

AMENDMENTS TO LB 626

(Amendments to Standing Committee amendments, AM972)

Introduced by Lautenbaugh, 18.

1 1. Insert the following new sections:

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

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

9 (a) Occurs in an official proceeding; or

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

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

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

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

1 Accountability and Disclosure Act.

2 Sec. 2. Section 49-1401, Revised Statutes Cumulative
3 Supplement, 2008, is amended to read:

4 49-1401 Sections 49-1401 to 49-14,141 and section 34 of
5 this act shall be known and may be cited as the Nebraska Political
6 Accountability and Disclosure Act.

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

9 49-1415 (1) Contribution shall mean a payment, gift,
10 subscription, assessment, expenditure, contract, payment for
11 services, dues, advance, forbearance, loan, donation, pledge or
12 promise of money or anything of ascertainable monetary value to
13 a person, made for the purpose of influencing the nomination or
14 election of a candidate, or for the qualification, passage, or
15 defeat of a ballot question. An offer or tender of a contribution
16 is not a contribution if expressly and unconditionally rejected or
17 returned.

18 (2) Contribution shall include the purchase of tickets
19 or payment of an attendance fee for events such as dinners,
20 luncheons, rallies, testimonials, and similar fundraising events;
21 an individual's own money or property other than the individual's
22 homestead used on behalf of that individual's candidacy; and the
23 granting of discounts or rebates by broadcast media and newspapers
24 not extended on an equal basis to all candidates for the same
25 office.

26 (3) Contribution shall not include:

27 (a) Volunteer personal services provided without

1 compensation, or payments of costs incurred of less than ~~two~~
2 ~~hundred~~ fifty dollars in a calendar year by an individual for
3 personal travel expenses if the costs are voluntarily incurred
4 without any understanding or agreement that the costs shall be,
5 directly or indirectly, repaid;

6 (b) Amounts received pursuant to a pledge or promise
7 to the extent that the amounts were previously reported as a
8 contribution; or

9 (c) Food and beverages, not to exceed fifty dollars in
10 value during a calendar year, which are donated by an individual
11 and for which reimbursement is not given.

12 Sec. 4. Section 49-1446, Revised Statutes Cumulative
13 Supplement, 2008, is amended to read:

14 49-1446 (1) Each committee shall have a treasurer who is
15 a qualified elector of this state. A candidate may appoint himself
16 or herself as the candidate committee treasurer.

17 (2) ~~Except for funds received as provided in the Campaign~~
18 ~~Finance Limitation Act,~~ each Each committee shall designate one
19 account in a financial institution in this state as an official
20 depository for the purpose of depositing all contributions which it
21 receives in the form of or which are converted to money, checks,
22 or other negotiable instruments and for the purpose of making all
23 expenditures. Secondary depositories shall be used for the sole
24 purpose of depositing contributions and promptly transferring the
25 deposits to the committee's official depository.

26 (3) No contribution shall be accepted and no expenditure
27 shall be made by a committee which has not filed a statement

1 of organization and which does not have a treasurer. When the
2 office of treasurer in a candidate committee is vacant, the
3 candidate shall be the treasurer until the candidate appoints a new
4 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
13 any campaign statement required to be filed by the committee
14 and shall be reported to the committee treasurer immediately
15 if the contribution is received less than five days before the
16 closing date. Beginning January 1, 2010, all contributions shall
17 be reported to the committee's treasurer on or before the fifth
18 business day after receipt.

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

24 (7) Contributions received by a committee shall not be
25 commingled with any funds of an agent of the committee or of
26 any other person except for funds received or disbursed by a
27 separate segregated political fund for the purpose of supporting

1 or opposing candidates and committees in elections in states other
2 than Nebraska and candidates for federal office, as provided in
3 section 49-1469.06, including independent expenditures made in such
4 elections.

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

7 Sec. 5. Section 49-1446.04, Revised Statutes Cumulative
8 Supplement, 2008, is amended to read:

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

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

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

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

1 civil penalty of not less than two hundred fifty dollars and not
2 more 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
7 5, of the Constitution of Nebraska.

8 Sec. 6. Section 49-1447, Revised Statutes Cumulative
9 Supplement, 2008, is amended to read:

10 49-1447 (1) The committee treasurer shall keep detailed
11 accounts, records, bills, and receipts necessary to substantiate
12 the information contained in a statement or report filed pursuant
13 to sections 49-1445 to 49-1479.02 or rules and regulations adopted
14 and 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
22 such filings.

23 (b) For candidate committees, the candidate shall be
24 responsible for filing all statements and reports required to
25 be filed by his or her candidate committee under the ~~Nebraska~~
26 ~~Political Accountability and Disclosure Act or the Campaign Finance~~
27 ~~Limitation Act.~~ act. The candidate shall be personally liable for

1 any late filing fees, civil penalties, and interest that may be due
2 under either act as a result of a failure to make such filings
3 and may use funds of the candidate committee to pay such fees,
4 penalties, and interest.

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

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

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

14 Sec. 7. Section 49-1455, Revised Statutes Cumulative
15 Supplement, 2008, is amended to read:

16 49-1455 (1) The campaign statement of a committee, other
17 than a political party committee, shall contain the following
18 information:

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

22 (b) Under the heading RECEIPTS, the total amount of
23 contributions received during the period covered by the campaign
24 statement; under the heading EXPENDITURES, the total amount of
25 expenditures made during the period covered by the campaign
26 statement; and the cumulative amount of those totals for the
27 election period. If a loan was repaid during the period covered

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

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

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

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

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

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

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

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

21 (2) For purposes of this section, election period means
22 ~~(a) the period beginning January 1 of the calendar year prior~~
23 ~~to the year of the election in which the candidate is seeking~~
24 ~~office through the end of the calendar year of such election for~~
25 ~~candidate committees of candidates seeking covered elective offices~~
26 ~~as defined in subdivision (1)(a) of section 32-1603, (b) the period~~
27 ~~beginning July 1 of the calendar year prior to the year of the~~

1 election in which the candidate is seeking office through the end
2 of the calendar year of such election for candidate committees
3 of candidates seeking covered elective offices so defined in
4 subdivision (1)(b) of section 32-1603, and (e) the calendar year of
5 the election. for all other committees.

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

12 Sec. 8. Section 49-1456, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 49-1456 (1) Any income received by a committee on an
15 account consisting of funds or property belonging to the committee
16 shall not be considered a contribution to the committee but shall
17 be reported as income. Any interest paid by a committee shall be
18 reported as an expenditure.

19 (2) A loan made or received shall be set forth in a
20 separate schedule providing the date and amount of the loan and, if
21 the loan is repaid, the date and manner of repayment. The committee
22 shall provide the name and address of the lender and any person
23 who is liable directly, indirectly, or contingently on each loan of
24 more than ~~two~~ hundred fifty dollars.

25 Sec. 9. Section 49-1457, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 49-1457 (1) The campaign statement filed by a political

1 party committee shall contain the following information:

2 (a) The full name and street address of each person from
3 whom contributions totaling more than ~~two hundred~~ fifty dollars
4 in value are received in a calendar year, the amount, and the
5 date or dates contributed; and if the person is a committee, the
6 name and address of the committee and the full name and street
7 address of the committee treasurer, together with the amount of the
8 contribution and the date received;

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

17 (c) The total expenditure by the committee for each
18 candidate for elective office or ballot question in whose behalf an
19 independent expenditure was made or a contribution was given for
20 the election; and

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

24 (2) A contribution to a candidate or ballot question
25 committee listed under subdivision (1)(b) of this section shall
26 note the name and address of the committee, the name of the
27 candidate and the office sought, if any, the amount contributed,

1 and the date of the contribution.

2 (3) An independent expenditure listed under subdivision
3 (1)(b) of this section shall note the name of the candidate for
4 whose benefit the expenditure was made and the office sought by
5 the candidate, or a brief description of the ballot question for
6 which the expenditure was made, the amount, date, and purpose of
7 the expenditure, and the full name and address of the person to
8 whom the expenditure was made.

9 (4) An expenditure listed which was made in support of
10 more than one candidate or ballot question, or both, shall be
11 apportioned reasonably among the candidates or ballot questions, or
12 both.

13 Sec. 10. Section 49-1458, Revised Statutes Cumulative
14 Supplement, 2008, is amended to read:

15 49-1458 (1) A committee which receives a late
16 contribution shall report the contribution to the commission by
17 filing a report within two days after the date of its receipt.
18 The report may be filed by hand delivery, facsimile transmission,
19 telegraph, express delivery service, or any other written means
20 of communication, including electronic means approved by the
21 commission, and need not contain an original signature.

22 (2) The report shall include the full name, street
23 address, occupation, employer, and principal place of business of
24 the contributor, the amount of the contribution, and the date of
25 receipt.

26 (3) A late contribution shall be reported on subsequent
27 campaign statements without regard to reports filed pursuant to

1 this section.

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

12 (5) For purposes of this section, late contribution means
13 a contribution of ~~one thousand~~ fifty dollars or more received after
14 the closing date for campaign statements as provided in subdivision
15 (1) (b) of section 49-1459.

16 Sec. 11. Section 49-1459, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 49-1459 (1) Except as provided in subsection (2) or
19 (3) of this section, campaign statements as required by the
20 Nebraska Political Accountability and Disclosure Act shall be filed
21 according to the following schedule:

22 (a) A first preelection campaign statement shall be filed
23 not later than the thirtieth day before the election. The closing
24 date for a campaign statement filed under this subdivision shall be
25 the thirty-fifth day before the election;

26 (b) A second preelection campaign statement shall be
27 filed not later than the tenth day before the election. The closing

1 date for a campaign statement filed under this subdivision shall be
2 the fifteenth day before the election; and

3 (c) A postelection campaign statement shall be filed not
4 later than the fortieth day following the primary election and
5 the seventieth day following the general election. The closing
6 date for a postprimary election campaign statement filed under
7 this subdivision shall be the thirty-fifth day following the
8 election. The closing date for a ~~postgeneral election~~ postelection
9 campaign statement to be filed after the general election under
10 this subdivision shall be December 31 of the year in which the
11 election is held. If all liabilities of a candidate and committee
12 are paid before the closing date and additional contributions are
13 not expected, the campaign statement may be filed at any time after
14 the election, but not later than the dates provided under this
15 subdivision.

16 (2) Any committee may file a statement in writing with
17 the commission indicating that the committee does not expect
18 to receive contributions or make expenditures of more than one
19 thousand dollars in the calendar year of an election. Such written
20 statement shall be signed by the committee treasurer or the
21 assistant treasurer, and in the case of a candidate committee,
22 it shall also be signed by the candidate. Such written statement
23 shall be filed on or before the thirtieth day before the election.
24 A committee which files a written statement pursuant to this
25 subsection is not required to file campaign statements according to
26 the schedule prescribed in subsection (1) of this section but shall
27 file a sworn statement of exemption not later than the fortieth day

1 following the primary election and the seventieth day following the
2 general election stating only that the committee did not, in fact,
3 receive or expend an amount in excess of one thousand dollars.
4 If the committee receives contributions or makes expenditures of
5 more than one thousand dollars during the election year, the
6 committee is then subject to all campaign filing requirements under
7 subsection (1) of this section.

8 (3) Beginning January 1, 2010, campaign statements may
9 be filed according to the schedule in subsection (1) of this
10 section or electronically within five business days after receipt
11 of a contribution or making an expenditure. Beginning January 1,
12 2012, campaign statements shall be filed electronically within
13 five business days after receipt of a contribution or making an
14 expenditure.

15 (4) This section terminates on January 1, 2012.

16 Sec. 12. Section 49-1461, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 49-1461 ~~In~~ (1) Except as otherwise provided in subsection
19 (2) of this section, in addition to the campaign statements
20 required to be filed pursuant to sections 49-1459 and 49-1462,
21 a ballot question committee shall file a campaign statement as
22 required by the Nebraska Political Accountability and Disclosure
23 Act according to the following schedule:

24 ~~(1)~~ (a) The first campaign statement shall be filed not
25 later than the last day of the calendar month in which the petition
26 form is filed with the Secretary of State pursuant to section
27 32-1405. The closing date for the campaign statement shall be five

1 days before the deadline for filing the first campaign statement;

2 ~~(2)~~ (b) Additional campaign statements shall be filed
3 on the last day of each calendar month thereafter except for the
4 calendar month during which the signed petitions must be filed with
5 the Secretary of State as provided in section 32-1407. The closing
6 date for such campaign statements shall be five days before the
7 deadline for filing the statement; and

8 ~~(3)~~ (c) A final campaign statement shall be filed not
9 later than thirty days after the deadline for filing petitions with
10 the Secretary of State as provided in section 32-1407. The closing
11 date for the campaign statement shall be twenty-five days after the
12 deadline for filing such petitions.

13 (2) Beginning January 1, 2010, campaign statements may
14 be filed according to the schedule in subsection (1) of this
15 section or electronically the next business day after receipt of a
16 contribution or making an expenditure. Beginning January 1, 2012,
17 campaign statements shall be filed electronically the next business
18 day after receipt of a contribution or making an expenditure.

19 (3) The campaign statements required to be filed pursuant
20 to this section shall be filed whether or not petitions have or
21 will be filed with the Secretary of State. Any person who fails
22 to file a campaign statement with the commission pursuant to this
23 section shall be subject to late filing fees as provided in section
24 49-1463.

25 Sec. 13. Section 49-1463, Revised Statutes Cumulative
26 Supplement, 2008, is amended to read:

27 49-1463 (1) Any person who fails to file a campaign

1 statement with the commission under sections 49-1459 to 49-1463
2 shall pay to the commission a late filing fee of twenty-five
3 dollars for each day the campaign statement remains not filed
4 in violation of this section, not to exceed seven hundred fifty
5 dollars. In addition, if a candidate who files an affidavit under
6 subdivision (5)(a) of section 32-1604 fails to file a campaign
7 statement as required by sections 49-1459 to 49-1463 within the
8 prescribed time resulting in any abiding candidate not receiving
9 public funds as described in subsection (6) of section 32-1604 or
10 resulting in a delay in the receipt of such funds, the commission
11 shall assess a civil penalty of not less than two thousand dollars
12 and not more than three times (a) the amount of public funds
13 the abiding candidate received after the delay or (b) the amount
14 of public funds the abiding candidate would have received if the
15 campaign statement had been filed within the prescribed time.

16 (2) Any committee which fails to file a statement of
17 exemption with the commission under subsection (2) of section
18 49-1459 shall pay to the commission a late filing fee of
19 twenty-five dollars for each day the statement of exemption remains
20 not filed in violation of this section, not to exceed two hundred
21 twenty-five dollars.

22 Sec. 14. Section 49-1463.01, Revised Statutes Cumulative
23 Supplement, 2008, is amended to read:

24 49-1463.01 (1) A person required to pay a late filing
25 fee imposed under section 32-1604, 32-1604.01, 32-1606.01, 49-1449,
26 49-1458, 49-1463, 49-1467, 49-1469.08, 49-1478.01, or 49-1479.01
27 may apply to the commission for relief. The commission by order may

1 reduce the amount of a late filing fee imposed and waive any or
2 all of the interest due on the fee upon a showing by such person
3 that (a) the circumstances indicate no intent to file late, (b)
4 the person has not been required to pay late filing fees for two
5 years prior to the time the filing was due, (c) the late filing
6 shows that less than five thousand dollars was raised, received, or
7 expended during the reporting period, and (d) a reduction of the
8 late fees and waiver of interest would not frustrate the purposes
9 of the Nebraska Political Accountability and Disclosure Act.

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

17 Sec. 15. Section 49-1465, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 49-1465 (1) A campaign statement filed by a committee
20 shall:

21 (a) Be signed by the committee treasurer; and

22 (b) Contain a verification statement which states that
23 the treasurer used all reasonable diligence in its preparation,
24 that to the treasurer's knowledge it is true and complete, and if
25 the committee is a candidate committee, that to the best of the
26 candidate's knowledge the statement is true and complete.

27 (2) The verification statement shall be signed by the

1 treasurer and, in the case of a candidate committee, by the
2 candidate.

3 (3) The verification statement shall be required to
4 perfect the filing of the campaign statement. A campaign statement
5 shall cover the period beginning the day after the closing date
6 of the last campaign statement and end on the closing date as
7 specified in the Nebraska Political Accountability and Disclosure
8 Act.

9 (4) The signature requirements of this section shall be
10 deemed met for purposes of electronic filing if the filer complies
11 with the authentication procedures adopted by the commission.

12 Sec. 16. Section 49-1467, Revised Statutes Cumulative
13 Supplement, 2008, is amended to read:

14 49-1467 (1) Any person, other than a committee, who makes
15 an independent expenditure advocating the election of a candidate
16 or the defeat of a candidate's opponents or the qualification,
17 passage, or defeat of a ballot question, which is in an amount
18 of more than ~~two~~ hundred fifty dollars, shall file a report of
19 the independent expenditure, ~~within ten days,~~ with the commission.
20 The report shall be filed within ten days until January 1, 2010.
21 Beginning January 1, 2010, the report may be filed within ten
22 days or electronically the next business day after the independent
23 expenditure. Beginning January 1, 2012, the report shall be filed
24 electronically the next business after the independent expenditure.

25 (2) The report shall be made on an independent
26 expenditure report form provided by the commission and shall
27 include the date of the expenditure, a brief description of the

1 nature of the expenditure, the amount of the expenditure, the name
2 and address of the person to whom it was paid, the name and address
3 of the person filing the report, and the name, address, occupation,
4 employer, and principal place of business of each person who
5 contributed more than ~~two hundred~~ fifty dollars to the expenditure.

6 (3) The commission shall make all independent expenditure
7 reports available to the public on its web site as soon as
8 practicable. An independent expenditure report shall be available
9 on the web site for the duration of the election period for which
10 the report is filed and for an additional six months thereafter.

11 (4) Any person who fails to file a report of an
12 independent expenditure with the commission shall pay to the
13 commission a late filing fee of twenty-five dollars for each day
14 the statement remains not filed in violation of this section not to
15 exceed seven hundred fifty dollars.

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

18 Sec. 17. Section 49-1469, Revised Statutes Cumulative
19 Supplement, 2008, is amended to read:

20 49-1469 (1) A corporation, labor organization, or
21 industry, trade, or professional association, which is organized
22 under the laws of the State of Nebraska or doing business in this
23 state and which is not a committee, may:

- 24 (a) Make an expenditure;
25 (b) Make a contribution; and
26 (c) Provide personal services.

27 (2) Such a corporation, labor organization, or industry,

1 trade, or professional association shall not be required to file
2 reports of independent expenditures pursuant to section 49-1467,
3 but if it makes a contribution or expenditure, or provides personal
4 services, with a value of more than ~~two hundred~~ fifty dollars,
5 it shall file a report with the commission. Until January 1,
6 2010, the report shall be filed within ten days after the end
7 of the calendar month in which the contribution or expenditure
8 is made or the personal services are provided. Beginning January
9 1, 2010, the report may be filed within such ten-day period or
10 electronically the next business day after making the contribution
11 or expenditure or providing personal services. Beginning January 1,
12 2012, the report shall be filed electronically the next business
13 day after making the contribution or expenditure or providing
14 personal services. The report shall include:

15 (a) The nature, date, and value of the contribution
16 or expenditure and the name of the candidate or committee or a
17 description of the ballot question to or for which the contribution
18 or expenditure was made; and

19 (b) A description of any personal services provided, the
20 date the services were provided, and the name of the candidate or
21 committee or a description of the ballot question to or for which
22 the personal services were provided.

23 (3) A corporation, labor organization, or industry,
24 trade, or professional association may not receive contributions
25 unless it establishes and administers a separate segregated
26 political fund which shall be utilized only in the manner set forth
27 in sections 49-1469.05 and 49-1469.06.

1 Sec. 18. Section 49-1470, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 49-1470 (1) Campaign statements shall be open for public
4 inspection and reproduction, commencing as soon as practicable,
5 but not later than the fifth business day following the day on
6 which they were received, during regular business hours. Beginning
7 January 1, 2012, the commission shall make campaign statements
8 available on its web site on or before the next business day after
9 receipt by the commission.

10 (2) Copies of statements or parts of statements shall be
11 provided by the officials with whom they are filed at a cost of not
12 to exceed fifty cents per page.

13 (3) Campaign statements shall be preserved for a period
14 of not less than eighteen months by the officials other than the
15 commission with whom they are filed, and not less than five years
16 by the commission.

17 (4) No fee or charge shall be collected by any official
18 for the filing of any campaign statement, or for the forms upon
19 which statements are to be prepared, except as otherwise provided
20 by law.

21 Sec. 19. Section 49-1478, Revised Statutes Cumulative
22 Supplement, 2008, is amended to read:

23 49-1478 (1) An expenditure shall not be made, other than
24 for overhead or normal operating expenses, by an agent or an
25 independent contractor, including an advertising agency, on behalf
26 of or for the benefit of a person unless the expenditure is
27 reported by the committee as if the expenditure were made directly

1 by the committee, or unless the agent or independent contractor
2 files an agent's expenditure report as provided in subsection (3)
3 of this section. The agent or independent contractor shall make
4 known to the committee all information required to be reported by
5 the committee. Any person violating this subsection shall be guilty
6 of a Class III misdemeanor.

7 (2) An expenditure shall not be made, other than for
8 overhead or normal operating expenses, by a person gathering
9 petition signatures on behalf of or for the benefit of a person,
10 including a ballot question committee, unless the expenditure is
11 reported by the ballot question committee as if the expenditure
12 were made directly by the committee, or unless the person gathering
13 petition signatures files an agent's expenditure report as provided
14 in subsection (3) of this section. The person gathering petition
15 signatures shall make known to the committee all information
16 required to be reported by the committee. For purposes of this
17 section, petition signature means a signature affixed to a petition
18 for the purpose of qualifying a ballot question to appear on a
19 ballot. Any person violating this subsection shall be guilty of a
20 Class III misdemeanor.

21 (3) A person gathering petition signatures, an agent, or
22 an independent contractor who is required to file an agent's report
23 shall file a separate agent's report for each person on whose
24 behalf an expenditure is made. ~~An~~ Until January 1, 2010, an agent's
25 report shall be filed with the commission within ten days after
26 the end of the calendar month in which the expenditure is made.
27 Beginning January 1, 2010, the report may be filed within such

1 ten-day period or electronically on the next business day after the
2 expenditure is made. Beginning January 1, 2012, the report shall be
3 filed electronically on the next business day after the expenditure
4 is made. An agent's report shall include:

5 (a) The name, permanent address, temporary address,
6 permanent telephone number, and temporary telephone number of the
7 person making expenditures for the purpose of gathering signatures,
8 the agent, or the independent contractor;

9 (b) The name, address, and telephone number of the person
10 on whose behalf the expenditure is made;

11 (c) The name, permanent address, and temporary address
12 of the person to whom the expenditure is made, except that if
13 the expenditure is solely for the services of an individual
14 circulating petitions, such individual's name and address shall not
15 be included;

16 (d) The date and amount of each expenditure; and

17 (e) A description of the goods or services purchased and
18 the purpose of the goods or services.

19 (4) A person required to report under subsection (3) of
20 this section shall include in the report the total amount paid
21 to individual petition circulators during the reporting period but
22 shall not include the name, address, or telephone number of any
23 individual petition circulator if the only payment made to such
24 individual was for services as a petition circulator.

25 Sec. 20. Section 49-1478.01, Revised Statutes Cumulative
26 Supplement, 2008, is amended to read:

27 49-1478.01 (1) ~~An~~ Until January 1, 2012, an independent

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

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

27 (3) For purposes of this section, late independent

1 expenditure means an independent expenditure as defined in section
2 49-1428 of ~~one thousand~~ fifty dollars or more made after the
3 closing date for campaign statements as provided in subdivision
4 (1) (b) of section 49-1459.

5 (4) This section terminates on January 1, 2012.

6 Sec. 21. Section 49-1479.01, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 49-1479.01 (1) Any contribution by a person made on
9 behalf of or to a candidate or committee, including contributions
10 which are in any way earmarked or otherwise directed to the
11 candidate or committee through an intermediary or agent, shall be
12 considered to be a contribution from the person to the candidate or
13 committee.

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

20 (3) Any intermediary or agent, other than a committee,
21 which receives an earmarked contribution shall forward the
22 earmarked contribution to the recipient candidate or committee
23 within ten days after receipt of such contribution.

24 (4) ~~An~~ Until January 1, 2010, an intermediary or
25 agent which is not a committee shall file a report of the
26 earmarked contribution with the commission within ten days after
27 receipt of the contribution. Beginning January 1, 2010, the

1 report may be filed within such ten-day period or may be filed
2 electronically on the next business day after receipt of the
3 earmarked contribution. Beginning January 1, 2012, the report shall
4 be filed electronically on the next business day after receipt
5 of the earmarked contribution. Until January 1, 2010, any ~~Any~~
6 committee which is an intermediary or agent shall file a report
7 of the earmarked contribution with the commission by the date
8 the next campaign statement is required to be filed. Beginning
9 January 1, 2010, the report may be filed by such date or may be
10 filed electronically on the next business day after receipt of
11 the earmarked contribution. Beginning January 1, 2012, the report
12 shall be filed electronically on the next business day after
13 receipt of the earmarked contribution. The report of the earmarked
14 contribution filed pursuant to this section shall be on a form
15 prescribed by the commission.

16 (5) Any intermediary or agent making an earmarked
17 contribution shall disclose to the recipient of the earmarked
18 contribution the name and address of the intermediary or agent and
19 the actual source of the contribution by providing the recipient
20 with a copy of the report of the earmarked contribution at the time
21 that the earmarked contribution is made.

22 (6) Any person or committee which fails to file a report
23 of an earmarked contribution with the commission as required by
24 this section shall pay to the commission a late filing fee of
25 twenty-five dollars for each day the statement remains not filed
26 in violation of this section not to exceed seven hundred fifty
27 dollars.

1 (7) Any person who knowingly violates this section shall
2 be guilty of a Class III misdemeanor.

3 Sec. 22. Section 49-1479.02, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

5 49-1479.02 (1) A major out-of-state contributor shall
6 file with the commission an out-of-state contribution report.
7 An out-of-state contribution report shall be filed on a form
8 prescribed by the commission. Until January 1, 2010, the report
9 shall be filed within ten days after the end of the calendar month
10 in which a person becomes a major out-of-state contributor, and
11 for ~~For~~ the remainder of the calendar year, a major out-of-state
12 contributor shall file an out-of-state contribution report with
13 the commission within ten days after the end of each calendar
14 month in which the contributor makes a contribution or expenditure.
15 Beginning January 1, 2010, a major out-of-state contributor may
16 file such reports as described or may file electronically the next
17 business day after becoming a major out-of-state contributor and
18 the next business day after making any subsequent contribution
19 or expenditure. Beginning January 1, 2012, a major out-of-state
20 contributor shall file the reports electronically the next business
21 day after becoming a major out-of-state contributor and the
22 next business day after making any subsequent contribution or
23 expenditure.

24 (2) An out-of-state contribution report shall disclose as
25 to each contribution or expenditure not previously reported (a) the
26 amount, nature, value, and date of the contribution or expenditure,
27 (b) the name and address of the committee, candidate, or person

1 who received the contribution or expenditure, (c) the name and
2 address of the person filing the report, and (d) the name, address,
3 occupation, and employer of each person making a contribution of
4 more than ~~two hundred~~ fifty dollars in the calendar year to the
5 person filing the report.

6 (3) This section shall not apply to (a) a person who
7 files a report of a contribution or an expenditure pursuant to
8 subsection (2) of section 49-1469, (b) a person required to file
9 a report or campaign statement pursuant to section 49-1469.07,
10 (c) a committee having a statement of organization on file with
11 the commission, or (d) a person or committee registered with the
12 Federal Election Commission.

13 (4) Any person who fails to file an out-of-state
14 contribution report with the commission as required by this section
15 shall pay to the commission a late filing fee of one hundred
16 dollars for each of the first ten days the report remains not filed
17 in violation of this section. After the tenth day, such person
18 shall pay, for each day the report remains not filed, an additional
19 late filing fee of one percent of the amount of the contributions
20 or expenditures which were required to be reported, not to exceed
21 ten percent of the amount of the contributions or expenditures
22 which were required to be reported.

23 Sec. 23. Section 49-14,122, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 49-14,122 The commission shall make random field
26 investigations and audits with respect to campaign statements and
27 activity reports filed with the commission under ~~the Campaign~~

1 ~~Finance Limitation Act~~ and the Nebraska Political Accountability
2 and Disclosure Act. ~~Except for audits conducted pursuant to the~~
3 ~~Campaign Finance Limitation Act,~~ any Any audit or investigation
4 conducted of a candidate's campaign statements during a campaign
5 shall include an audit or investigation of the statements of his or
6 her opponent or opponents as well. The commission may also carry
7 out field investigations or audits with respect to any campaign
8 statement, registration, report, or other statement filed under the
9 ~~Nebraska Political Accountability and Disclosure Act~~ act if the
10 commission or the executive director deems such investigations or
11 audits necessary to carry out the purposes of the act.

12 Sec. 24. Section 49-14,123, Revised Statutes Cumulative
13 Supplement, 2008, is amended to read:

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

16 (1) Prescribe and publish, after notice and opportunity
17 for public comment, rules and regulations to carry out ~~the Campaign~~
18 ~~Finance Limitation Act~~ and the Nebraska Political Accountability
19 and Disclosure Act pursuant to the Administrative Procedure Act;

20 (2) Prescribe forms for statements and reports required
21 to be filed pursuant to ~~the Campaign Finance Limitation Act~~ and the
22 Nebraska Political Accountability and Disclosure Act and furnish
23 such forms to persons required to file such statements and reports;

24 (3) Prepare and publish one or more manuals explaining
25 the duties of all persons and other entities required to
26 file statements and reports by the ~~acts~~ act and setting forth
27 recommended uniform methods of accounting and reporting for such

1 filings;

2 (4) Accept and file any reasonable amount of information
3 voluntarily supplied that exceeds the requirements of the ~~aets~~
4 act;

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

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

12 (7) Prepare and publish summaries of statements and
13 reports filed with the commission and special reports and technical
14 studies to further the purposes of the ~~aets~~ act;

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

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

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

1 were omitted or misstated by the person or government body in the
2 request for the opinion;

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

9 (12) Receive all late filing fees, civil penalties, and
10 interest imposed pursuant to the ~~Campaign Finance Limitation Act~~
11 ~~or the Nebraska Political Accountability and Disclosure Act,~~ seek
12 the return of any amount as provided in section 32-1606, and seek
13 the repayment of any amount as provided in section 32-1607 act
14 and remit all such funds to the State Treasurer for ~~credit to the~~
15 ~~Campaign Finance Limitation Cash Fund,~~ distribution in accordance
16 with Article VII, section 5, of the Constitution of Nebraska; and

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

21 Sec. 25. Section 49-14,124, Revised Statutes Cumulative
22 Supplement, 2008, is amended to read:

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

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

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

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

4 (c) The commission's own motion.

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

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

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

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

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

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

27 ~~(6) (5) Each governing body shall cooperate with the~~

1 commission in the conduct of its investigations.

2 Sec. 26. Section 49-14,124.01, Revised Statutes
3 Cumulative Supplement, 2008, is amended to read:

4 49-14,124.01 All commission proceedings and records
5 relating to preliminary investigations shall be confidential until
6 a final determination is made by the commission unless the person
7 alleged to be in violation of the Nebraska Political Accountability
8 and Disclosure Act ~~or the Campaign Finance Limitation Act~~ requests
9 that the proceedings be public. If the commission determines that
10 there was no violation of ~~either~~ the act or any rule or regulation
11 adopted and promulgated under ~~either~~ the act, the records and
12 actions relative to the investigation and determination shall
13 remain confidential unless the alleged violator requests that the
14 records and actions be made public. If the commission determines
15 that there was a violation, the records and actions shall be made
16 public as soon as practicable after the determination is made.

17 Sec. 27. Section 49-14,124.02, Revised Statutes
18 Cumulative Supplement, 2008, is amended to read:

19 49-14,124.02 At any time after the commencement of a
20 preliminary investigation, the commission may refer the matter of
21 a possible criminal violation of ~~the Campaign Finance Limitation~~
22 ~~Act or~~ the Nebraska Political Accountability and Disclosure Act to
23 the Attorney General for consideration of criminal prosecution. The
24 fact of the referral shall not be subject to the confidentiality
25 provisions of section 49-14,124.01. The Attorney General shall
26 determine if a matter referred by the commission will be criminally
27 prosecuted. If the Attorney General determines that a matter will

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

7 Sec. 28. Section 49-14,125, Revised Statutes Cumulative
8 Supplement, 2008, is amended to read:

9 49-14,125 (1) If, after a preliminary investigation, it
10 is determined by a majority vote of the commission that there
11 is no probable cause for belief that a person has violated
12 the Nebraska Political Accountability and Disclosure Act ~~or the~~
13 ~~Campaign Finance Limitation Act~~ or any rule or regulation adopted
14 and promulgated thereunder or if the commission determines that
15 there is insufficient evidence to reasonably believe that the
16 person could be found to have violated ~~either~~ the act, the
17 commission shall terminate the investigation and so notify the
18 complainant and the person who had been under investigation.

19 (2) If, after a preliminary investigation, it is
20 determined by a majority vote of the commission that there
21 is probable cause for belief that the Nebraska Political
22 Accountability and Disclosure Act ~~or the Campaign Finance~~
23 ~~Limitation Act~~ or a rule or regulation adopted and promulgated
24 thereunder has been violated and if the commission determines that
25 there is sufficient evidence to reasonably believe that the person
26 could be found to have violated ~~either~~ the act, the commission
27 shall initiate appropriate proceedings to determine whether there

1 has in fact been a violation. The commission may appoint a hearing
2 officer to preside over the proceedings.

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

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

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

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

21 (7) All witnesses summoned before the commission shall
22 receive reimbursement as paid in like circumstances in the district
23 court.

24 (8) Any person whose name is mentioned during a
25 proceeding of the commission and who may be adversely affected
26 thereby shall be notified and may appear personally before the
27 commission on that person's own behalf or file a written statement

1 for incorporation into the record of the proceeding.

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

4 (10) At the conclusion of proceedings concerning an
5 alleged violation, the commission shall deliberate on the evidence
6 and determine whether there has been a violation of the ~~Campaign~~
7 ~~Finance Limitation Act or the Nebraska Political Accountability and~~
8 ~~Disclosure Act, act.~~

9 Sec. 29. Section 49-14,126, Revised Statutes Cumulative
10 Supplement, 2008, is amended to read:

11 49-14,126 ~~(1)~~ The commission, upon finding that there
12 has been a violation of the Nebraska Political Accountability and
13 Disclosure Act or any rule or regulation promulgated thereunder,
14 may issue an order requiring the violator to do one or more of the
15 following:

16 ~~(a)~~ (1) Cease and desist violation;

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

19 ~~(c)~~ (3) Pay a civil penalty of not more than two thousand
20 dollars for each violation of the act, rule, or regulation.

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

24 Sec. 30. Section 49-14,129, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 49-14,129 The commission, by order, may suspend or
27 modify any of the reporting requirements of the ~~Campaign Finance~~

1 ~~Limitation Act or~~ the Nebraska Political Accountability and
2 Disclosure Act, in a particular case, for good cause shown, or if
3 it finds that literal application of ~~such acts~~ the act works a
4 manifestly unreasonable hardship and if it also finds that such
5 suspension or modification will not frustrate the purposes of ~~such~~
6 ~~acts.~~ the act. Any such suspension or modification shall be only
7 to the extent necessary to substantially relieve the hardship. The
8 commission shall suspend or modify any reporting requirements only
9 if it determines that facts exist that are clear and convincing
10 proof of the findings required by this section.

11 Sec. 31. Section 49-14,133, Revised Statutes Cumulative
12 Supplement, 2008, is amended to read:

13 49-14,133 The Attorney General has jurisdiction to
14 enforce the criminal provisions of ~~the Campaign Finance Limitation~~
15 ~~Act and~~ the Nebraska Political Accountability and Disclosure
16 Act. The county attorney of the county in which a violation of
17 the ~~Campaign Finance Limitation Act or~~ the Nebraska Political
18 ~~Accountability and Disclosure Act~~ act occurs shall have concurrent
19 jurisdiction.

20 Sec. 32. Section 49-14,140, Revised Statutes Cumulative
21 Supplement, 2008, is amended to read:

22 49-14,140 The Nebraska Accountability and Disclosure
23 Commission Cash Fund is hereby created. The fund shall consist of
24 funds received by the commission pursuant to sections 49-1449.01,
25 49-1470, 49-1480.01, 49-1482, 49-1495, 49-14,123, and 49-14,123.01.
26 The fund shall not include late filing fees or civil penalties
27 assessed and collected by the commission. The fund shall be

1 used by the commission in administering the Nebraska Political
2 Accountability and Disclosure Act. Any money in the fund available
3 for investment shall be invested by the state investment officer
4 pursuant to the Nebraska Capital Expansion Act and the Nebraska
5 State Funds Investment Act.

6 On January 2, 2010, the State Treasurer shall transfer
7 any money in the Campaign Finance Limitation Cash Fund that is
8 attributable to late filing fees, civil penalties, and interest
9 for distribution in accordance with Article VII, section 5, of the
10 Constitution of Nebraska, and shall transfer the remaining money in
11 the fund to the Nebraska Accountability and Disclosure Commission
12 Cash Fund.

13 Sec. 33. Section 49-14,141, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 49-14,141 (1) The commission may adopt procedures for the
16 digital and electronic filing of any report or statement required
17 by the Nebraska Political Accountability and Disclosure Act. Any
18 procedures for digital filing shall comply with the provisions of
19 section 86-611.

20 (2) By January 1, 2010, the commission shall adopt and
21 promulgate rules and regulations to establish the procedures for
22 electronic filing for reports and statements required to be filed
23 electronically by the next business day as prescribed in the
24 act. The form prescribed by the commission for submission of the
25 reports and statements shall allow for posting the reports and
26 statements on the commission's web site in a secure manner on the
27 next business day after receipt by the commission. The commission

1 may contract for information technology assistance to develop and
2 implement the electronic filing and web site posting of such
3 reports and statements.

4 (3) The commission may adopt authentication procedures
5 to be used as a verification process for statements or reports
6 filed digitally or electronically. Compliance with authentication
7 procedures adopted by the commission shall have the same validity
8 as a signature on any report, statement, or verification statement.

9 Sec. 34. The office of the commission shall be open
10 for the transaction of business at least from 8 a.m. until 5
11 p.m. of each business day. For purposes of the Nebraska Political
12 Accountability and Disclosure Act, business day includes each day
13 except Saturdays, Sundays, and days declared by section 25-2221
14 or proclamation of the President or Governor to be holidays. Any
15 filing required to be received by the next business day shall
16 be considered timely if received by 5 p.m. in the office of
17 the commission on such day. For purposes of electronic filing,
18 electronic postmarks shall be used as provided in section 86-644.

19 Sec. 35. Original sections 28-915.01, 49-1415, 49-1456,
20 49-1457, 49-1459, 49-1461, 49-1465, 49-1470, 49-14,122, 49-14,129,
21 and 49-14,141, Reissue Revised Statutes of Nebraska, and sections
22 49-1401, 49-1446, 49-1446.04, 49-1447, 49-1455, 49-1458, 49-1463,
23 49-1463.01, 49-1467, 49-1469, 49-1478, 49-1478.01, 49-1479.01,
24 49-1479.02, 49-14,123, 49-14,124, 49-14,124.01, 49-14,124.02,
25 49-14,125, 49-14,126, 49-14,133, and 49-14,140, Revised Statutes
26 Cumulative Supplement, 2008, are repealed.

27 Sec. 36. The following sections are outright repealed:

1 Sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1605,
2 32-1606, 32-1606.01, 32-1607, 32-1608, 32-1608.01 32-1608.02,
3 32-1608.03, 32-1609, 32-1610, 32-1611, 32-1612, 32-1613, and
4 77-27,119.04, Reissue Revised Statutes of Nebraska.

5 2. Renumber the remaining sections and correct internal
6 references accordingly.