

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 747**

Introduced by Avery, 28.

Read first time January 09, 2014

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Political Accountability and  
2 Disclosure Act; to amend sections 49-1401, 49-1403, and  
3 49-1476.01, Reissue Revised Statutes of Nebraska, and  
4 sections 49-1413, 49-1467, 49-1469, and 49-1479.02,  
5 Revised Statutes Supplement, 2013; to define and redefine  
6 terms; to require reporting regarding electioneering  
7 communication; to prohibit electioneering communications  
8 by a lottery contractor; to harmonize provisions; to  
9 provide an operative date; and to repeal the original  
10 sections.

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

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

3           49-1401 Sections 49-1401 to 49-14,141 and section 4 of  
4 this act shall be known and may be cited as the Nebraska Political  
5 Accountability and Disclosure Act.

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

8           49-1403 For purposes of the Nebraska Political  
9 Accountability and Disclosure Act, unless the context otherwise  
10 requires, the definitions found in sections 49-1404 to 49-1444 and  
11 section 4 of this act shall be used.

12           Sec. 3. Section 49-1413, Revised Statutes Supplement,  
13 2013, is amended to read:

14           49-1413 (1) Committee shall mean (a) any combination of  
15 two or more individuals which receives contributions or makes  
16 expenditures of five thousand dollars or more in a calendar year for  
17 the purpose of influencing or attempting to influence the action of  
18 the voters for or against the nomination or election of one or more  
19 candidates or the qualification, passage, or defeat of one or more  
20 ballot questions or (b) a person whose primary purpose is to receive  
21 contributions or make expenditures and who receives or makes  
22 contributions or expenditures of five thousand dollars or more in a  
23 calendar year for the purpose of influencing or attempting to  
24 influence the action of the voters for or against the nomination or  
25 election of one or more candidates or the qualification, passage, or

1 defeat of one or more ballot questions, except that an individual,  
2 other than a candidate, shall not constitute a committee.

3 (2) Except as otherwise provided in section 49-1445, a  
4 committee shall be considered formed and subject to the Nebraska  
5 Political Accountability and Disclosure Act upon raising, receiving,  
6 or spending five thousand dollars in a calendar year as prescribed in  
7 this section.

8 (3) A corporation, labor organization, industry, trade,  
9 or professional association, limited liability company, or limited  
10 liability partnership is not a committee if it makes expenditures,  
11 electioneering communications, or provides personal services pursuant  
12 to sections 49-1469 to 49-1469.08.

13 Sec. 4. (1) Electioneering communication means any  
14 communication which:

15 (a) Refers to a clearly identified candidate;

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

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

21 (2) Electioneering communication does not include:

22 (a) A contribution or expenditure;

23 (b) A communication by a television station, radio  
24 station, newspaper, magazine, or other periodical or publication for  
25 any news story, commentary, or editorial in support of or opposition

1 to a candidate for elective office;

2 (c) A candidate debate or forum or a communication which  
3 gives notice of a candidate debate or forum;

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

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

8 (f) A communication by a membership organization to one  
9 or more of the recognized members of the membership organization if  
10 any one or more of the following applies:

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

13 (ii) The member has submitted a written letter or other  
14 written statement to the membership organization indicating an intent  
15 to be a member; or

16 (iii) The member has paid dues to the membership  
17 organization.

18 (3) For purposes of this section:

19 (a) Clearly identified candidate means the candidate  
20 whose name, nickname, photograph, or drawing appears in the  
21 communication or whose identity is otherwise apparent in the  
22 communication through an unambiguous reference or through an  
23 unambiguous reference to the candidate's status as a candidate; and

24 (b) Voter guide means a document or other compilation of  
25 the responses of candidates to a survey or questionnaire if all known

1 candidates seeking election to the same office are given the  
 2 opportunity to respond to the survey or questionnaire, all responses  
 3 received from candidates seeking election to the same office by the  
 4 deadline designated in or with the survey or questionnaire are  
 5 included in the document or compilation, and the document or other  
 6 compilation does not express support for or opposition to the  
 7 election of any candidate.

8           Sec. 5. Section 49-1467, Revised Statutes Supplement,  
 9 2013, is amended to read:

10           49-1467 (1) Any person, other than a committee, who makes  
 11 an independent expenditure advocating the election of a candidate or  
 12 the defeat of a candidate's opponents or the qualification, passage,  
 13 or defeat of a ballot question or who makes an electioneering  
 14 communication, which is in an amount of two hundred fifty dollars or  
 15 more, shall file a report of the independent expenditure or  
 16 electioneering communication, within ten days, with the commission.

17           (2) The report shall be made on an independent  
 18 expenditure or electioneering communication report form provided by  
 19 the commission and shall include:

20           ~~the~~ (a) The date of the expenditure or electioneering  
 21 communication; 7

22           ~~a~~ (b) A brief description of the nature of the  
 23 expenditure or electioneering communication; 7

24           ~~the~~ (c) The amount of the expenditure electioneering  
 25 communication; 7

1           ~~the~~ (d) The name and address of the person to whom it was  
2 paid; -

3           ~~the~~ (e) The name and address of the person filing the  
4 report; - ~~and~~

5           ~~the~~ (f) The name, address, occupation, employer, and  
6 principal place of business of each person who contributed two  
7 hundred fifty dollars or more to the expenditure or electioneering  
8 communication; -

9           (g) The identity of the candidate or ballot question  
10 supported or opposed by an independent expenditure; and

11           (h) The name of the candidate who is the subject of an  
12 electioneering communication.

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

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

20           Sec. 6. Section 49-1469, Revised Statutes Supplement,  
21 2013, is amended to read:

22           49-1469 (1) A corporation, labor organization, industry,  
23 trade, or professional association, limited liability company, or  
24 limited liability partnership, which is organized under the laws of  
25 the State of Nebraska or doing business in this state and which is

1 not a committee, may:

2 (a) Make an expenditure;

3 (b) Make a contribution; ~~and~~

4 (c) Provide personal services; and -

5 (d) Make an electioneering communication.

6 (2) Any such entity shall not be required to file reports  
7 of independent expenditures or electioneering communications pursuant  
8 to section 49-1467, but if it makes a contribution, an ~~or~~  
9 expenditure, or an electioneering communication or provides personal  
10 services, with a value of two hundred fifty dollars or more, it shall  
11 file a report with the commission within ten days after the end of  
12 the calendar month in which the contribution, ~~or~~ expenditure, or  
13 electioneering communication is made or the personal services are  
14 provided. The report shall include:

15 (a) The nature, date, and value of the contribution or  
16 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) The nature, date, and value of the electioneering  
20 communication and the name of the candidate identified in the  
21 electioneering communication; and

22 ~~(b)~~ (c) A description of any personal services provided,  
23 the date the services were provided, and the name of the candidate or  
24 committee or a description of the ballot question to or for which the  
25 personal services were provided.

1           (3) Any entity specified in subsection (1) of this  
2 section may not receive contributions unless it establishes and  
3 administers a separate segregated political fund which shall be  
4 utilized only in the manner set forth in sections 49-1469.05 and  
5 49-1469.06.

6           Sec. 7. Section 49-1476.01, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           49-1476.01 (1) A person who is awarded a contract by the  
9 Director of the Lottery Division as a lottery contractor for a major  
10 procurement as defined in section 9-803 may not make a contribution  
11 to or an independent expenditure for or an electioneering  
12 communication about a candidate for a state elective office during  
13 the term of the contract or for three years following the most recent  
14 award or renewal of the contract.

15           (2) A person shall be considered to have made a  
16 contribution, an ~~or~~-independent expenditure, or an electioneering  
17 communication if the contribution, ~~or~~-independent expenditure, or  
18 electioneering communication is made by the person, by an officer of  
19 the person, by a separate segregated political fund established and  
20 administered by the person as provided in sections 49-1469 to  
21 49-1469.08, or by anyone acting on behalf of the person, officer, or  
22 fund.

23           (3) A person who knowingly or intentionally violates this  
24 section shall be guilty of a Class IV felony.

25           Sec. 8. Section 49-1479.02, Revised Statutes Supplement,

1 2013, is amended to read:

2 49-1479.02 (1) A major out-of-state contributor shall  
3 file with the commission an out-of-state contribution report. An out-  
4 of-state contribution report shall be filed on a form prescribed by  
5 the commission within ten days after the end of the calendar month in  
6 which a person becomes a major out-of-state contributor. For the  
7 remainder of the calendar year, a major out-of-state contributor  
8 shall file an out-of-state contribution report with the commission  
9 within ten days after the end of each calendar month in which the  
10 contributor makes a contribution or expenditure.

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

19 (3) This section shall not apply to (a) a person who  
20 files a report of a contribution, ~~or~~ an expenditure, or an  
21 electioneering communication pursuant to subsection (2) of section  
22 49-1469, (b) a person required to file a report or campaign statement  
23 pursuant to section 49-1469.07, (c) a committee having a statement of  
24 organization on file with the commission, or (d) a person or  
25 committee registered with the Federal Election Commission.

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

11                   Sec. 9. This act becomes operative on January 1, 2015.

12                   Sec. 10. Original sections 49-1401, 49-1403, and  
13 49-1476.01, Reissue Revised Statutes of Nebraska, and sections  
14 49-1413, 49-1467, 49-1469, and 49-1479.02, Revised Statutes  
15 Supplement, 2013, are repealed.