

AMENDMENTS TO LB 176

(Amendments to Final Reading copy)

Introduced by Avery

1           1. Strike original section 3 and insert the following new  
2 sections:

3           Section 1. Section 49-1401, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           49-1401 Sections 49-1401 to 49-14,141 and section 3 of  
6 this act shall be known and may be cited as the Nebraska Political  
7 Accountability and Disclosure Act.

8           Sec. 2. Section 49-1403, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           49-1403 For purposes of the Nebraska Political  
11 Accountability and Disclosure Act, unless the context otherwise  
12 requires, the definitions found in sections 49-1404 to 49-1444 and  
13 section 3 of this act shall be used.

14           Sec. 3. (1) Electioneering communication means any  
15 communication which:

16           (a) Refers to a clearly identified candidate;

17           (b) Is publicly distributed in the thirty days  
18 immediately preceding an election for the office sought by the  
19 clearly identified candidate; and

20           (c) Is directed to the electorate of the office sought by  
21 the clearly identified candidate.

22           (2) Electioneering communication does not include:

1           (a) A contribution or expenditure;

2           (b) A communication by a television station, radio  
3 station, newspaper, magazine, or other periodical or publication  
4 for any news story, commentary, or editorial in support of or  
5 opposition to a candidate for elective office;

6           (c) A candidate debate or forum or a communication which  
7 gives notice of a candidate debate or forum;

8           (d) A communication while the Legislature is in session  
9 about specifically named pending legislation;

10          (e) The posting on the Internet or other publication or  
11 distribution of a voter guide; or

12          (f) A communication by a membership organization to one  
13 or more of the recognized members of the membership organization if  
14 any one or more of the following applies:

15           (i) The member has submitted an email to the membership  
16 organization indicating an intent to be a member;

17           (ii) The member has submitted a written letter or other  
18 written statement to the membership organization indicating an  
19 intent to be a member; or

20           (iii) The member has paid dues to the membership  
21 organization.

22          (3) For purposes of this section:

23           (a) Clearly identified candidate means the candidate  
24 whose name, nickname, photograph, or drawing appears in the  
25 communication or whose identity is otherwise apparent in the  
26 communication through an unambiguous reference or through an  
27 unambiguous reference to the candidate's status as a candidate;

1 and

2 (b) Voter guide means a document or other compilation  
3 of the responses of candidates to a survey or questionnaire if  
4 all known candidates seeking election to the same office are  
5 given the opportunity to respond to the survey or questionnaire,  
6 all responses received from candidates seeking election to the  
7 same office are included in the document or compilation, and the  
8 document or other compilation does not express support for or  
9 opposition to the election of any candidate.

10 Sec. 4. Section 49-1467, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 49-1467 (1) Any person, other than a committee, who  
13 makes an independent expenditure advocating the election of a  
14 candidate or the defeat of a candidate's opponents or the  
15 qualification, passage, or defeat of a ballot question or who  
16 makes an electioneering communication, which is in an amount of  
17 more than two hundred fifty dollars, shall file a report of the  
18 independent expenditure or electioneering communication, within ten  
19 days, with the commission.

20 (2) The report shall be made on an independent  
21 expenditure or electioneering communication report form provided  
22 by the commission and shall include the date of the expenditure  
23 or electioneering communication, a brief description of the nature  
24 of the expenditure or electioneering communication, the amount of  
25 the expenditure or the amount disbursed for the electioneering  
26 communication, the name and address of the person to whom it was  
27 paid, the name and address of the person filing the report, and

1 the name, address, occupation, employer, and principal place of  
2 business of each person who contributed more than two hundred fifty  
3 dollars to the expenditure or electioneering communication.

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

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

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

18 Sec. 5. Section 49-1469, Reissue Revised Statutes of  
19 Nebraska, 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; ~~and-~~  
27 (d) Make an electioneering communication.

1           (2) Such a corporation, labor organization, or industry,  
2 trade, or professional association shall not be required to  
3 file reports of independent expenditures or electioneering  
4 communications pursuant to section 49-1467, but if it makes a  
5 contribution, ~~ex~~ expenditure, or electioneering communication,  
6 or provides personal services, with a value of more than two  
7 hundred fifty dollars, it shall file a report with the commission  
8 within ten days after the end of the calendar month in which  
9 the contribution, ~~ex~~ expenditure, or electioneering communication  
10 is made or the personal services are provided. The report shall  
11 include:

12           (a) The nature, date, and value of the contribution  
13 or expenditure and the name of the candidate or committee or a  
14 description of the ballot question to or for which the contribution  
15 or expenditure was made; ~~and~~

16           (b) The nature, date, and value of the electioneering  
17 communication and the name of the candidate identified in the  
18 electioneering communication; and

19           ~~(b)~~ (c) A description of any personal services provided,  
20 the date the services were provided, and the name of the candidate  
21 or committee or a description of the ballot question to or for  
22 which 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. 8. Original sections 49-1401, 49-1403, 49-1467,  
2 49-1469, 49-14,126, and 49-14,140, Reissue Revised Statutes of  
3 Nebraska, are repealed.

4                   2. On page 1, strike beginning with "49-14,126" in  
5 line 2 through line 6 and insert "49-1401, 49-1403, 49-1467,  
6 49-1469, 49-14,126, and 49-14,140, Reissue Revised Statutes of  
7 Nebraska; to define a term; to require reporting regarding  
8 electioneering communication; to provide for payment of hearing  
9 costs by violators in certain cases as prescribed; to provide  
10 for distribution of proceeds; to eliminate obsolete provisions; to  
11 harmonize provisions; and to repeal the original sections."

12                   3. Renumber the remaining sections accordingly.