

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 294

Introduced by Seiler, 33.

Read first time January 16, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Political Accountability and
2 Disclosure Act; to amend section 49-14,101.02, Reissue
3 Revised Statutes of Nebraska; to change provisions
4 relating to use of public resources by public officials
5 and public employees; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 49-14,101.02, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 49-14,101.02 (1) For purposes of this section, public
4 resources means personnel, property, resources, or funds under the
5 official care and control of a public official or public employee.

6 (2) Except as otherwise provided in this section, a
7 public official or public employee shall not use or authorize the use
8 of public resources for the purpose of campaigning for or against the
9 nomination or election of a candidate or the qualification, passage,
10 or defeat of a ballot question.

11 (3) This section does not prohibit a public official or
12 public employee from making government facilities available to a
13 person for campaign purposes if the identity of the candidate or the
14 support for or opposition to the ballot question is not a factor in
15 making the government facility available or a factor in determining
16 the cost or conditions of use.

17 (4) This section does not prohibit a governing body from
18 discussing and voting upon a resolution supporting or opposing a
19 ballot question or a public corporation organized under Chapter 70
20 from otherwise supporting or opposing a ballot question concerning
21 the sale or purchase of its assets.

22 (5) This section does not prohibit a public official or a
23 public employee under the direct supervision of a public official
24 from responding to specific inquiries by the press or the public as
25 to his or her opinion regarding a ballot question or from providing

1 information in response to a request for information.

2 (6) This section does not prohibit a member of the
3 Legislature from making use of public resources in expressing his or
4 her opinion regarding a candidate or a ballot question or from
5 communicating that opinion. A member is not authorized by this
6 section to utilize mass mailings or other mass communications at
7 public expense for the purpose of campaigning for or against the
8 nomination or election of a candidate. A member is not authorized by
9 this section to utilize mass mailings at public expense for the
10 purpose of qualifying, supporting, or opposing a ballot question.

11 (7) This subsection applies to public officials other
12 than members of the Legislature provided for in subsection (6) of
13 this section. This section does not prohibit, in the normal course of
14 his or her duties, a public official or a public employee under the
15 direct supervision of a public official from using public resources
16 to research and prepare materials to assist the government body for
17 which the individual is a public official or public employee in
18 determining the effect of the ballot question on the government body.
19 This section does not authorize mass mailings, mass duplication, or
20 other mass communications at public expense for the purpose of
21 qualifying, supporting, or opposing a ballot question. Mass
22 communications shall not include placing public records demonstrating
23 the consequences of the passage or defeat of a ballot question
24 affecting the government body for which the individual is a public
25 official or public employee on existing web sites of such government

1 body.

2 (8) Nothing in this section prohibits a public official
3 from campaigning for or against the qualification, passage, or defeat
4 of a ballot question or the nomination or election of a candidate
5 when no public resources are used.

6 (9) Nothing in this section prohibits a public employee
7 from campaigning for or against the qualification, passage, or defeat
8 of a ballot question or the nomination or election of a candidate
9 when no public resources are used. Except as otherwise provided in
10 this section, a public employee shall not engage in campaign activity
11 for or against the qualification, passage, or defeat of a ballot
12 question or the nomination or election of a candidate while on
13 government work time or when otherwise engaged in his or her official
14 duties.

15 (10) This section does not prohibit an employee of the
16 Legislature from using public resources consistent with this section
17 for the purpose of researching or campaigning for or against the
18 qualification, passage, or defeat of a ballot question if the
19 employee is under the direction and supervision of a member of the
20 Legislature.

21 (11) Nothing in this section prohibits a public official
22 or public employee from identifying himself or herself by his or her
23 official title.

24 (12) Nothing in this section prohibits a public official
25 who is a member of or appointed by a government body and who is

1 acting under the direction of the government body or a public
2 employee who works for such a public official or government body and
3 who is acting under the direction of such public official and such
4 government body from communicating authorized information for the
5 purpose of educating the public, or from participating in a public
6 forum, concerning issues germane to the office or employment of the
7 public official or public employee.

8 Sec. 2. Original section 49-14,101.02, Reissue Revised
9 Statutes of Nebraska, is repealed.