

## LEGISLATIVE BILL 1263

Approved by the Governor April 15, 1996

Introduced by Brashear, 4; Robinson, 16

AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1458, 49-1463.01, 49-1467, 49-1469, and 49-1479.01, Reissue Revised Statutes of Nebraska, and section 49-1483.03, Revised Statutes Supplement, 1994; to change reporting requirements; to provide late filing fees for filing late or for failing to file certain statements or reports; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 49-1458, Reissue Revised Statutes of Nebraska, is amended to read:

49-1458. (1) A late contribution shall be reported by filing with the filing officer within five days after its receipt the full name, street address, occupation, employer, and principal place of business of the contributor. Filing of a report of late contributions may be by hand delivery, facsimile transmission, telegraph, express delivery service, or any other written means of communication and need not contain an original signature. A late contribution shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section. If a campaign statement has not been filed, a late contribution may be reported, if practicable, in the campaign statement and need not be reported in a subsequent campaign statement.

(2) Any person or committee which fails to file a report of late contributions with the commission as required by this section shall pay to the commission a late filing fee of fifty dollars for each day the report remains not filed not to exceed one thousand five hundred dollars or ten percent of the late contribution required to be reported, whichever is greater.

(3) As used in this section, late contribution shall mean a contribution of five hundred dollars or more received after the closing date of the last campaign statement required to be filed prior to an election.

Sec. 2. Section 49-1463.01, Reissue Revised Statutes of Nebraska, is amended to read:

49-1463.01. A person required to pay a late filing fee imposed under section 49-1449, ~~49-1458, or 49-1463, 49-1467, 49-1469, or 49-1479.01~~ may apply to the commission for relief. The commission by order may reduce the amount of a late filing fee imposed upon a showing by such person that (1) the circumstances indicate no intent to file late, (2) the person has not been required to pay late filing fees for two years prior to the time the filing was due, (3) the late filing shows that less than five thousand dollars was raised, received, or expended during the reporting period, and (4) a reduction of the late fees would not frustrate the purposes of the Nebraska Political Accountability and Disclosure Act.

Sec. 3. Section 49-1467, Reissue Revised Statutes of Nebraska, is amended to read:

49-1467. (1) Any person, other than a committee, who makes an independent expenditure advocating the election of a candidate or the defeat of a candidate's opponents or the qualification, passage, or defeat of a ballot question, which is in an amount of more than one hundred dollars, shall file a report of the independent expenditure, within ten days, with the commission and the election commissioner or, if there is no election commissioner, the clerk of the county of residence of that person. The report shall be made on an independent expenditure report form provided by the commission and shall include the date of the expenditure, a brief description of the nature of the expenditure, the amount of the expenditure, the name and address of the person to whom it was paid, the name and address of the person filing the report, together with the name, address, occupation, employer, and principal place of business of each person who contributed more than one hundred dollars to the expenditure. The commission shall forward copies, as required, to the appropriate filing officers as described in section 49-1464.

(2) Any person who fails to file a report of an independent expenditure with the commission as required by this section shall pay to the commission a late filing fee of ten dollars for each day the statement remains not filed in violation of this section not to exceed three hundred dollars.

(3) Any person who violates the provisions of this section shall be

guilty of a Class IV misdemeanor.

Sec. 4. Section 49-1469, Reissue Revised Statutes of Nebraska, is amended to read:

49-1469. (1) Any corporation, labor organization, or industry, trade, or professional association, whether organized under the laws of this state or any other state or country and doing business in this state, without being a committee as defined in section 49-1413, may make expenditures or provide personal services. It shall not be required to file reports of independent expenditures pursuant to section 49-1467, but it shall file a report with the commission within ten days after the end of the calendar month in which any expenditure is made or personal service provided. Such report shall fully disclose the nature, date, and value of any expenditure, as well as the committee or candidate to which or in whose behalf it was made. In the case of personal services, the corporation, labor organization, or industry, trade, or professional association shall in such report fully detail the nature, the date or dates, and the specifics of the personal service provided, the committee or candidate to which or in whose behalf it was made, and the proposition in behalf of or in opposition to which it was made.

(2)(a) A corporation, labor organization, or industry, trade, or professional association may not receive contributions unless it establishes and administers a separate segregated political fund which shall be utilized only in the manner set forth in this subsection.

(b) The corporation, labor organization, or industry, trade, or professional association establishing and administering such a separate segregated political fund shall not make an expenditure to such fund, except that it may make expenditures and provide personal services for the establishment and administration of such separate segregated political fund.

(c) All contributions to and expenditures from such separate segregated political fund shall be limited to money or anything of ascertainable value obtained through the voluntary contributions of the employees, officers, directors, stockholders, or members of the corporation, including a nonprofit corporation, labor organization, or industry, trade, or professional association, and the affiliates thereof, under which such fund was established. No contribution or expenditure shall be received or made from such fund if obtained or made by using or threatening to use job discrimination or financial reprisals. Only expenditures to candidates and committees and independent expenditures may be made from a fund established by a corporation, labor organization, or industry, trade, or professional organization, except that such separate segregated political fund may receive and disburse funds for the purpose of supporting or opposing candidates and committees in elections in states other than Nebraska and candidates for federal office and making independent expenditures in such elections if such receipts and disbursements are made in conformity with the solicitation provisions of this section and the corporation, labor organization, or industry, trade, or professional association which establishes and administers such fund complies with the laws of the jurisdiction in which such receipts or disbursements are made. The expenses for establishment and administration of a separate segregated political fund of a corporation, labor organization, or industry, trade, or professional association may be paid from the separate segregated political fund of such corporation, labor organization, or industry, trade, or professional association.

(d) The corporation, labor organization, or industry, trade, or professional association which establishes and administers a separate segregated political fund shall file the reports required by subsection (1) of this section with respect to the expenditures made or personal services provided for the establishment and administration of such fund but need not file such reports for the expenditures made from such fund. If a corporation makes an expenditure to a separate segregated political fund which is established and administered by an industry, trade, or professional association of which such corporation is a member, such corporation shall not be required to file the reports required by subsection (1) of this section.

(e) Such a separate segregated political fund is hereby declared to be an independent committee and subject to all of the provisions of the Nebraska Political Accountability and Disclosure Act applicable to independent committees, and the corporation, labor organization, or industry, trade, or professional association which establishes and administers such fund shall make the reports and filings required therefor.

(3) Any corporation, labor organization, or industry, trade, or professional association which fails to file a report with the commission required by this section shall pay to the commission a late filing fee of ten dollars for each day the statement remains not filed in violation of this section not to exceed three hundred dollars.

(4) Any person who knowingly violates the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 5. Section 49-1479.01, Reissue Revised Statutes of Nebraska, is amended to read:

49-1479.01. (1) Any contribution by a person made on behalf of or to a candidate or committee, including contributions which are in any way earmarked or otherwise directed to the candidate or committee through an intermediary or agent, shall be considered to be a contribution from the person to the candidate or committee.

(2) For purposes of this section, earmarked shall mean a designation, instruction, or encumbrance, including those which are direct or indirect, express or implied, or oral or written, which results in any part of a contribution or expenditure, including any in-kind expenditure made in exchange for a contribution, being made to or expended on behalf of a candidate or a committee.

(3) Any intermediary or agent, other than a committee, which receives an earmarked contribution shall forward the earmarked contribution to the recipient candidate or committee within ten days of after receipt of such contribution, and shall disclose to the recipient of the contribution the name and address of the intermediary or agent and of the actual source of the contribution.

(4) Any intermediary or agent, ~~other than a committee,~~ shall file a report of the earmarked contribution with the commission and the election commissioner or, if there is no election commissioner, with the clerk of the county of residence of the candidate or the county of the headquarters of the committee. ~~An intermediary or agent which is not a committee shall file the report within ten days after receipt of the contribution. within ten days of receipt of the contribution.~~ Any committee which is an intermediary or agent shall file a report of the earmarked contribution by the date the next campaign statement is required to be filed. ~~Any intermediary or agent making an earmarked contribution shall disclose to the recipient of the earmarked contribution the name and address of the intermediary or agent and the actual source of the contribution by providing the recipient with a copy of the report of the earmarked contribution at the time that the earmarked contribution is made.~~ The report of the earmarked contribution filed pursuant to this section shall be on a form prescribed by the commission.

(5) ~~Any person or committee which fails to file a report of an earmarked contribution with the commission as required by this section shall pay to the commission a late filing fee of ten dollars for each day the statement remains not filed in violation of this section not to exceed three hundred dollars.~~

(6) Any person who knowingly violates the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 6. Section 49-1483.03, Revised Statutes Supplement, 1994, is amended to read:

49-1483.03. (1) Any lobbyist or principal who receives or expends more than five thousand dollars for lobbying purposes during any calendar month in which the Legislature is in session shall, within fifteen days after the end of such calendar month, file a special report disclosing for that calendar month all information required by section 49-1483. All information disclosed in a special report shall also be disclosed in the next quarterly report required to be filed. The requirement to file a special report shall not apply to a receipt or expenditure for lobbyist fees for lobbying services which have otherwise been disclosed in the lobbyist's application for registration.

(2) ~~Any lobbyist who fails to file a special report required by this section with the Clerk of the Legislature or the commission shall pay to the commission a late filing fee of fifty dollars for each day the statement remains not filed not to exceed one thousand five hundred dollars or ten percent of the amount of the receipts and expenditures reported, whichever is greater.~~

Sec. 7. Original sections 49-1458, 49-1463.01, 49-1467, 49-1469, and 49-1479.01, Reissue Revised Statutes of Nebraska, and section 49-1483.03, Revised Statutes Supplement, 1994, are repealed.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.