍	30s	\$9,227	1 (40)	\$9,227	1 (40)
		Reno, NV	🔍	30s	\$6,949	1 (16)	\$6,949	1 (16)
		TOTAL			\$16,175	—	\$16,175	—
	SATELLITE					\$	SYS (SPOTS)	\$
Conservatives For Electi...	NV SOS 2022 Primary	Reno, NV	🔍	30s	\$1,625	1 (5)	\$1,625	1 (5)
		TOTAL			\$1,625	—	\$1,625	—

Disclaimer and Notes

Advertiser Spending Totals are actual reported expenditures from sales agents and/or public files. GRPs are estimates using media cost forecasting sources, coupled with local market conditions. Please be advised the totals provided represent the spending which has been reported to Inside Track ® as of today. Expenditures do not always include national or digital advertising.

Attachment B

Screen shot from advertisement entitled "Election Fraud"



Attachment C

Screen shot from advertisement entitled "Meddle"

