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OFFICE OF THE
SECRETARY OF STATE

October 25, 2010

We have become aware of a campaign solicitation mailer sent on behalf of Sharron Angle, candidate for United States Senate, wherein it is alleged that "vote buying" is occurring in the State of Nevada and permitted by the Nevada Secretary of State. The correspondence, authored by Ms. Cleta Mitchell, a Washington D.C.-based attorney representing "Friends of Sharron Angle," fails to cite any evidence of "vote buying" in the State of Nevada other than reports to their election hotline about representatives of unions. The Secretary of State encourages anyone with information regarding "vote buying" to contact the Election Integrity Task Force. In partnership with the Office of the United States' Attorney, the Federal Bureau of Investigation, and the Nevada Attorney General's Office, the Task Force is structured to receive and respond to any violation of State or Federal Law, and complaints can be submitted on the Secretary of State's website at www.nvsos.gov. The statutes involved in this matter carry criminal penalties, and complaints should contain specific information, not conjecture and rumor used in support of a plea for financial contributions, as the foundation of the violation. To date, no such complaint has been submitted to this office.

In citing "vote buying" instances in Milwaukee and North Dakota, the campaign solicitation fails to appreciate the distinction to be made between Nevada law and federal law on this issue. With respect to Nevada law, NRS 293.700 forbids a person "who bribes, offers to bribe, or uses any other corrupt means...to influence an elector in giving his or her vote or to deter the elector from giving it." The plain meaning of this statute forbids a person from using corrupt means to cause an elector to cast a ballot or refrain from doing so. Accordingly, so long as the activity is not corrupt in nature, meaning it is not connected to any specific candidate and does not compromise the will of the elector, state law is not violated. Examples of such activity, which occurred in the 2008 election as well, include: throwing a post-election party which offers free food to *anyone* who has voted, irrespective of how and for whom they voted; giving an employee time away from work to vote; and offering voters, such as elderly and voters with disabilities, rides to a polling location. Active participation in elections is the cornerstone of a participatory democracy, and activities that promote the act of voting, made without any connection to the candidates or political parties, support the democratic process.

Federal law, however, covers any payment made or offered to a would-be voter for registering to voter or for voting in an election when the name of a federal candidate appears on the ballot. 42 U.S.C. § 1973i(c). Any entity that is considering the activity discussed above should contact the Federal Bureau of Investigations for more information.

Complaints can be submitted to the Election Integrity Task Force at www.nvsos.gov. Any complaint should contain supporting evidence, such as witness statements, contact information, and specific descriptions of violative conduct.

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