

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 638

Introduced by Lautenbaugh, 18.

Read first time January 21, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to political accountability and disclosure;
2 to amend sections 28-915.01, 49-1415, 49-1456, 49-1457,
3 49-1459, 49-1461, 49-1465, 49-1470, 49-14,122, 49-14,129,
4 and 49-14,141, Reissue Revised Statutes of Nebraska, and
5 sections 49-1401, 49-1446, 49-1446.04, 49-1447, 49-1455,
6 49-1458, 49-1463, 49-1463.01, 49-1467, 49-1469, 49-1478,
7 49-1478.01, 49-1479.01, 49-1479.02, 49-14,123, 49-14,124,
8 49-14,124.01, 49-14,124.02, 49-14,125, 49-14,126,
9 49-14,133, and 49-14,140, Revised Statutes Cumulative
10 Supplement, 2008; to change provisions relating to
11 filing campaign statements and reports; to repeal the
12 Campaign Finance Limitation Act; to harmonize provisions;
13 to repeal the original sections; and to outright
14 repeal sections 32-1601, 32-1602, 32-1603, 32-1604,

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1 32-1604.01, 32-1605, 32-1606, 32-1606.01, 32-1607,
2 32-1608, 32-1608.01 32-1608.02, 32-1608.03, 32-1609,
3 32-1610, 32-1611, 32-1612, 32-1613, and 77-27,119.04,
4 Reissue Revised Statutes of Nebraska.
5 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
6 the 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~~
21 ~~Campaign Finance Limitation Act~~ ~~or~~ the Nebraska Political
22 Accountability and Disclosure Act.

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

25 49-1401 Sections 49-1401 to 49-14,141 and section 34 of

1 this act shall be known and may be cited as the Nebraska Political
2 Accountability and Disclosure Act.

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

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

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

22 (3) Contribution shall not include:

23 (a) Volunteer personal services provided without
24 compensation, or payments of costs incurred of less than ~~two~~
25 ~~hundred~~ fifty dollars in a calendar year by an individual for

1 personal travel expenses if the costs are voluntarily incurred
2 without any understanding or agreement that the costs shall be,
3 directly or indirectly, repaid;

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

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

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

12 49-1446 (1) Each committee shall have a treasurer who is
13 a qualified elector of this state. A candidate may appoint himself
14 or herself as the candidate committee treasurer.

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

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

1 any other person except for funds received or disbursed by a
2 separate segregated political fund for the purpose of supporting
3 or opposing candidates and committees in elections in states other
4 than Nebraska and candidates for federal office, as provided in
5 section 49-1469.06, including independent expenditures made in such
6 elections.

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

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

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

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

24 (3) A candidate committee shall not pay interest, fees,
25 gratuities, or other sums in consideration of a loan, advance,

1 or other extension of credit to the candidate committee by the
2 candidate, a member of the candidate's immediate family, or any
3 business with which the candidate is associated.

4 (4) The penalty for violation of this section shall be a
5 civil penalty of not less than two hundred fifty dollars and not
6 more than the amount of money received by a candidate committee in
7 violation of this section if the candidate committee received more
8 than two hundred fifty dollars. The commission shall assess and
9 collect the civil penalty and shall remit the penalty to the State
10 Treasurer for distribution in accordance with Article VII, section
11 5, of the Constitution of Nebraska.

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

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

20 (2)(a) For any committee other than a candidate
21 committee, the committee treasurer shall be responsible for filing
22 all statements and reports of the committee required to be filed
23 under the act and shall be personally liable subject to section
24 49-1461.01 for any late filing fees, civil penalties, and interest
25 that may be due under the act as a result of a failure to make

1 such filings.

2 (b) For candidate committees, the candidate shall be
3 responsible for filing all statements and reports required to
4 be filed by his or her candidate committee under the ~~Nebraska~~
5 ~~Political Accountability and Disclosure Act or the Campaign Finance~~
6 ~~Limitation Act.~~ act. The candidate shall be personally liable for
7 any late filing fees, civil penalties, and interest that may be due
8 under either act as a result of a failure to make such filings
9 and may use funds of the candidate committee to pay such fees,
10 penalties, and interest.

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

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

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

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

22 49-1455 (1) The campaign statement of a committee, other
23 than a political party committee, shall contain the following
24 information:

25 (a) The filing committee's name, address, and telephone

1 number and the full name, residential and business addresses, and
2 telephone numbers of its committee treasurer;

3 (b) Under the heading RECEIPTS, the total amount of
4 contributions received during the period covered by the campaign
5 statement; under the heading EXPENDITURES, the total amount of
6 expenditures made during the period covered by the campaign
7 statement; and the cumulative amount of those totals for the
8 election period. If a loan was repaid during the period covered
9 by the campaign statement, the amount of the repayment shall
10 be subtracted from the total amount of contributions received.
11 Forgiveness of a loan shall not be included in the totals. Payment
12 of a loan by a third party shall be recorded and reported as a
13 contribution by the third party but shall not be included in the
14 totals. In-kind contributions or expenditures shall be listed at
15 fair market value and shall be reported as both contributions and
16 expenditures;

17 (c) The balance of cash and cash equivalents on hand at
18 the beginning and the end of the period covered by the campaign
19 statement;

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

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

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

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

19 (h) The amount and the date of expenditures for or
20 against a candidate or ballot question during the period covered
21 by the campaign statement and the cumulative amount of expenditures
22 for or against that candidate or ballot question for the election
23 period. An expenditure made in support of more than one candidate
24 or ballot question, or both, shall be apportioned reasonably among
25 the candidates or ballot questions, or both; and

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

6 (2) For purposes of this section, election period means
7 ~~(a) the period beginning January 1 of the calendar year prior~~
8 ~~to the year of the election in which the candidate is seeking~~
9 ~~office through the end of the calendar year of such election for~~
10 ~~candidate committees of candidates seeking covered elective offices~~
11 ~~as defined in subdivision (1)(a) of section 32-1603, (b) the period~~
12 ~~beginning July 1 of the calendar year prior to the year of the~~
13 ~~election in which the candidate is seeking office through the end~~
14 ~~of the calendar year of such election for candidate committees~~
15 ~~of candidates seeking covered elective offices so defined in~~
16 ~~subdivision (1)(b) of section 32-1603, and (c) the calendar year of~~
17 ~~the election, for all other committees.~~

18 (3) A campaign statement shall include the total amount
19 paid to individual petition circulators during the reporting
20 period, if any, but shall not include the name, address, or
21 telephone number of any individual petition circulator if the only
22 payment made to such individual was for services as a petition
23 circulator.

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

1 49-1456 (1) Any income received by a committee on an
2 account consisting of funds or property belonging to the committee
3 shall not be considered a contribution to the committee but shall
4 be reported as income. Any interest paid by a committee shall be
5 reported as an expenditure.

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

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

14 49-1457 (1) The campaign statement filed by a political
15 party committee shall contain the following information:

16 (a) The full name and street address of each person from
17 whom contributions totaling more than ~~two hundred~~ fifty dollars
18 in value are received in a calendar year, the amount, and the
19 date or dates contributed; and if the person is a committee, the
20 name and address of the committee and the full name and street
21 address of the committee treasurer, together with the amount of the
22 contribution and the date received;

23 (b) An itemized list of all expenditures, including
24 in-kind contributions and expenditures and loans, made during the
25 period covered by the campaign statement which were contributions

1 to a candidate committee of a candidate for elective office or a
2 ballot question committee; or independent expenditures in support
3 of the qualification, passage, or defeat of a ballot question,
4 or in support of the nomination or election of a candidate for
5 elective office or the defeat of any of the candidate's opponents;

6 (c) The total expenditure by the committee for each
7 candidate for elective office or ballot question in whose behalf an
8 independent expenditure was made or a contribution was given for
9 the election; and

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

13 (2) A contribution to a candidate or ballot question
14 committee listed under subdivision (1)(b) of this section shall
15 note the name and address of the committee, the name of the
16 candidate and the office sought, if any, the amount contributed,
17 and the date of the contribution.

18 (3) An independent expenditure listed under subdivision
19 (1)(b) of this section shall note the name of the candidate for
20 whose benefit the expenditure was made and the office sought by
21 the candidate, or a brief description of the ballot question for
22 which the expenditure was made, the amount, date, and purpose of
23 the expenditure, and the full name and address of the person to
24 whom the expenditure was made.

25 (4) An expenditure listed which was made in support of

1 more than one candidate or ballot question, or both, shall be
2 apportioned reasonably among the candidates or ballot questions, or
3 both.

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

6 49-1458 (1) A committee which receives a late
7 contribution shall report the contribution to the commission by
8 filing a report within two days after the date of its receipt.
9 The report may be filed by hand delivery, facsimile transmission,
10 telegraph, express delivery service, or any other written means
11 of communication, including electronic means approved by the
12 commission, and need not contain an original signature.

13 (2) The report shall include the full name, street
14 address, occupation, employer, and principal place of business of
15 the contributor, the amount of the contribution, and the date of
16 receipt.

17 (3) A late contribution shall be reported on subsequent
18 campaign statements without regard to reports filed pursuant to
19 this section.

20 (4) Any committee which fails to file a report of late
21 contributions with the commission as required by this section
22 shall pay to the commission a late filing fee of one hundred
23 dollars for each of the first ten days the report remains not
24 filed in violation of this section. After the tenth day, such
25 committee shall pay, for each day the report remains not filed, an

1 additional late filing fee of one percent of the amount of the late
2 contribution which was required to be reported, not to exceed ten
3 percent of the amount of the late contribution which was required
4 to be reported.

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

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

11 49-1459 (1) Except as provided in subsection (2) or
12 (3) of this section, campaign statements as required by the
13 Nebraska Political Accountability and Disclosure Act shall be filed
14 according to the following schedule:

15 (a) A first preelection campaign statement shall be filed
16 not later than the thirtieth day before the election. The closing
17 date for a campaign statement filed under this subdivision shall be
18 the thirty-fifth day before the election;

19 (b) A second preelection campaign statement shall be
20 filed not later than the tenth day before the election. The closing
21 date for a campaign statement filed under this subdivision shall be
22 the fifteenth day before the election; and

23 (c) A postelection campaign statement shall be filed not
24 later than the fortieth day following the primary election and
25 the seventieth day following the general election. The closing

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

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

1 If the committee receives contributions or makes expenditures of
2 more than one thousand dollars during the election year, the
3 committee is then subject to all campaign filing requirements under
4 subsection (1) of this section.

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

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

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

15 49-1461 ~~is~~ (1) Except as otherwise provided in subsection
16 (2) of this section, in addition to the campaign statements
17 required to be filed pursuant to sections 49-1459 and 49-1462,
18 a ballot question committee shall file a campaign statement as
19 required by the Nebraska Political Accountability and Disclosure
20 Act according to the following schedule:

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

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

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

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

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

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

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

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

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

25 49-1463.01 (1) A person required to pay a late filing

1 fee imposed under section ~~32-1604~~, ~~32-1604.01~~, ~~32-1606.01~~, 49-1449,
2 49-1458, 49-1463, 49-1467, 49-1469.08, 49-1478.01, or 49-1479.01
3 may apply to the commission for relief. The commission by order may
4 reduce the amount of a late filing fee imposed and waive any or
5 all of the interest due on the fee upon a showing by such person
6 that (a) the circumstances indicate no intent to file late, (b)
7 the person has not been required to pay late filing fees for two
8 years prior to the time the filing was due, (c) the late filing
9 shows that less than five thousand dollars was raised, received, or
10 expended during the reporting period, and (d) a reduction of the
11 late fees and waiver of interest would not frustrate the purposes
12 of the Nebraska Political Accountability and Disclosure Act.

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

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

22 49-1465 (1) A campaign statement filed by a committee
23 shall:

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

25 (b) Contain a verification statement which states that

1 the treasurer used all reasonable diligence in its preparation,
2 that to the treasurer's knowledge it is true and complete, and if
3 the committee is a candidate committee, that to the best of the
4 candidate's knowledge the statement is true and complete.

5 (2) The verification statement shall be signed by the
6 treasurer and, in the case of a candidate committee, by the
7 candidate.

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

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

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

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

1 Beginning January 1, 2010, the report may be filed within ten
2 days or electronically the next business day after the independent
3 expenditure. Beginning January 1, 2012, the report shall be filed
4 electronically the next business after the independent expenditure.

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

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

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

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

25 Sec. 17. Section 49-1469, Revised Statutes Cumulative

1 Supplement, 2008, is amended to read:

2 49-1469 (1) A corporation, labor organization, or
3 industry, trade, or professional association, which is organized
4 under the laws of the State of Nebraska or doing business in this
5 state and which is not a committee, may:

6 (a) Make an expenditure;

7 (b) Make a contribution; and

8 (c) Provide personal services.

9 (2) Such a corporation, labor organization, or industry,
10 trade, or professional association shall not be required to file
11 reports of independent expenditures pursuant to section 49-1467,
12 but if it makes a contribution or expenditure, or provides personal
13 services, with a value of more than ~~two~~ hundred fifty dollars,
14 it shall file a report with the commission. Until January 1,
15 2010, the report shall be filed within ten days after the end
16 of the calendar month in which the contribution or expenditure
17 is made or the personal services are provided. Beginning January
18 1, 2010, the report may be filed within such ten-day period or
19 electronically the next business day after making the contribution
20 or expenditure or providing personal services. Beginning January 1,
21 2012, the report shall be filed electronically the next business
22 day after making the contribution or expenditure or providing
23 personal services. The report shall include:

24 (a) The nature, date, and value of the contribution
25 or expenditure and the name of the candidate or committee or a

1 description of the ballot question to or for which the contribution
2 or expenditure was made; and

3 (b) A description of any personal services provided, the
4 date the services were provided, and the name of the candidate or
5 committee or a description of the ballot question to or for which
6 the personal services were provided.

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

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

14 49-1470 (1) Campaign statements shall be open for public
15 inspection and reproduction, commencing as soon as practicable,
16 but not later than the fifth business day following the day on
17 which they were received, during regular business hours. Beginning
18 January 1, 2012, the commission shall make campaign statements
19 available on its web site on or before the next business day after
20 receipt by the commission.

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

24 (3) Campaign statements shall be preserved for a period
25 of not less than eighteen months by the officials other than the

1 commission with whom they are filed, and not less than five years
2 by the commission.

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

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

9 49-1478 (1) An expenditure shall not be made, other than
10 for overhead or normal operating expenses, by an agent or an
11 independent contractor, including an advertising agency, on behalf
12 of or for the benefit of a person unless the expenditure is
13 reported by the committee as if the expenditure were made directly
14 by the committee, or unless the agent or independent contractor
15 files an agent's expenditure report as provided in subsection (3)
16 of this section. The agent or independent contractor shall make
17 known to the committee all information required to be reported by
18 the committee. Any person violating this subsection shall be guilty
19 of a Class III misdemeanor.

20 (2) An expenditure shall not be made, other than for
21 overhead or normal operating expenses, by a person gathering
22 petition signatures on behalf of or for the benefit of a person,
23 including a ballot question committee, unless the expenditure is
24 reported by the ballot question committee as if the expenditure
25 were made directly by the committee, or unless the person gathering

1 petition signatures files an agent's expenditure report as provided
2 in subsection (3) of this section. The person gathering petition
3 signatures shall make known to the committee all information
4 required to be reported by the committee. For purposes of this
5 section, petition signature means a signature affixed to a petition
6 for the purpose of qualifying a ballot question to appear on a
7 ballot. Any person violating this subsection shall be guilty of a
8 Class III misdemeanor.

9 (3) A person gathering petition signatures, an agent, or
10 an independent contractor who is required to file an agent's report
11 shall file a separate agent's report for each person on whose
12 behalf an expenditure is made. ~~An~~ Until January 1, 2010, an agent's
13 report shall be filed with the commission within ten days after
14 the end of the calendar month in which the expenditure is made.
15 Beginning January 1, 2010, the report may be filed within such
16 ten-day period or electronically on the next business day after the
17 expenditure is made. Beginning January 1, 2012, the report shall be
18 filed electronically on the next business day after the expenditure
19 is made. An agent's report shall include:

20 (a) The name, permanent address, temporary address,
21 permanent telephone number, and temporary telephone number of the
22 person making expenditures for the purpose of gathering signatures,
23 the agent, or the independent contractor;

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

1 (c) The name, permanent address, and temporary address
2 of the person to whom the expenditure is made, except that if
3 the expenditure is solely for the services of an individual
4 circulating petitions, such individual's name and address shall not
5 be included;

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

7 (e) A description of the goods or services purchased and
8 the purpose of the goods or services.

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

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

17 49-1478.01 (1) ~~An~~ Until January 1, 2012, an independent
18 committee, including a separate segregated political fund, which
19 makes a late independent expenditure shall report the expenditure
20 to the commission by filing within two days after the date of
21 the expenditure the committee's full name and street address, the
22 amount of the expenditure, and the date of the expenditure. The
23 report shall include (a) the full name and street address of the
24 recipient of the expenditure, (b) the name and office sought of the
25 candidate whose nomination or election is supported or opposed by

1 the expenditure, and (c) the identification of the ballot question,
2 the qualification, passage, or defeat of which is supported or
3 opposed. Filing of a report of a late independent expenditure may
4 be by any written means of communication, including electronic
5 means approved by the commission, and need not contain an original
6 signature. A late independent expenditure shall be reported on
7 subsequent campaign statements without regard to reports filed
8 pursuant to this section.

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

19 (3) For purposes of this section, late independent
20 expenditure means an independent expenditure as defined in section
21 49-1428 of ~~one thousand~~ fifty dollars or more made after the
22 closing date for campaign statements as provided in subdivision
23 (1) (b) of section 49-1459.

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

25 Sec. 21. Section 49-1479.01, Revised Statutes Cumulative

1 Supplement, 2008, is amended to read:

2 49-1479.01 (1) Any contribution by a person made on
3 behalf of or to a candidate or committee, including contributions
4 which are in any way earmarked or otherwise directed to the
5 candidate or committee through an intermediary or agent, shall be
6 considered to be a contribution from the person to the candidate or
7 committee.

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

14 (3) Any intermediary or agent, other than a committee,
15 which receives an earmarked contribution shall forward the
16 earmarked contribution to the recipient candidate or committee
17 within ten days after receipt of such contribution.

18 (4) ~~An~~ Until January 1, 2010, an intermediary or
19 agent which is not a committee shall file a report of the
20 earmarked contribution with the commission within ten days after
21 receipt of the contribution. Beginning January 1, 2010, the
22 report may be filed within such ten-day period or may be filed
23 electronically on the next business day after receipt of the
24 earmarked contribution. Beginning January 1, 2012, the report shall
25 be filed electronically on the next business day after receipt

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

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

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

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

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

3 49-1479.02 (1) A major out-of-state contributor shall
4 file with the commission an out-of-state contribution report.
5 An out-of-state contribution report shall be filed on a form
6 prescribed by the commission. Until January 1, 2010, the report
7 shall be filed within ten days after the end of the calendar month
8 in which a person becomes a major out-of-state contributor, and
9 for - ~~For~~ the remainder of the calendar year, a major out-of-state
10 contributor shall file an out-of-state contribution report with
11 the commission within ten days after the end of each calendar
12 month in which the contributor makes a contribution or expenditure.
13 Beginning January 1, 2010, a major out-of-state contributor may
14 file such reports as described or may file electronically the next
15 business day after becoming a major out-of-state contributor and
16 the next business day after making any subsequent contribution
17 or expenditure. Beginning January 1, 2012, a major out-of-state
18 contributor shall file the reports electronically the next business
19 day after becoming a major out-of-state contributor and the
20 next business day after making any subsequent contribution or
21 expenditure.

22 (2) An out-of-state contribution report shall disclose as
23 to each contribution or expenditure not previously reported (a) the
24 amount, nature, value, and date of the contribution or expenditure,
25 (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

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

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

16 49-14,123 In addition to any other duties prescribed by
17 law, the commission shall:

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

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

1 (3) Prepare and publish one or more manuals explaining
2 the duties of all persons and other entities required to
3 file statements and reports by the ~~aets~~ act and setting forth
4 recommended uniform methods of accounting and reporting for such
5 filings;

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

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

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

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

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

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

25 (10) Issue and publish advisory opinions on the

1 requirements of the ~~aets~~ act upon the request of a person or
2 government body directly covered or affected by the ~~aets-~~ act. Any
3 such opinion rendered by the commission, until amended or revoked,
4 shall be binding on the commission in any subsequent charges
5 concerning the person or government body who requested the opinion
6 and who acted in reliance on it in good faith unless material facts
7 were omitted or misstated by the person or government body in the
8 request for the opinion;

9 (11) Act as the primary civil enforcement agency for
10 violations of the ~~Nebraska Political Accountability and Disclosure~~
11 ~~Act and the rules or regulations promulgated thereunder and act as~~
12 ~~the primary civil enforcement agency for violations of the Campaign~~
13 ~~Finance Limitation Act~~ act and the rules or regulations promulgated
14 thereunder;

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

23 (13) Prepare and distribute to the appropriate local
24 officials statements of financial interest, campaign committee
25 organization forms, filing instructions and forms, and such other

1 forms as the commission may deem appropriate.

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

4 49-14,124 (1) The commission shall, by way of preliminary
5 investigation, investigate any alleged violation of the Nebraska
6 Political Accountability and Disclosure Act, or any rule or
7 regulation adopted and promulgated thereunder, upon:

8 (a) The receipt of a complaint signed under oath which
9 contains at least a reasonable belief that a violation has
10 occurred;

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

12 (c) The commission's own motion.

13 ~~(2) The commission shall, by way of preliminary~~
14 ~~investigation, investigate any alleged violation of the Campaign~~
15 ~~Finance Limitation Act, or any rule or regulation promulgated~~
16 ~~thereunder, upon:~~

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

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

19 ~~(3)~~ (2) For purposes of conducting preliminary
20 investigations under either the Campaign Finance Limitation Act or
21 the Nebraska Political Accountability and Disclosure Act, the act,
22 the commission shall have the powers possessed by the courts of
23 this state to issue subpoenas, and the district court shall have
24 jurisdiction to enforce such subpoenas.

25 ~~(4)~~ (3) The executive director shall notify any person

1 under investigation by the commission of the investigation and of
2 the nature of the alleged violation within five days after the
3 commencement of the investigation.

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

10 ~~(6)~~ (5) Each governing body shall cooperate with the
11 commission in the conduct of its investigations.

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

14 49-14,124.01 All commission proceedings and records
15 relating to preliminary investigations shall be confidential until
16 a final determination is made by the commission unless the person
17 alleged to be in violation of the Nebraska Political Accountability
18 and Disclosure Act ~~or the Campaign Finance Limitation Act~~ requests
19 that the proceedings be public. If the commission determines that
20 there was no violation of ~~either~~ the act or any rule or regulation
21 adopted and promulgated under ~~either~~ the act, the records and
22 actions relative to the investigation and determination shall
23 remain confidential unless the alleged violator requests that the
24 records and actions be made public. If the commission determines
25 that there was a violation, the records and actions shall be made

1 public as soon as practicable after the determination is made.

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

4 49-14,124.02 At any time after the commencement of a
5 preliminary investigation, the commission may refer the matter of
6 a possible criminal violation of ~~the Campaign Finance Limitation~~
7 ~~Act or~~ the Nebraska Political Accountability and Disclosure Act to
8 the Attorney General for consideration of criminal prosecution. The
9 fact of the referral shall not be subject to the confidentiality
10 provisions of section 49-14,124.01. The Attorney General shall
11 determine if a matter referred by the commission will be criminally
12 prosecuted. If the Attorney General determines that a matter will
13 be criminally prosecuted, he or she shall advise the commission in
14 writing of the determination. If the Attorney General determines
15 that a matter will not be criminally prosecuted, he or she shall
16 advise the commission in writing of the determination. The fact of
17 the declination to criminally prosecute shall not be subject to the
18 confidentiality provisions of section 49-14,124.01.

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

21 49-14,125 (1) If, after a preliminary investigation, it
22 is determined by a majority vote of the commission that there
23 is no probable cause for belief that a person has violated
24 the Nebraska Political Accountability and Disclosure Act ~~or the~~
25 ~~Campaign Finance Limitation Act~~ or any rule or regulation adopted

1 and promulgated thereunder or if the commission determines that
2 there is insufficient evidence to reasonably believe that the
3 person could be found to have violated ~~either~~ the act, the
4 commission shall terminate the investigation and so notify the
5 complainant and the person who had been under investigation.

6 (2) If, after a preliminary investigation, it is
7 determined by a majority vote of the commission that there
8 is probable cause for belief that the Nebraska Political
9 Accountability and Disclosure Act ~~or the Campaign Finance~~
10 ~~Limitation Act~~ or a rule or regulation adopted and promulgated
11 thereunder has been violated and if the commission determines that
12 there is sufficient evidence to reasonably believe that the person
13 could be found to have violated ~~either~~ the act, the commission
14 shall initiate appropriate proceedings to determine whether there
15 has in fact been a violation. The commission may appoint a hearing
16 officer to preside over the proceedings.

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

23 (4) The commission shall have the powers possessed by
24 the courts of this state to issue subpoenas in connection with
25 proceedings under this section, and the district court shall have

1 jurisdiction to enforce such subpoenas.

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

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

10 (7) All witnesses summoned before the commission shall
11 receive reimbursement as paid in like circumstances in the district
12 court.

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

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

20 (10) At the conclusion of proceedings concerning an
21 alleged violation, the commission shall deliberate on the evidence
22 and determine whether there has been a violation of the ~~Campaign~~
23 ~~Finance Limitation Act or the Nebraska Political Accountability and~~
24 ~~Disclosure Act.~~ act.

25 Sec. 29. Section 49-14,126, Revised Statutes Cumulative

1 Supplement, 2008, is amended to read:

2 49-14,126 ~~(1)~~ The commission, upon finding that there
3 has been a violation of the Nebraska Political Accountability and
4 Disclosure Act or any rule or regulation promulgated thereunder,
5 may issue an order requiring the violator to do one or more of the
6 following:

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

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

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

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

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

17 49-14,129 The commission, by order, may suspend or
18 modify any of the reporting requirements of ~~the Campaign Finance~~
19 ~~Limitation Act or~~ the Nebraska Political Accountability and
20 Disclosure Act, in a particular case, for good cause shown, or if
21 it finds that literal application of ~~such acts~~ the act works a
22 manifestly unreasonable hardship and if it also finds that such
23 suspension or modification will not frustrate the purposes of ~~such~~
24 ~~acts.~~ the act. Any such suspension or modification shall be only
25 to the extent necessary to substantially relieve the hardship. The

1 commission shall suspend or modify any reporting requirements only
2 if it determines that facts exist that are clear and convincing
3 proof of the findings required by this section.

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

6 49-14,133 The Attorney General has jurisdiction to
7 enforce the criminal provisions of ~~the Campaign Finance Limitation~~
8 ~~Act and~~ the Nebraska Political Accountability and Disclosure
9 Act. The county attorney of the county in which a violation of
10 the ~~Campaign Finance Limitation Act or the Nebraska Political~~
11 ~~Accountability and Disclosure Act~~ act occurs shall have concurrent
12 jurisdiction.

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

15 49-14,140 The Nebraska Accountability and Disclosure
16 Commission Cash Fund is hereby created. The fund shall consist of
17 funds received by the commission pursuant to sections 49-1449.01,
18 49-1470, 49-1480.01, 49-1482, 49-1495, 49-14,123, and 49-14,123.01.
19 The fund shall not include late filing fees or civil penalties
20 assessed and collected by the commission. The fund shall be
21 used by the commission in administering the Nebraska Political
22 Accountability and Disclosure Act. Any money in the fund available
23 for investment shall be invested by the state investment officer
24 pursuant to the Nebraska Capital Expansion Act and the Nebraska
25 State Funds Investment Act.

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

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

10 49-14,141 (1) The commission may adopt procedures for the
11 digital and electronic filing of any report or statement required
12 by the Nebraska Political Accountability and Disclosure Act. Any
13 procedures for digital filing shall comply with the provisions of
14 section 86-611.

15 (2) By January 1, 2010, the commission shall adopt and
16 promulgate rules and regulations to establish the procedures for
17 electronic filing for reports and statements required to be filed
18 electronically by the next business day as prescribed in the
19 act. The form prescribed by the commission for submission of the
20 reports and statements shall allow for posting the reports and
21 statements on the commission's web site in a secure manner on the
22 next business day after receipt by the commission. The commission
23 may contract for information technology assistance to develop and
24 implement the electronic filing and web site posting of such
25 reports and statements.

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

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

16 Sec. 35. Original sections 28-915.01, 49-1415, 49-1456,
17 49-1457, 49-1459, 49-1461, 49-1465, 49-1470, 49-14,122, 49-14,129,
18 and 49-14,141, Reissue Revised Statutes of Nebraska, and sections
19 49-1401, 49-1446, 49-1446.04, 49-1447, 49-1455, 49-1458, 49-1463,
20 49-1463.01, 49-1467, 49-1469, 49-1478, 49-1478.01, 49-1479.01,
21 49-1479.02, 49-14,123, 49-14,124, 49-14,124.01, 49-14,124.02,
22 49-14,125, 49-14,126, 49-14,133, and 49-14,140, Revised Statutes
23 Cumulative Supplement, 2008, are repealed.

24 Sec. 36. The following sections are outright repealed:
25 Sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1605,

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- 1 32-1606, 32-1606.01, 32-1607, 32-1608, 32-1608.01 32-1608.02,
- 2 32-1608.03, 32-1609, 32-1610, 32-1611, 32-1612, 32-1613, and
- 3 77-27,119.04, Reissue Revised Statutes of Nebraska.