

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 79

Introduced by Avery, 28.

Read first time January 10, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to political accountability and disclosure; to
 2 amend sections 28-915.01, 49-1413, 49-1415, 49-1433.01,
 3 49-1445, 49-1446, 49-1446.04, 49-1447, 49-1455, 49-1456,
 4 49-1457, 49-1458, 49-1459, 49-1461.01, 49-1463,
 5 49-1463.01, 49-1464, 49-1467, 49-1469, 49-1469.05,
 6 49-1469.06, 49-1469.07, 49-1469.08, 49-1477, 49-1478.01,
 7 49-1479.02, 49-1488.01, 49-14,122, 49-14,123, 49-14,124,
 8 49-14,124.01, 49-14,124.02, 49-14,125, 49-14,129,
 9 49-14,132, 49-14,133, and 49-14,141, Reissue Revised
 10 Statutes of Nebraska, and sections 49-14,126 and
 11 49-14,140, Revised Statutes Cumulative Supplement, 2012;
 12 to change provisions relating to filing campaign
 13 statements and reports; to repeal the Campaign Finance
 14 Limitation Act; to harmonize provisions; to provide
 15 operative dates; to repeal the original sections; to
 16 outright repeal sections 32-1601, 32-1602, 32-1603,
 17 32-1604, 32-1604.01, 32-1605, 32-1606, 32-1606.01,

1 32-1607, 32-1608.01, 32-1608.02, 32-1608.03, 32-1609,
2 32-1610, 32-1611, 32-1612, 32-1613, and 77-27,119.04,
3 Reissue Revised Statutes of Nebraska, and section
4 32-1608, Revised Statutes Cumulative Supplement, 2012;
5 and to declare an emergency.

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

1 Section 1. Section 28-915.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-915.01 (1) A person who makes a false statement under
4 oath or equivalent affirmation, or swears or affirms the truth of
5 such a statement previously made, when he or she does not believe the
6 statement to be true, is guilty of a Class I misdemeanor if the
7 falsification:

8 (a) Occurs in an official proceeding; or

9 (b) Is intended to mislead a public servant in performing
10 his or her official function.

11 (2) A person who makes a false statement under oath or
12 equivalent affirmation, or swears or affirms the truth of such a
13 statement previously made, when he or she does not believe the
14 statement to be true, is guilty of a Class II misdemeanor if the
15 statement is one which is required by law to be sworn or affirmed
16 before a notary or other person authorized to administer oaths.

17 (3) Subsections (4) through (7) of section 28-915 shall
18 apply to subsections (1) and (2) of this section.

19 (4) This section shall not apply to reports, statements,
20 affidavits, or other documents made or filed pursuant to ~~the Campaign~~
21 ~~Finance Limitation Act or~~ the Nebraska Political Accountability and
22 Disclosure Act.

23 Sec. 2. Section 49-1413, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 49-1413 (1) Committee shall mean (a) any combination of

1 two or more individuals which receives contributions or makes
2 expenditures of ~~over~~ five thousand dollars or more in a calendar year
3 for the purpose of influencing or attempting to influence the action
4 of the voters for or against the nomination or election of one or
5 more candidates or the qualification, passage, or defeat of one or
6 more ballot questions or (b) a person whose primary purpose is to
7 receive contributions or make expenditures and who receives or makes
8 contributions or expenditures of ~~over~~ five thousand dollars or more
9 in a calendar year for the purpose of influencing or attempting to
10 influence the action of the voters for or against the nomination or
11 election of one or more candidates or the qualification, passage, or
12 defeat of one or more ballot questions, except that an individual,
13 other than a candidate, shall not constitute a committee.

14 (2) Except as otherwise provided in section 49-1445, a
15 committee shall be considered formed and subject to the Nebraska
16 Political Accountability and Disclosure Act upon raising, receiving,
17 or spending ~~over the~~ five thousand dollars in a calendar year
18 referred to as prescribed in this section.

19 (3) A corporation, labor organization, ~~or~~ industry,
20 trade, or professional association, limited liability company, or
21 limited liability partnership is not a committee if it makes
22 expenditures or provides personal services pursuant to sections
23 49-1469 to 49-1469.08.

24 Sec. 3. Section 49-1415, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 49-1415 (1) Contribution shall mean a payment, gift,
2 subscription, assessment, expenditure, contract, payment for
3 services, dues, advance, forbearance, loan, donation, pledge or
4 promise of money or anything of ascertainable monetary value to a
5 person, made for the purpose of influencing the nomination or
6 election of a candidate, or for the qualification, passage, or defeat
7 of a ballot question. An offer or tender of a contribution is not a
8 contribution if expressly and unconditionally rejected or returned.

9 (2) Contribution shall include the purchase of tickets or
10 payment of an attendance fee for events such as dinners, luncheons,
11 rallies, testimonials, and similar fundraising events; an
12 individual's own money or property other than the individual's
13 homestead used on behalf of that individual's candidacy; and the
14 granting of discounts or rebates by broadcast media and newspapers
15 not extended on an equal basis to all candidates for the same office.

16 (3) Contribution shall not include:

17 (a) Volunteer personal services provided without
18 compensation, or payments of costs incurred of ~~less than~~ two hundred
19 fifty dollars or less in a calendar year by an individual for
20 personal travel expenses if the costs are voluntarily incurred
21 without any understanding or agreement that the costs shall be,
22 directly or indirectly, repaid;

23 (b) Amounts received pursuant to a pledge or promise to
24 the extent that the amounts were previously reported as a
25 contribution; or

1 (c) Food and beverages, ~~not to exceed in the amount of~~
2 fifty dollars or less in value during a calendar year, which are
3 donated by an individual and for which reimbursement is not given.

4 Sec. 4. Section 49-1433.01, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 49-1433.01 Major out-of-state contributor means a
7 corporation, union, industry association, trade association, or
8 professional association which is not organized under the laws of the
9 State of Nebraska and which makes contributions or expenditures
10 totaling ~~more than ten thousand dollars~~ or more in any calendar year
11 in connection with one or more elections.

12 Sec. 5. Section 49-1445, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 49-1445 (1) A candidate shall form a candidate committee
15 upon raising, receiving, or expending ~~more than five thousand dollars~~
16 or more in a calendar year.

17 (2) A candidate committee may consist of one member with
18 the candidate being the member.

19 (3) A person who is a candidate for more than one office
20 shall form a candidate committee for an office upon raising,
21 receiving, or expending ~~more than five thousand dollars~~ or more in a
22 calendar year for that office.

23 (4) Two or more candidates who campaign as a slate or
24 team for public office shall form a committee upon raising,
25 receiving, or expending jointly in any combination ~~more than five~~

1 thousand dollars or more in a calendar year.

2 (5) The fee to file for office shall not be included in
3 determining if a candidate has raised, received, or expended ~~more~~
4 ~~than~~ five thousand dollars or more in a calendar year.

5 (6) Any person who violates this section shall be guilty
6 of a Class IV misdemeanor.

7 Sec. 6. Section 49-1446, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 49-1446 (1) Each committee shall have a treasurer who is
10 a qualified elector of this state. A candidate may appoint himself or
11 herself as the candidate committee treasurer.

12 (2) ~~Except for funds received as provided in the Campaign~~
13 ~~Finance Limitation Act, each~~ Each committee shall designate one
14 account in a financial institution in this state as an official
15 depository for the purpose of depositing all contributions which it
16 receives in the form of or which are converted to money, checks, or
17 other negotiable instruments and for the purpose of making all
18 expenditures. Secondary depositories shall be used for the sole
19 purpose of depositing contributions and promptly transferring the
20 deposits to the committee's official depository. Each committee shall
21 submit to the commission periodic account statements from the
22 financial institution regarding each such account in accordance with
23 rules and regulations adopted and promulgated under the Nebraska
24 Political Accountability and Disclosure Act.

25 (3) No contribution shall be accepted and no expenditure

1 shall be made by a committee which has not filed a statement of
2 organization and which does not have a treasurer. When the office of
3 treasurer in a candidate committee is vacant, the candidate shall be
4 the treasurer until the candidate appoints a new treasurer.

5 (4) No expenditure shall be made by a committee without
6 the authorization of the treasurer or the assistant treasurer. The
7 contributions received or expenditures made by a candidate or an
8 agent of a candidate shall be considered received or made by the
9 candidate committee.

10 (5) Contributions received by an individual acting in
11 behalf of a committee shall be reported promptly to the committee's
12 treasurer not later than five days before the closing date of any
13 campaign statement required to be filed by the committee and shall be
14 reported to the committee treasurer immediately if the contribution
15 is received less than five days before the closing date.

16 (6) A contribution shall be considered received by a
17 committee when it is received by the committee treasurer or a
18 designated agent of the committee treasurer notwithstanding the fact
19 that the contribution is not deposited in the official depository by
20 the reporting deadline.

21 (7) Contributions received by a committee shall not be
22 commingled with any funds of an agent of the committee or of any
23 other person except for funds received or disbursed by a separate
24 segregated political fund for the purpose of supporting or opposing
25 candidates and committees in elections in states other than Nebraska

1 and candidates for federal office, as provided in section 49-1469.06,
2 including independent expenditures made in such elections.

3 (8) Any person who violates this section shall be guilty
4 of a Class IV misdemeanor.

5 Sec. 7. Section 49-1446.04, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 49-1446.04 (1) A candidate committee shall not accept
8 more than fifteen thousand dollars in loans prior to or during the
9 first thirty days after formation of the candidate committee.

10 (2) After the thirty-day period and until the end of the
11 term of the office to which the candidate sought nomination or
12 election, the candidate committee shall not accept loans, ~~other than~~
13 ~~loans allowed under subsection (2) of section 32-1608.03,~~ in an
14 aggregate amount of more than fifty percent of the contributions of
15 money, other than the proceeds of loans, which the candidate
16 committee has received during such period as of the date of the
17 receipt of the proceeds of the loan. Any loans which have been repaid
18 as of such date shall not be taken into account for purposes of the
19 aggregate loan limit.

20 (3) A candidate committee shall not pay interest, fees,
21 gratuities, or other sums in consideration of a loan, advance, or
22 other extension of credit to the candidate committee by the
23 candidate, a member of the candidate's immediate family, or any
24 business with which the candidate is associated.

25 (4) The penalty for violation of this section shall be a

1 civil penalty of not less than two hundred fifty dollars and not more
2 than the amount of money received by a candidate committee in
3 violation of this section if the candidate committee received more
4 than two hundred fifty dollars. The commission shall assess and
5 collect the civil penalty and shall remit the penalty to the State
6 Treasurer for distribution in accordance with Article VII, section 5,
7 of the Constitution of Nebraska.

8 Sec. 8. Section 49-1447, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 49-1447 (1) The committee treasurer shall keep detailed
11 accounts, records, bills, and receipts necessary to substantiate the
12 information contained in a statement or report filed pursuant to
13 sections 49-1445 to 49-1479.02 or rules and regulations adopted and
14 promulgated under the Nebraska Political Accountability and
15 Disclosure Act.

16 (2)(a) For any committee other than a candidate
17 committee, the committee treasurer shall be responsible for filing
18 all statements and reports of the committee required to be filed
19 under the act and shall be personally liable subject to section
20 49-1461.01 for any late filing fees, civil penalties, and interest
21 that may be due under the act as a result of a failure to make such
22 filings.

23 (b) For candidate committees, the candidate shall be
24 responsible for filing all statements and reports required to be
25 filed by his or her candidate committee under the Nebraska Political

1 Accountability and Disclosure Act, ~~or the Campaign Finance Limitation~~
2 ~~Act~~. The candidate shall be personally liable for any late filing
3 fees, civil penalties, and interest that may be due under either act
4 as a result of a failure to make such filings and may use funds of
5 the candidate committee to pay such fees, penalties, and interest.

6 (3) The committee treasurer shall record the name and
7 address of each person from whom a contribution is received except
8 for contributions of fifty dollars or less received pursuant to
9 subsection (2) of section 49-1472.

10 (4) The records of a committee shall be preserved for
11 five years and shall be made available for inspection as authorized
12 by the commission.

13 (5) Any person violating this section shall be guilty of
14 a Class III misdemeanor.

15 Sec. 9. Section 49-1455, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 49-1455 (1) The campaign statement of a committee, other
18 than a political party committee, shall contain the following
19 information:

20 (a) The filing committee's name, address, and telephone
21 number and the full name, residential and business addresses, and
22 telephone numbers of its committee treasurer;

23 (b) Under the heading RECEIPTS, the total amount of
24 contributions received during the period covered by the campaign
25 statement; under the heading EXPENDITURES, the total amount of

1 expenditures made during the period covered by the campaign
2 statement; and the cumulative amount of those totals for the election
3 period. If a loan was repaid during the period covered by the
4 campaign statement, the amount of the repayment shall be subtracted
5 from the total amount of contributions received. Forgiveness of a
6 loan shall not be included in the totals. Payment of a loan by a
7 third party shall be recorded and reported as a contribution by the
8 third party but shall not be included in the totals. In-kind
9 contributions or expenditures shall be listed at fair market value
10 and shall be reported as both contributions and expenditures;

11 (c) The balance of cash and cash equivalents on hand at
12 the beginning and the end of the period covered by the campaign
13 statement;

14 (d) The full name of each individual from whom
15 contributions totaling ~~more than two~~ one hundred fifty dollars or
16 more are received during the period covered by the report, together
17 with the individual's street address, the amount contributed, the
18 date on which each contribution was received, and the cumulative
19 amount contributed by that individual for the election period;

20 (e) The full name of each person, except those
21 individuals reported under subdivision (1)(d) of this section, which
22 contributed a total of ~~more than two~~ one hundred fifty dollars or
23 more during the period covered by the report together with the
24 person's street address, the amount contributed, the date on which
25 each contribution was received, and the cumulative amount contributed

1 by the person for the election period;

2 (f) The name of each committee which is listed as a
3 contributor shall include the full name of the committee's treasurer;

4 (g) Except as otherwise provided in subsection (3) of
5 this section: The full name and street address of each person to whom
6 expenditures totaling ~~more than two~~ one hundred fifty dollars or more
7 were made, together with the date and amount of each separate
8 expenditure to each such person during the period covered by the
9 campaign statement; the purpose of the expenditure; and the full name
10 and street address of the person providing the consideration for
11 which any expenditure was made if different from the payee;

12 (h) The amount and the date of expenditures for or
13 against a candidate or ballot question during the period covered by
14 the campaign statement and the cumulative amount of expenditures for
15 or against that candidate or ballot question for the election period.
16 An expenditure made in support of more than one candidate or ballot
17 question, or both, shall be apportioned reasonably among the
18 candidates or ballot questions, or both; and

19 (i) The total amount of funds disbursed by a separate
20 segregated political fund, by state, for the purpose of supporting or
21 opposing candidates and committees in elections in states other than
22 Nebraska and candidates for federal office, including independent
23 expenditures made in such elections.

24 (2) For purposes of this section, election period means
25 ~~(a) the period beginning January 1 of the calendar year prior to the~~

1 ~~year of the election in which the candidate is seeking office through~~
2 ~~the end of the calendar year of such election for candidate~~
3 ~~committees of candidates seeking covered elective offices as defined~~
4 ~~in subdivision (1)(a) of section 32-1603, (b) the period beginning~~
5 ~~July 1 of the calendar year prior to the year of the election in~~
6 ~~which the candidate is seeking office through the end of the calendar~~
7 ~~year of such election for candidate committees of candidates seeking~~
8 ~~covered elective offices so defined in subdivision (1)(b) of section~~
9 ~~32-1603, and (c) the calendar year of the election, for all other~~
10 ~~committees.~~

11 (3) A campaign statement shall include the total amount
12 paid to individual petition circulators during the reporting period,
13 if any, but shall not include the name, address, or telephone number
14 of any individual petition circulator if the only payment made to
15 such individual was for services as a petition circulator.

16 Sec. 10. Section 49-1456, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 49-1456 (1) Any income received by a committee on an
19 account consisting of funds or property belonging to the committee
20 shall not be considered a contribution to the committee but shall be
21 reported as income. Any interest paid by a committee shall be
22 reported as an expenditure.

23 (2) A loan made or received shall be set forth in a
24 separate schedule providing the date and amount of the loan and, if
25 the loan is repaid, the date and manner of repayment. The committee

1 shall provide the name and address of the lender and any person who
2 is liable directly, indirectly, or contingently on each loan of ~~more~~
3 ~~than two one hundred fifty dollars or more.~~

4 Sec. 11. Section 49-1457, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 49-1457 (1) The campaign statement filed by a political
7 party committee shall contain the following information:

8 (a) The full name and street address of each person from
9 whom contributions totaling ~~more than two one hundred fifty dollars~~
10 or more in value are received in a calendar year, the amount, and the
11 date or dates contributed; and if the person is a committee, the name
12 and address of the committee and the full name and street address of
13 the committee treasurer, together with the amount of the contribution
14 and the date received;

15 (b) An itemized list of all expenditures, including in-
16 kind contributions and expenditures and loans, made during the period
17 covered by the campaign statement which were contributions to a
18 candidate committee of a candidate for elective office or a ballot
19 question committee; or independent expenditures in support of the
20 qualification, passage, or defeat of a ballot question, or in support
21 of the nomination or election of a candidate for elective office or
22 the defeat of any of the candidate's opponents;

23 (c) The total expenditure by the committee for each
24 candidate for elective office or ballot question in whose behalf an
25 independent expenditure was made or a contribution was given for the

1 election; and

2 (d) The filer's name, address, and telephone number, if
3 any, and the full name, residential and business addresses, and
4 telephone numbers of the committee treasurer.

5 (2) A contribution to a candidate or ballot question
6 committee listed under subdivision (1)(b) of this section shall note
7 the name and address of the committee, the name of the candidate and
8 the office sought, if any, the amount contributed, and the date of
9 the contribution.

10 (3) An independent expenditure listed under subdivision
11 (1)(b) of this section shall note the name of the candidate for whose
12 benefit the expenditure was made and the office sought by the
13 candidate, or a brief description of the ballot question for which
14 the expenditure was made, the amount, date, and purpose of the
15 expenditure, and the full name and address of the person to whom the
16 expenditure was made.

17 (4) An expenditure listed which was made in support of
18 more than one candidate or ballot question, or both, shall be
19 apportioned reasonably among the candidates or ballot questions, or
20 both.

21 Sec. 12. Section 49-1458, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 49-1458 (1) A committee which receives a late
24 contribution shall report the contribution to the commission by
25 filing a report within two days after the date of its receipt. The

1 report may be filed by hand delivery, facsimile transmission,
2 telegraph, express delivery service, or any other written means of
3 communication, including electronic means approved by the commission,
4 and need not contain an original signature.

5 (2) The report shall include the full name, street
6 address, occupation, employer, and principal place of business of the
7 contributor, the amount of the contribution, and the date of receipt.

8 (3) A late contribution shall be reported on subsequent
9 campaign statements without regard to reports filed pursuant to this
10 section.

11 (4) Any committee which fails to file a report of late
12 contributions with the commission as required by this section shall
13 pay to the commission a late filing fee of one hundred dollars for
14 each of the first ten days the report remains not filed in violation
15 of this section. After the tenth day, such committee shall pay, for
16 each day the report remains not filed, an additional late filing fee
17 of one percent of the amount of the late contribution which was
18 required to be reported, not to exceed ten percent of the amount of
19 the late contribution which was required to be reported.

20 (5) For purposes of this section, late contribution means
21 a contribution of ~~one thousand~~ five hundred dollars or more received
22 after the closing date for campaign statements as provided in
23 subdivision (1)(b) of section 49-1459.

24 Sec. 13. Section 49-1459, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 49-1459 (1) Except as provided in subsection (2) of this
2 section, campaign statements as required by the Nebraska Political
3 Accountability and Disclosure Act shall be filed according to the
4 following schedule:

5 (a) A first preelection campaign statement shall be filed
6 not later than the thirtieth day before the election. The closing
7 date for a campaign statement filed under this subdivision shall be
8 the thirty-fifth day before the election;

9 (b) A second preelection campaign statement shall be
10 filed not later than the tenth day before the election. The closing
11 date for a campaign statement filed under this subdivision shall be
12 the fifteenth day before the election; and

13 (c) A postelection campaign statement shall be filed not
14 later than the fortieth day following the primary election and the
15 seventieth day following the general election. The closing date for a
16 ~~postprimary election~~ postelection campaign statement to be filed
17 under this subdivision after the primary election shall be the
18 thirty-fifth day following the election. The closing date for a
19 ~~postgeneral election~~ postelection campaign statement to be filed
20 under this subdivision after the general election shall be December
21 31 of the year in which the election is held. If all liabilities of a
22 candidate and committee are paid before the closing date and
23 additional contributions are not expected, the campaign statement may
24 be filed at any time after the election, but not later than the dates
25 provided under this subdivision.

1 (2) Any committee may file a statement ~~in writing~~ with
2 the commission indicating that the committee does not expect to
3 receive contributions or make expenditures of more than one thousand
4 dollars in the calendar year of an election. Such ~~written~~ statement
5 shall be signed by the committee treasurer or the assistant
6 treasurer, and in the case of a candidate committee, it shall also be
7 signed by the candidate. Such ~~written~~ statement shall be filed on or
8 before the thirtieth day before the election. A committee which files
9 a ~~written~~ statement pursuant to this subsection is not required to
10 file campaign statements according to the schedule prescribed in
11 subsection (1) of this section but shall file a sworn statement of
12 exemption not later than the fortieth day following the primary
13 election and the seventieth day following the general election
14 stating only that the committee did not, in fact, receive or expend
15 an amount in excess of one thousand dollars. If the committee
16 receives contributions or makes expenditures of more than one
17 thousand dollars during the election year, the committee is then
18 subject to all campaign filing requirements under subsection (1) of
19 this section.

20 Sec. 14. Section 49-1461.01, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 49-1461.01 (1) A ballot question committee shall file
23 with the commission a surety bond running in favor of the State of
24 Nebraska with surety by a corporate bonding company authorized to do
25 business in this state and conditioned upon the payment of all fees,

1 penalties, and interest which may be imposed under the Nebraska
2 Political Accountability and Disclosure Act.

3 (2) A bond in the amount of five thousand dollars shall
4 be filed with the commission within thirty days after the committee
5 receives contributions or makes expenditures ~~in excess~~ of one hundred
6 thousand dollars or more in a calendar year, and the amount of the
7 bond shall be increased by five thousand dollars for each additional
8 five hundred thousand dollars received or expended in a calendar
9 year.

10 (3) Proof of any required increase in the amount of the
11 bond shall be filed with the commission within thirty days after each
12 additional five hundred thousand dollars is received or expended. Any
13 failure to pay late filing fees, civil penalties, or interest due
14 under the act shall be recovered from the proceeds of the bond prior
15 to recovery from the treasurer of the committee.

16 (4) Any person violating this section shall be guilty of
17 a Class III misdemeanor.

18 Sec. 15. Section 49-1463, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 49-1463 (1) Any person who fails to file a campaign
21 statement with the commission under sections 49-1459 to 49-1463 shall
22 pay to the commission a late filing fee of twenty-five dollars for
23 each day the campaign statement remains not filed in violation of
24 this section, not to exceed seven hundred fifty dollars. ~~In addition,~~
25 ~~if a candidate who files an affidavit under subdivision (5)(a) of~~

1 ~~section 32-1604 fails to file a campaign statement as required by~~
2 ~~sections 49-1459 to 49-1463 within the prescribed time resulting in~~
3 ~~any abiding candidate not receiving public funds as described in~~
4 ~~subsection (6) of section 32-1604 or resulting in a delay in the~~
5 ~~receipt of such funds, the commission shall assess a civil penalty of~~
6 ~~not less than two thousand dollars and not more than three times (a)~~
7 ~~the amount of public funds the abiding candidate received after the~~
8 ~~delay or (b) the amount of public funds the abiding candidate would~~
9 ~~have received if the campaign statement had been filed within the~~
10 ~~prescribed time.~~

11 (2) Any committee which fails to file a statement of
12 exemption with the commission under subsection (2) of section 49-1459
13 shall pay to the commission a late filing fee of twenty-five dollars
14 for each day the statement of exemption remains not filed in
15 violation of this section, not to exceed two hundred twenty-five
16 dollars.

17 Sec. 16. Section 49-1463.01, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 49-1463.01 (1) A person required to pay a late filing fee
20 imposed under section ~~32-1604, 32-1604.01, 32-1606.01, 49-1449,~~
21 ~~49-1458, 49-1463, 49-1467, 49-1469.08, 49-1478.01, or 49-1479.01~~ may
22 apply to the commission for relief. The commission by order may
23 reduce the amount of a late filing fee imposed and waive any or all
24 of the interest due on the fee upon a showing by such person that (a)
25 the circumstances indicate no intent to file late, (b) the person has

1 not been required to pay late filing fees for two years prior to the
2 time the filing was due, (c) the late filing shows that ~~less than~~
3 five thousand dollars or less was raised, received, or expended
4 during the reporting period, and (d) a reduction of the late fees and
5 waiver of interest would not frustrate the purposes of the Nebraska
6 Political Accountability and Disclosure Act.

7 (2) A person required to pay a late filing fee imposed
8 for failure to file a statement of exemption under subsection (2) of
9 section 49-1459 may apply to the commission for relief. The
10 commission by order may reduce or waive the late filing fee and waive
11 any or all of the interest due on the fee, and the person shall not
12 be required to make a showing as provided by subsection (1) of this
13 section.

14 Sec. 17. Section 49-1464, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 49-1464 The campaign statement of any committee,
17 including a candidate committee, a ballot question committee, or a
18 political party committee, shall be filed with the commission. ~~The~~
19 ~~commission shall make all campaign statements available to the public~~
20 ~~on its web site as soon as practicable. A campaign statement shall be~~
21 ~~available on the web site for the duration of the election period for~~
22 ~~which the statement is filed and for an additional six months~~
23 ~~thereafter.~~

24 Sec. 18. Section 49-1467, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 49-1467 (1) Any person, other than a committee, who makes
2 an independent expenditure advocating the election of a candidate or
3 the defeat of a candidate's opponents or the qualification, passage,
4 or defeat of a ballot question, which is in an amount of ~~more than~~
5 ~~two~~one hundred ~~fifty~~ dollars or more, shall file a report of the
6 independent expenditure, within ten days, with the commission.

7 (2) The report shall be made on an independent
8 expenditure report form provided by the commission and shall include
9 the date of the expenditure, a brief description of the nature of the
10 expenditure, the amount of the expenditure, the name and address of
11 the person to whom it was paid, the name and address of the person
12 filing the report, and the name, address, occupation, employer, and
13 principal place of business of each person who contributed ~~more than~~
14 ~~two~~one hundred ~~fifty~~ dollars or more to the expenditure.

15 ~~(3) The commission shall make all independent expenditure~~
16 ~~reports available to the public on its web site as soon as~~
17 ~~practicable. An independent expenditure report shall be available on~~
18 ~~the web site for the duration of the election period for which the~~
19 ~~report is filed and for an additional six months thereafter.~~

20 ~~(4)~~(3) Any person who fails to file a report of an
21 independent expenditure with the commission shall pay to the
22 commission a late filing fee of twenty-five dollars for each day the
23 statement remains not filed in violation of this section, not to
24 exceed seven hundred fifty dollars.

25 ~~(5)~~(4) Any person who violates this section shall be

1 guilty of a Class IV misdemeanor.

2 Sec. 19. Section 49-1469, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 49-1469 (1) A corporation, labor organization, ~~or~~
5 industry, trade, or professional association, limited liability
6 company, or limited liability partnership, which is organized under
7 the laws of the State of Nebraska or doing business in this state and
8 which is not a committee, may:

9 (a) Make an expenditure;

10 (b) Make a contribution; and

11 (c) Provide personal services.

12 (2) ~~Such a corporation, labor organization, or industry,~~
13 ~~trade, or professional association~~ Any such entity shall not be
14 required to file reports of independent expenditures pursuant to
15 section 49-1467, but if it makes a contribution or expenditure, or
16 provides personal services, with a value of ~~more than two~~ one hundred
17 ~~fifty~~ dollars or more, it shall file a report with the commission
18 within ten days after the end of the calendar month in which the
19 contribution or expenditure is made or the personal services are
20 provided. The report shall include:

21 (a) The nature, date, and value of the contribution or
22 expenditure and the name of the candidate or committee or a
23 description of the ballot question to or for which the contribution
24 or expenditure was made; and

25 (b) A description of any personal services provided, the

1 date the services were provided, and the name of the candidate or
2 committee or a description of the ballot question to or for which the
3 personal services were provided.

4 (3) ~~A corporation, labor organization, or industry,~~
5 ~~trade, or professional association~~ Any entity specified in subsection
6 (1) of this section may not receive contributions unless it
7 establishes and administers a separate segregated political fund
8 which shall be utilized only in the manner set forth in sections
9 49-1469.05 and 49-1469.06.

10 Sec. 20. Section 49-1469.05, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 49-1469.05 (1) ~~A corporation, labor organization, or~~
13 ~~industry, trade, or professional association~~ An entity specified in
14 subsection (1) of section 49-1469 which establishes and administers a
15 separate segregated political fund:

16 (a) Shall not make an expenditure to such fund, except
17 that it may make expenditures and provide personal services for the
18 establishment and administration of such separate segregated
19 political fund; and

20 (b) Shall file the reports required by subsection (2) of
21 section 49-1469 with respect to the expenditures made or personal
22 services provided for the establishment and administration of such
23 fund but need not file such reports for the expenditures made from
24 such fund.

25 (2) If a corporation makes an expenditure to a separate

1 segregated political fund which is established and administered by an
2 industry, trade, or professional association, limited liability
3 company, or limited liability partnership of which such corporation
4 is a member, such corporation shall not be required to file the
5 reports required by subsection (2) of section 49-1469.

6 Sec. 21. Section 49-1469.06, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 49-1469.06 (1) All contributions to and expenditures from
9 a separate segregated political fund shall be limited to money or
10 anything of ascertainable value obtained through the voluntary
11 contributions of the employees, officers, directors, stockholders, or
12 members of the corporation, including a nonprofit corporation, labor
13 organization, ~~or~~ industry, trade, or professional association,
14 limited liability company, or limited liability partnership, and the
15 affiliates thereof, under which such fund was established.

16 (2) No contribution or expenditure shall be received or
17 made from such fund if obtained or made by using or threatening to
18 use job discrimination or financial reprisals.

19 (3) Only expenditures to candidates and committees and
20 independent expenditures may be made from a fund established by a
21 ~~corporation, labor organization, or industry, trade, or professional~~
22 ~~organization.~~ an entity specified in subsection (1) of section
23 49-1469. Such separate segregated political fund may receive and
24 disburse funds for the purpose of supporting or opposing candidates
25 and committees in elections in states other than Nebraska and

1 candidates for federal office and making independent expenditures in
2 such elections if such receipts and disbursements are made in
3 conformity with the solicitation provisions of this section and the
4 ~~corporation, labor organization, or industry, trade, or professional~~
5 ~~association~~ entity which establishes and administers such fund
6 complies with the laws of the jurisdiction in which such receipts or
7 disbursements are made.

8 (4) The expenses for establishment and administration of
9 a separate segregated political fund of a ~~corporation, labor~~
10 ~~organization, or industry, trade, or professional association~~ any
11 such entity may be paid from the separate segregated political fund
12 of such ~~corporation, labor organization, or industry, trade, or~~
13 ~~professional association.~~ entity.

14 Sec. 22. Section 49-1469.07, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 49-1469.07 A separate segregated political fund is hereby
17 declared to be an independent committee and subject to all of the
18 provisions of the Nebraska Political Accountability and Disclosure
19 Act applicable to independent committees, and the ~~corporation, labor~~
20 ~~organization, or industry, trade, or professional association~~ entity
21 which establishes and administers such fund shall make the reports
22 and filings required therefor.

23 Sec. 23. Section 49-1469.08, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 49-1469.08 (1) Any ~~corporation, labor organization, or~~

1 ~~industry, trade, or professional association~~ entity specified in
2 subsection (1) of section 49-1469 which fails to file a report with
3 the commission required by section 49-1469 or 49-1469.07 shall pay to
4 the commission a late filing fee of twenty-five dollars for each day
5 the statement remains not filed in violation of such sections, not to
6 exceed seven hundred fifty dollars.

7 (2) Any person who knowingly violates this section,
8 section 49-1469, 49-1469.05, 49-1469.06, or 49-1469.07 shall be
9 guilty of a Class III misdemeanor.

10 Sec. 24. Section 49-1477, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 49-1477 No person shall receive a contribution from a
13 person other than a committee unless, for purposes of the recipient
14 person's record-keeping and reporting requirements, the contribution
15 is accompanied by the name and address of each person who contributed
16 ~~more than one hundred dollars~~ or more to the contribution. Any person
17 violating the provisions of this section shall be guilty of a Class
18 III misdemeanor.

19 Sec. 25. Section 49-1478.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 49-1478.01 (1) An independent committee, including a
22 separate segregated political fund, which makes a late independent
23 expenditure shall report the expenditure to the commission by filing
24 within two days after the date of the expenditure the committee's
25 full name and street address, the amount of the expenditure, and the

1 date of the expenditure. The report shall include (a) the full name
2 and street address of the recipient of the expenditure, (b) the name
3 and office sought of the candidate whose nomination or election is
4 supported or opposed by the expenditure, and (c) the identification
5 of the ballot question, the qualification, passage, or defeat of
6 which is supported or opposed. Filing of a report of a late
7 independent expenditure may be by any written means of communication,
8 including electronic means approved by the commission, and need not
9 contain an original signature. A late independent expenditure shall
10 be reported on subsequent campaign statements without regard to
11 reports filed pursuant to this section.

12 (2) A committee which fails to file a report of a late
13 independent expenditure with the commission as required by this
14 section shall pay to the commission a late filing fee of one hundred
15 dollars for each of the first ten days the report remains not filed
16 in violation of this section. After the tenth day, such committee
17 shall pay, for each day the report remains not filed, an additional
18 late filing fee of one percent of the amount of the late independent
19 expenditure which was required to be reported, not to exceed ten
20 percent of the amount of the late independent expenditure which was
21 required to be reported.

22 (3) For purposes of this section, late independent
23 expenditure means an independent expenditure as defined in section
24 49-1428 of ~~one thousand~~ five hundred dollars or more made after the
25 closing date for campaign statements as provided in subdivision (1)

1 (b) of section 49-1459.

2 Sec. 26. Section 49-1479.02, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 49-1479.02 (1) A major out-of-state contributor shall
5 file with the commission an out-of-state contribution report. An out-
6 of-state contribution report shall be filed on a form prescribed by
7 the commission within ten days after the end of the calendar month in
8 which a person becomes a major out-of-state contributor. For the
9 remainder of the calendar year, a major out-of-state contributor
10 shall file an out-of-state contribution report with the commission
11 within ten days after the end of each calendar month in which the
12 contributor makes a contribution or expenditure.

13 (2) An out-of-state contribution report shall disclose as
14 to each contribution or expenditure not previously reported (a) the
15 amount, nature, value, and date of the contribution or expenditure,
16 (b) the name and address of the committee, candidate, or person who
17 received the contribution or expenditure, (c) the name and address of
18 the person filing the report, and (d) the name, address, occupation,
19 and employer of each person making a contribution of ~~more than two~~
20 one hundred dollars or more in the calendar year to the person filing
21 the report.

22 (3) This section shall not apply to (a) a person who
23 files a report of a contribution or an expenditure pursuant to
24 subsection (2) of section 49-1469, (b) a person required to file a
25 report or campaign statement pursuant to section 49-1469.07, (c) a

1 committee having a statement of organization on file with the
2 commission, or (d) a person or committee registered with the Federal
3 Election Commission.

4 (4) Any person who fails to file an out-of-state
5 contribution report with the commission as required by this section
6 shall pay to the commission a late filing fee of one hundred dollars
7 for each of the first ten days the report remains not filed in
8 violation of this section. After the tenth day, such person shall
9 pay, for each day the report remains not filed, an additional late
10 filing fee of one percent of the amount of the contributions or
11 expenditures which were required to be reported, not to exceed ten
12 percent of the amount of the contributions or expenditures which were
13 required to be reported.

14 Sec. 27. Section 49-1488.01, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 49-1488.01 (1) Every lobbyist who fails to file a
17 quarterly statement or a statement of activity with the Clerk of the
18 Legislature, pursuant to sections 49-1483 and 49-1488, shall pay to
19 the commission a late filing fee of twenty-five dollars for each day
20 any of such statements are not filed in violation of such sections,
21 but not to exceed seven hundred fifty dollars per statement.

22 (2) A lobbyist required to pay a late filing fee pursuant
23 to subsection (1) of this section may apply to the commission for
24 relief. The commission by order may reduce the amount of the late
25 filing fee imposed upon such lobbyist if he or she shows the

1 commission that (a) the circumstances indicate no intent to file
2 late, (b) the lobbyist has not been required to pay a late filing fee
3 for two years prior to the time the filing of the statement was due,
4 (c) the late filing of the statement shows that ~~less than five~~
5 thousand dollars or less was raised, received, or expended during the
6 reporting period, and (d) a reduction of the late fee would not
7 frustrate the purposes of the Nebraska Political Accountability and
8 Disclosure Act.

9 (3) A lobbyist required to pay a late filing fee pursuant
10 to subsection (1) of this section who qualifies for an exemption to
11 the filing of quarterly statements pursuant to subsection (5) of
12 section 49-1483 may apply to the commission for relief. The
13 commission by order may reduce or waive the late filing fee and the
14 person shall not be required to make a showing as provided by
15 subsection (2) of this section.

16 Sec. 28. Section 49-14,122, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 49-14,122 The commission shall make random field
19 investigations and audits with respect to campaign statements and
20 activity reports filed with the commission under ~~the Campaign Finance~~
21 ~~Limitation Act and the~~ Nebraska Political Accountability and
22 Disclosure Act. ~~Except for audits conducted pursuant to the Campaign~~
23 ~~Finance Limitation Act, any~~ Any audit or investigation conducted of a
24 candidate's campaign statements during a campaign shall include an
25 audit or investigation of the statements of his or her opponent or

1 opponents as well. The commission may also carry out field
2 investigations or audits with respect to any campaign statement,
3 registration, report, or other statement filed under the ~~Nebraska~~
4 ~~Political Accountability and Disclosure Act~~ act if the commission or
5 the executive director deems such investigations or audits necessary
6 to carry out the purposes of the act.

7 Sec. 29. Section 49-14,123, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 49-14,123 In addition to any other duties prescribed by
10 law, the commission shall:

11 (1) ~~Prescribe and publish, after notice and opportunity~~
12 ~~for public comment, Adopt and promulgate~~ rules and regulations to
13 carry out the ~~Campaign Finance Limitation Act~~ and the Nebraska
14 Political Accountability and Disclosure Act pursuant to the
15 Administrative Procedure Act;

16 (2) Prescribe forms for statements and reports required
17 to be filed pursuant to the ~~Campaign Finance Limitation Act~~ and the
18 Nebraska Political Accountability and Disclosure Act and furnish such
19 forms to persons required to file such statements and reports;

20 (3) Prepare and publish one or more manuals explaining
21 the duties of all persons and other entities required to file
22 statements and reports by the ~~acts~~ act and setting forth recommended
23 uniform methods of accounting and reporting for such filings;

24 (4) Accept and file any reasonable amount of information
25 voluntarily supplied that exceeds the requirements of the ~~acts~~; act;

1 (5) Make statements and reports filed with the commission
2 available for public inspection and copying during regular office
3 hours and make copying facilities available at a cost of not more
4 than fifty cents per page;

5 (6) Compile and maintain an index of all reports and
6 statements filed with the commission to facilitate public access to
7 such reports and statements;

8 (7) Prepare and publish summaries of statements and
9 reports filed with the commission and special reports and technical
10 studies to further the purposes of the ~~acts~~; act;

11 (8) Review all statements and reports filed with the
12 commission in order to ascertain whether any person has failed to
13 file a required statement or has filed a deficient statement;

14 (9) Preserve statements and reports filed with the
15 commission for a period of not less than five years from the date of
16 receipt;

17 (10) Issue and publish advisory opinions on the
18 requirements of the ~~acts~~act upon the request of a person or
19 government body directly covered or affected by the ~~acts~~. act. Any
20 such opinion rendered by the commission, until amended or revoked,
21 shall be binding on the commission in any subsequent charges
22 concerning the person or government body who requested the opinion
23 and who acted in reliance on it in good faith unless material facts
24 were omitted or misstated by the person or government body in the
25 request for the opinion;

1 (11) Act as the primary civil enforcement agency for
2 violations of the Nebraska Political Accountability and Disclosure
3 Act and the rules or regulations adopted and promulgated thereunder;
4 ~~and act as the primary civil enforcement agency for violations of the~~
5 ~~Campaign Finance Limitation Act and the rules or regulations~~
6 ~~promulgated thereunder;~~

7 (12) Receive all late filing fees, civil penalties, and
8 interest imposed pursuant to ~~the Campaign Finance Limitation Act or~~
9 the Nebraska Political Accountability and Disclosure Act, ~~seek the~~
10 ~~return of any amount as provided in section 32-1606, and seek the~~
11 ~~repayment of any amount as provided in section 32-1607 and remit all~~
12 such funds to the State Treasurer for credit to the ~~Campaign Finance~~
13 ~~Limitation~~ Nebraska Accountability and Disclosure Commission Cash
14 Fund; and

15 (13) Prepare and distribute to the appropriate local
16 officials statements of financial interest, campaign committee
17 organization forms, filing instructions and forms, and such other
18 forms as the commission may deem appropriate.

19 Sec. 30. Section 49-14,124, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 49-14,124 (1) The commission shall, by way of preliminary
22 investigation, investigate any alleged violation of the Nebraska
23 Political Accountability and Disclosure Act, or any rule or
24 regulation adopted and promulgated thereunder, upon:

25 (a) The receipt of a complaint signed under oath which

1 contains at least a reasonable belief that a violation has occurred;

2 (b) The recommendation of the executive director; or

3 (c) The commission's own motion.

4 ~~(2) The commission shall, by way of preliminary~~
5 ~~investigation, investigate any alleged violation of the Campaign~~
6 ~~Finance Limitation Act, or any rule or regulation promulgated~~
7 ~~thereunder, upon:~~

8 ~~(a) The recommendation of the executive director; or~~

9 ~~(b) The commission's own motion.~~

10 ~~(3)—(2)~~ For purposes of conducting preliminary
11 investigations under either the Campaign Finance Limitation Act or
12 the Nebraska Political Accountability and Disclosure Act, the
13 commission shall have the powers possessed by the courts of this
14 state to issue subpoenas, and the district court shall have
15 jurisdiction to enforce such subpoenas.

16 ~~(4)—(3)~~ The executive director shall notify any person
17 under investigation by the commission of the investigation and of the
18 nature of the alleged violation within five days after the
19 commencement of the investigation.

20 ~~(5)—(4)~~ Within fifteen days after the filing of a sworn
21 complaint by a person alleging a violation, and every thirty days
22 thereafter until the matter is terminated, the executive director
23 shall notify the complainant and the alleged violator of the action
24 taken to date by the commission together with the reasons for such
25 action or for nonaction.

1 ~~(6)~~(5) Each governing body shall cooperate with the
2 commission in the conduct of its investigations.

3 Sec. 31. Section 49-14,124.01, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 49-14,124.01 All commission proceedings and records
6 relating to preliminary investigations shall be confidential until a
7 final determination is made by the commission unless the person
8 alleged to be in violation of the Nebraska Political Accountability
9 and Disclosure Act ~~or the Campaign Finance Limitation Act~~ requests
10 that the proceedings be public. If the commission determines that
11 there was no violation of ~~either the~~ act or any rule or regulation
12 adopted and promulgated under ~~either the~~ act, the records and actions
13 relative to the investigation and determination shall remain
14 confidential unless the alleged violator requests that the records
15 and actions be made public. If the commission determines that there
16 was a violation, the records and actions shall be made public as soon
17 as practicable after the determination is made.

18 Sec. 32. Section 49-14,124.02, Reissue Revised Statutes
19 of Nebraska, is amended to read:

20 49-14,124.02 At any time after the commencement of a
21 preliminary investigation, the commission may refer the matter of a
22 possible criminal violation of ~~the Campaign Finance Limitation Act or~~
23 the Nebraska Political Accountability and Disclosure Act to the
24 Attorney General for consideration of criminal prosecution. The fact
25 of the referral shall not be subject to the confidentiality

1 provisions of section 49-14,124.01. The Attorney General shall
2 determine if a matter referred by the commission will be criminally
3 prosecuted. If the Attorney General determines that a matter will be
4 criminally prosecuted, he or she shall advise the commission in
5 writing of the determination. If the Attorney General determines that
6 a matter will not be criminally prosecuted, he or she shall advise
7 the commission in writing of the determination. The fact of the
8 declination to criminally prosecute shall not be subject to the
9 confidentiality provisions of section 49-14,124.01.

10 Sec. 33. Section 49-14,125, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 49-14,125 (1) If, after a preliminary investigation, it
13 is determined by a majority vote of the commission that there is no
14 probable cause for belief that a person has violated the Nebraska
15 Political Accountability and Disclosure Act ~~or the Campaign Finance~~
16 ~~Limitation Act~~ or any rule or regulation adopted and promulgated
17 thereunder or if the commission determines that there is insufficient
18 evidence to reasonably believe that the person could be found to have
19 violated ~~either~~ the act, the commission shall terminate the
20 investigation and so notify the complainant and the person who had
21 been under investigation.

22 (2) If, after a preliminary investigation, it is
23 determined by a majority vote of the commission that there is
24 probable cause for belief that the Nebraska Political Accountability
25 and Disclosure Act ~~or the Campaign Finance Limitation Act~~ or a rule

1 or regulation adopted and promulgated thereunder has been violated
2 and if the commission determines that there is sufficient evidence to
3 reasonably believe that the person could be found to have violated
4 ~~either the~~ act, the commission shall initiate appropriate proceedings
5 to determine whether there has in fact been a violation. The
6 commission may appoint a hearing officer to preside over the
7 proceedings.

8 (3) All proceedings of the commission pursuant to this
9 section shall be by closed session attended only by those persons
10 necessary to the investigation of the alleged violation, unless the
11 person alleged to be in violation of ~~either the~~ act or any rule or
12 regulation adopted and promulgated thereunder requests an open
13 session.

14 (4) The commission shall have the powers possessed by the
15 courts of this state to issue subpoenas in connection with
16 proceedings under this section, and the district court shall have
17 jurisdiction to enforce such subpoenas.

18 (5) All testimony shall be under oath which shall be
19 administered by a member of the commission, the hearing officer, or
20 any other person authorized by law to administer oaths and
21 affirmations.

22 (6) Any person who appears before the commission shall
23 have all of the due process rights, privileges, and responsibilities
24 of a witness appearing before the courts of this state.

25 (7) All witnesses summoned before the commission shall

1 receive reimbursement as paid in like circumstances in the district
2 court.

3 (8) Any person whose name is mentioned during a
4 proceeding of the commission and who may be adversely affected
5 thereby shall be notified and may appear personally before the
6 commission on that person's own behalf or file a written statement
7 for incorporation into the record of the proceeding.

8 (9) The commission shall cause a record to be made of all
9 proceedings pursuant to this section.

10 (10) At the conclusion of proceedings concerning an
11 alleged violation, the commission shall deliberate on the evidence
12 and determine whether there has been a violation of ~~the Campaign~~
13 ~~Finance Limitation Act or the~~ Nebraska Political Accountability and
14 Disclosure Act.

15 Sec. 34. Section 49-14,126, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 49-14,126 ~~(1)~~The commission, upon finding that there has
18 been a violation of the Nebraska Political Accountability and
19 Disclosure Act or any rule or regulation promulgated thereunder, may
20 issue an order requiring the violator to do one or more of the
21 following:

22 ~~(a)~~(1) Cease and desist from the violation;

23 ~~(b)~~(2) File any report, statement, or other information
24 as required;

25 ~~(c)~~(3) Pay a civil penalty of not more than two thousand

1 dollars for each violation of the act, rule, or regulation; or

2 ~~(d)-(4)~~ Pay the costs of the hearing in a contested case
3 if the violator did not appear at the hearing personally or by
4 counsel.

5 ~~(2) If the commission finds a violation of the Campaign~~
6 ~~Finance Limitation Act, the commission shall assess a civil penalty~~
7 ~~as required under section 32-1604, 32-1606.01, or 32-1612.~~

8 Sec. 35. Section 49-14,129, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 49-14,129 The commission, by order, may suspend or modify
11 any of the reporting requirements of ~~the Campaign Finance Limitation~~
12 ~~Act or the~~ Nebraska Political Accountability and Disclosure Act, in a
13 particular case, for good cause shown, or if it finds that literal
14 application of ~~such acts~~ the act works a manifestly unreasonable
15 hardship and if it also finds that such suspension or modification
16 will not frustrate the purposes of ~~such acts.~~ the act. Any such
17 suspension or modification shall be only to the extent necessary to
18 substantially relieve the hardship. The commission shall suspend or
19 modify any reporting requirements only if it determines that facts
20 exist that are clear and convincing proof of the findings required by
21 this section.

22 Sec. 36. Section 49-14,132, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 49-14,132 Information copied from campaign statements,
25 registration forms, activity reports, statements of financial

1 interest, and other filings required by the Nebraska Political
2 Accountability and Disclosure Act shall not be sold or used by any
3 person for the purpose of soliciting contributions or for commercial
4 purposes, except that (1) the name and address of any political
5 committee, ~~corporation, labor organization, or industry, trade, or~~
6 ~~professional association or entity specified in subsection (1) of~~
7 section 49-1469 may be used for soliciting contributions from such
8 committee, ~~corporation, organization, or association~~ or entity and
9 (2) the use of information copied or otherwise obtained from
10 statements, forms, reports, and other filings required by the act in
11 newspapers, magazines, books, or other similar communications is
12 permissible as long as the principal purpose of using such
13 information is not to communicate any contributor information listed
14 thereon for the purpose of soliciting contributions or for other
15 commercial purposes.

16 Sec. 37. Section 49-14,133, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 49-14,133 The Attorney General has jurisdiction to
19 enforce the criminal provisions of ~~the Campaign Finance Limitation~~
20 ~~Act and the Nebraska Political Accountability and Disclosure Act.~~ The
21 county attorney of the county in which a violation of the ~~Campaign~~
22 ~~Finance Limitation Act or the Nebraska Political Accountability and~~
23 ~~Disclosure Act~~ act occurs shall have concurrent jurisdiction.

24 Sec. 38. Section 49-14,140, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 49-14,140 The Nebraska Accountability and Disclosure
2 Commission Cash Fund is hereby created. The fund shall consist of
3 funds received by the commission pursuant to sections 49-1449.01,
4 49-1470, 49-1480.01, 49-1482, 49-14,123, and 49-14,123.01 and
5 subdivision (1)(d) of section 49-14,126. ~~The fund shall not include~~
6 ~~late filing fees or civil penalties assessed and collected by the~~
7 ~~commission.~~ The fund shall be used by the commission in administering
8 the Nebraska Political Accountability and Disclosure Act. Any money
9 in the Nebraska Accountability and Disclosure Commission Cash Fund
10 available for investment shall be invested by the state investment
11 officer pursuant to the Nebraska Capital Expansion Act and the
12 Nebraska State Funds Investment Act.

13 On the operative date of this section, the State
14 Treasurer shall transfer any money in the Campaign Finance Limitation
15 Cash Fund to the Nebraska Accountability and Disclosure Commission
16 Cash Fund to be used for development, implementation, and maintenance
17 of an electronic filing system for campaign statements and other
18 reports under the Nebraska Political Accountability and Disclosure
19 Act and for making such statements and reports available to the
20 public on the web site of the commission.

21 Sec. 39. Section 49-14,141, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 49-14,141 (1) The commission shall develop, implement,
24 and maintain an electronic filing system for campaign statements and
25 other reports required to be filed with the commission under the

1 Nebraska Political Accountability and Disclosure Act and shall
2 provide for such statements and reports to be made available to the
3 public on its web site as soon as practicable. Beginning January 1,
4 2016, campaign statements and other reports required to be filed with
5 the commission under the act shall be filed electronically. The
6 signature requirements of the act shall be deemed met for purposes of
7 electronic filing if the filer complies with the authentication
8 procedures adopted by the commission.

9 (2) The commission may shall adopt procedures for the
10 digital and electronic filing of any report or statement with the
11 commission as required by the Nebraska Political Accountability and
12 Disclosure Act. act. Any procedures for digital filing shall comply
13 with the provisions of section 86-611. The commission may adopt
14 authentication procedures to be used as a verification process for
15 statements or reports filed digitally or electronically. Compliance
16 with authentication procedures adopted by the commission shall have
17 the same validity as a signature on any report, statement, or
18 verification statement.

19 (3) Except as otherwise provided in section 49-1201 for
20 filings submitted by mail, campaign statements and other reports
21 required to be filed with the commission under the act shall be filed
22 at or before 5 p.m. Central Time on the date due.

23 Sec. 40. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
24 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,
25 30, 31, 32, 33, 34, 35, 36, 37, 39, 41, and 43 of this act become

1 operative on January 1, 2014. The other sections of this act become
2 operative on their effective date.

3 Sec. 41. Original sections 28-915.01, 49-1413, 49-1415,
4 49-1433.01, 49-1445, 49-1446, 49-1446.04, 49-1447, 49-1455, 49-1456,
5 49-1457, 49-1458, 49-1459, 49-1461.01, 49-1463, 49-1463.01, 49-1464,
6 49-1467, 49-1469, 49-1469.05, 49-1469.06, 49-1469.07, 49-1469.08,
7 49-1477, 49-1478.01, 49-1479.02, 49-1488.01, 49-14,122, 49-14,123,
8 49-14,124, 49-14,124.01, 49-14,124.02, 49-14,125, 49-14,129,
9 49-14,132, 49-14,133, and 49-14,141, Reissue Revised Statutes of
10 Nebraska, and section 49-14,126, Revised Statutes Cumulative
11 Supplement, 2012, are repealed.

12 Sec. 42. Original section 49-14,140, Revised Statutes
13 Cumulative Supplement, 2012, is repealed.

14 Sec. 43. The following sections are outright repealed:
15 Sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1605,
16 32-1606, 32-1606.01, 32-1607, 32-1608.01, 32-1608.02, 32-1608.03,
17 32-1609, 32-1610, 32-1611, 32-1612, 32-1613, and 77-27,119.04,
18 Reissue Revised Statutes of Nebraska, and section 32-1608, Revised
19 Statutes Cumulative Supplement, 2012.

20 Sec. 44. Since an emergency exists, this act takes effect
21 when passed and approved according to law.