

LEGISLATIVE BILL 79

Approved by the Governor April 24, 2013

Introduced by Avery, 28.

FOR AN ACT relating to political accountability and disclosure; to amend sections 28-915.01, 49-1413, 49-1415, 49-1433.01, 49-1445, 49-1446, 49-1446.04, 49-1447, 49-1455, 49-1456, 49-1457, 49-1459, 49-1461.01, 49-1463, 49-1463.01, 49-1464, 49-1467, 49-1469, 49-1469.05, 49-1469.06, 49-1469.07, 49-1469.08, 49-1477, 49-1479.02, 49-1488.01, 49-14,122, 49-14,123, 49-14,124, 49-14,124.01, 49-14,124.02, 49-14,125, 49-14,129, 49-14,132, 49-14,133, and 49-14,141, Reissue Revised Statutes of Nebraska, and sections 49-14,126 and 49-14,140, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to filing campaign statements and reports; to repeal the Campaign Finance Limitation Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1605, 32-1606, 32-1606.01, 32-1607, 32-1608.01, 32-1608.02, 32-1608.03, 32-1609, 32-1610, 32-1611, 32-1612, 32-1613, and 77-27,119.04, Reissue Revised Statutes of Nebraska, and section 32-1608, Revised Statutes Cumulative Supplement, 2012; and to declare an emergency.

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

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

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

(a) Occurs in an official proceeding; or
 (b) Is intended to mislead a public servant in performing his or her official function.

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

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

(4) This section shall not apply to reports, statements, affidavits, or other documents made or filed pursuant to ~~the Campaign Finance Limitation Act~~ ~~or~~ the Nebraska Political Accountability and Disclosure Act.

Sec. 2. Section 49-1413, Reissue Revised Statutes of Nebraska, is amended to read:

49-1413 (1) Committee shall mean (a) any combination of two or more individuals which receives contributions or makes expenditures of ~~over~~ five thousand dollars or more in a calendar year for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates or the qualification, passage, or defeat of one or more ballot questions or (b) a person whose primary purpose is to receive contributions or make expenditures and who receives or makes contributions or expenditures of ~~over~~ five thousand dollars or more in a calendar year for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates or the qualification, passage, or defeat of one or more ballot questions, except that an individual, other than a candidate, shall not constitute a committee.

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

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

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

49-1415 (1) Contribution shall mean a payment, gift, subscription,

assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, donation, pledge or promise of money or anything of ascertainable monetary value to a person, made for the purpose of influencing the nomination or election of a candidate, or for the qualification, passage, or defeat of a ballot question. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected or returned.

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

(3) Contribution shall not include:

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

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

(c) Food and beverages, ~~not to exceed~~ in the amount of fifty dollars or less in value during a calendar year, which are donated by an individual and for which reimbursement is not given.

Sec. 4. Section 49-1433.01, Reissue Revised Statutes of Nebraska, is amended to read:

49-1433.01 Major out-of-state contributor means a corporation, union, industry association, trade association, or professional association which is not organized under the laws of the State of Nebraska and which makes contributions or expenditures totaling ~~more than~~ ten thousand dollars or more in any calendar year in connection with one or more elections.

Sec. 5. Section 49-1445, Reissue Revised Statutes of Nebraska, is amended to read:

49-1445 (1) A candidate shall form a candidate committee upon raising, receiving, or expending ~~more than~~ five thousand dollars or more in a calendar year.

(2) A candidate committee may consist of one member with the candidate being the member.

(3) A person who is a candidate for more than one office shall form a candidate committee for an office upon raising, receiving, or expending ~~more than~~ five thousand dollars or more in a calendar year for that office.

(4) Two or more candidates who campaign as a slate or team for public office shall form a committee upon raising, receiving, or expending jointly in any combination ~~more than~~ five thousand dollars or more in a calendar year.

(5) The fee to file for office shall not be included in determining if a candidate has raised, received, or expended ~~more than~~ five thousand dollars or more in a calendar year.

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

Sec. 6. Section 49-1446, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(3) No contribution shall be accepted and no expenditure shall be made by a committee which has not filed a statement of organization and which does not have a treasurer. When the office of treasurer in a candidate committee is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

(4) No expenditure shall be made by a committee without the authorization of the treasurer or the assistant treasurer. The contributions received or expenditures made by a candidate or an agent of a candidate shall be considered received or made by the candidate committee.

(5) Contributions received by an individual acting in behalf of a committee shall be reported promptly to the committee's treasurer not later than five days before the closing date of any campaign statement required to be filed by the committee and shall be reported to the committee treasurer immediately if the contribution is received less than five days before the closing date.

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

(7) Contributions received by a committee shall not be commingled with any funds of an agent of the committee or of any other person except for funds received or disbursed by a separate segregated political fund for the purpose of supporting or opposing candidates and committees in elections in states other than Nebraska and candidates for federal office, as provided in section 49-1469.06, including independent expenditures made in such elections.

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

Sec. 7. Section 49-1446.04, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

Sec. 8. Section 49-1447, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

Sec. 9. Section 49-1455, Reissue Revised Statutes of Nebraska, is

amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 10. Section 49-1456, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) A loan made or received shall be set forth in a separate schedule providing the date and amount of the loan and, if the loan is repaid,

the date and manner of repayment. The committee shall provide the name and address of the lender and any person who is liable directly, indirectly, or contingently on each loan of ~~more than~~ two hundred fifty dollars or more.

Sec. 11. Section 49-1457, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

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

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

Sec. 12. Section 49-1459, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

(2) Any committee may file a statement ~~in writing~~ with the commission indicating that the committee does not expect to receive contributions or make expenditures of more than one thousand dollars in the calendar year of an election. Such ~~written~~ statement shall be signed by the committee treasurer or the assistant treasurer, and in the case of a candidate committee, it shall also be signed by the candidate. Such ~~written~~ statement shall be filed on or before the thirtieth day before the election. A committee which files a ~~written~~ statement pursuant to this subsection is not required to file campaign statements according to the schedule prescribed in subsection

(1) of this section but shall file a sworn statement of exemption not later than the fortieth day following the primary election and the seventieth day following the general election stating only that the committee did not, in fact, receive or expend an amount in excess of one thousand dollars. If the committee receives contributions or makes expenditures of more than one thousand dollars during the election year, the committee is then subject to all campaign filing requirements under subsection (1) of this section.

Sec. 13. Section 49-1461.01, Reissue Revised Statutes of Nebraska, is amended to read:

49-1461.01 (1) A ballot question committee shall file with the commission a surety bond running in favor of the State of Nebraska with surety by a corporate bonding company authorized to do business in this state and conditioned upon the payment of all fees, penalties, and interest which may be imposed under the Nebraska Political Accountability and Disclosure Act.

(2) A bond in the amount of five thousand dollars shall be filed with the commission within thirty days after the committee receives contributions or makes expenditures ~~in excess~~ or more in a calendar year, and the amount of the bond shall be increased by five thousand dollars for each additional five hundred thousand dollars received or expended in a calendar year.

(3) Proof of any required increase in the amount of the bond shall be filed with the commission within thirty days after each additional five hundred thousand dollars is received or expended. Any failure to pay late filing fees, civil penalties, or interest due under the act shall be recovered from the proceeds of the bond prior to recovery from the treasurer of the committee.

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

Sec. 14. Section 49-1463, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

Sec. 15. Section 49-1463.01, Reissue Revised Statutes of Nebraska, is amended to read:

49-1463.01 (1) A person required to pay a late filing fee imposed under section ~~32-1604, 32-1604.01, 32-1606.01,~~ 49-1449, 49-1458, 49-1463, 49-1467, 49-1469.08, 49-1478.01, or 49-1479.01 may apply to the commission for relief. The commission by order may reduce the amount of a late filing fee imposed and waive any or all of the interest due on the fee upon a showing by such person that (a) the circumstances indicate no intent to file late, (b) the person has not been required to pay late filing fees for two years prior to the time the filing was due, (c) the late filing shows that ~~less than~~ five thousand dollars or less was raised, received, or expended during the reporting period, and (d) a reduction of the late fees and waiver of interest would not frustrate the purposes of the Nebraska Political Accountability and Disclosure Act.

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

Sec. 16. Section 49-1464, Reissue Revised Statutes of Nebraska, is amended to read:

49-1464 The campaign statement of any committee, including a

candidate committee, a ballot question committee, or a political party committee, shall be filed with the commission. ~~The commission shall make all campaign statements available to the public on its web site as soon as practicable. A campaign statement shall be available on the web site for the duration of the election period for which the statement is filed and for an additional six months thereafter.~~

Sec. 17. Section 49-1467, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

~~(4) (3)~~ Any person who fails to file a report of an independent expenditure with the commission shall pay to the commission a late filing fee of twenty-five dollars for each day the statement remains not filed in violation of this section, not to exceed seven hundred fifty dollars.

~~(5) (4)~~ Any person who violates this section shall be guilty of a Class IV misdemeanor.

Sec. 18. Section 49-1469, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(2) ~~Such a corporation, labor organization, or industry, trade, or professional association~~ Any such entity shall not be required to file reports of independent expenditures pursuant to section 49-1467, but if it makes a contribution or expenditure, or provides personal services, with a value of ~~more than~~ two hundred fifty dollars or more, it shall file a report with the commission within ten days after the end of the calendar month in which the contribution or expenditure is made or the personal services are provided. The report shall include:

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

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

(3) ~~A corporation, labor organization, or industry, trade, or professional association~~ Any entity specified in subsection (1) of this section may not receive contributions unless it establishes and administers a separate segregated political fund which shall be utilized only in the manner set forth in sections 49-1469.05 and 49-1469.06.

Sec. 19. Section 49-1469.05, Reissue Revised Statutes of Nebraska, is amended to read:

49-1469.05 (1) ~~A corporation, labor organization, or industry, trade, or professional association~~ An entity specified in subsection (1) of section 49-1469 which establishes and administers a separate segregated political fund:

(a) Shall not make an expenditure to such fund, except that it may make expenditures and provide personal services for the establishment and administration of such separate segregated political fund; and

(b) Shall file the reports required by subsection (2) of section 49-1469 with respect to the expenditures made or personal services provided

for the establishment and administration of such fund but need not file such reports for the expenditures made from such fund.

(2) If a corporation makes an expenditure to a separate segregated political fund which is established and administered by an industry, trade, or professional association, limited liability company, or limited liability partnership of which such corporation is a member, such corporation shall not be required to file the reports required by subsection (2) of section 49-1469.

Sec. 20. Section 49-1469.06, Reissue Revised Statutes of Nebraska, is amended to read:

49-1469.06 (1) All contributions to and expenditures from a separate segregated political fund shall be limited to money or anything of ascertainable value obtained through the voluntary contributions of the employees, officers, directors, stockholders, or members of the corporation, including a nonprofit corporation, labor organization, ~~or industry, trade, or professional association,~~ limited liability company, or limited liability partnership, and the affiliates thereof, under which such fund was established.

(2) No contribution or expenditure shall be received or made from such fund if obtained or made by using or threatening to use job discrimination or financial reprisals.

(3) Only expenditures to candidates and committees and independent expenditures may be made from a fund established by a ~~corporation, labor organization, or industry, trade, or professional organization,~~ an entity specified in subsection (1) of section 49-1469. Such separate segregated political fund may receive and disburse funds for the purpose of supporting or opposing candidates and committees in elections in states other than Nebraska and candidates for federal office and making independent expenditures in such elections if such receipts and disbursements are made in conformity with the solicitation provisions of this section and the ~~corporation, labor organization, or industry, trade, or professional association~~ entity which establishes and administers such fund complies with the laws of the jurisdiction in which such receipts or disbursements are made.

(4) The expenses for establishment and administration of a separate segregated political fund of a ~~corporation, labor organization, or industry, trade, or professional association~~ any such entity may be paid from the separate segregated political fund of such ~~corporation, labor organization, or industry, trade, or professional association,~~ entity.

Sec. 21. Section 49-1469.07, Reissue Revised Statutes of Nebraska, is amended to read:

49-1469.07 A separate segregated political fund is hereby declared to be an independent committee and subject to all of the provisions of the Nebraska Political Accountability and Disclosure Act applicable to independent committees, and the ~~corporation, labor organization, or industry, trade, or professional association~~ entity which establishes and administers such fund shall make the reports and filings required therefor.

Sec. 22. Section 49-1469.08, Reissue Revised Statutes of Nebraska, is amended to read:

49-1469.08 (1) Any ~~corporation, labor organization, or industry, trade, or professional association~~ entity specified in subsection (1) of section 49-1469 which fails to file a report with the commission required by section 49-1469 or 49-1469.07 shall pay to the commission a late filing fee of twenty-five dollars for each day the statement remains not filed in violation of such sections, not to exceed seven hundred fifty dollars.

(2) Any person who knowingly violates this section, section 49-1469, 49-1469.05, 49-1469.06, or 49-1469.07 shall be guilty of a Class III misdemeanor.

Sec. 23. Section 49-1477, Reissue Revised Statutes of Nebraska, is amended to read:

49-1477 No person shall receive a contribution from a person other than a committee unless, for purposes of the recipient person's record-keeping and reporting requirements, the contribution is accompanied by the name and address of each person who contributed ~~more than~~ one hundred dollars or more to the contribution. Any person violating the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 24. Section 49-1479.02, Reissue Revised Statutes of Nebraska, is amended to read:

49-1479.02 (1) A major out-of-state contributor shall file with the commission an out-of-state contribution report. An out-of-state contribution report shall be filed on a form prescribed by the commission within ten days after the end of the calendar month in which a person becomes a major out-of-state contributor. For the remainder of the calendar year, a major out-of-state contributor shall file an out-of-state contribution report with

the commission within ten days after the end of each calendar month in which the contributor makes a contribution or expenditure.

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

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

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

Sec. 25. Section 49-1488.01, Reissue Revised Statutes of Nebraska, is amended to read:

49-1488.01 (1) Every lobbyist who fails to file a quarterly statement or a statement of activity with the Clerk of the Legislature, pursuant to sections 49-1483 and 49-1488, shall pay to the commission a late filing fee of twenty-five dollars for each day any of such statements are not filed in violation of such sections, but not to exceed seven hundred fifty dollars per statement.

(2) A lobbyist required to pay a late filing fee pursuant to subsection (1) of this section may apply to the commission for relief. The commission by order may reduce the amount of the late filing fee imposed upon such lobbyist if he or she shows the commission that (a) the circumstances indicate no intent to file late, (b) the lobbyist has not been required to pay a late filing fee for two years prior to the time the filing of the statement was due, (c) the late filing of the statement shows that ~~less than~~ five thousand dollars or less was raised, received, or expended during the reporting period, and (d) a reduction of the late fee would not frustrate the purposes of the Nebraska Political Accountability and Disclosure Act.

(3) A lobbyist required to pay a late filing fee pursuant to subsection (1) of this section who qualifies for an exemption to the filing of quarterly statements pursuant to subsection (5) of section 49-1483 may apply to the commission for relief. The commission by order may reduce or waive the late filing fee and the person shall not be required to make a showing as provided by subsection (2) of this section.

Sec. 26. Section 49-14,122, Reissue Revised Statutes of Nebraska, is amended to read:

49-14,122 The commission shall make random field investigations and audits with respect to campaign statements and activity reports filed with the commission under ~~the Campaign Finance Limitation Act and the~~ Nebraska Political Accountability and Disclosure Act. ~~Except for audits conducted pursuant to the Campaign Finance Limitation Act, any~~ Any audit or investigation conducted of a candidate's campaign statements during a campaign shall include an audit or investigation of the statements of his or her opponent or opponents as well. The commission may also carry out field investigations or audits with respect to any campaign statement, registration, report, or other statement filed under the ~~Nebraska Political Accountability and Disclosure Act~~ act if the commission or the executive director deems such investigations or audits necessary to carry out the purposes of the act.

Sec. 27. Section 49-14,123, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(2) Prescribe forms for statements and reports required to be filed

pursuant to the ~~Campaign Finance Limitation Act and the~~ Nebraska Political Accountability and Disclosure Act and furnish such forms to persons required to file such statements and reports;

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

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

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

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

(7) Prepare and publish summaries of statements and reports filed with the commission and special reports and technical studies to further the purposes of the ~~acts,~~ act;

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

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

(10) Issue and publish advisory opinions on the requirements of the ~~acts~~ act upon the request of a person or government body directly covered or affected by the ~~acts,~~ act. Any such opinion rendered by the commission, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the person or government body who requested the opinion and who acted in reliance on it in good faith unless material facts were omitted or misstated by the person or government body in the request for the opinion;

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

(12) Receive all late filing fees, civil penalties, and interest imposed pursuant to the ~~Campaign Finance Limitation Act or the~~ Nebraska Political Accountability and Disclosure Act, ~~seek the return of any amount as provided in section 32-1606, and seek the repayment of any amount as provided in section 32-1607~~ and remit all such funds to the State Treasurer for credit to the ~~Campaign Finance Limitation~~ Nebraska Accountability and Disclosure Commission Cash Fund; and

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

Sec. 28. Section 49-14,124, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(b) The recommendation of the executive director; or

(c) The commission's own motion.

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

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

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

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

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

~~(5) (4) Within fifteen days after the filing of a sworn complaint by a person alleging a violation, and every thirty days thereafter until the~~

matter is terminated, the executive director shall notify the complainant and the alleged violator of the action taken to date by the commission together with the reasons for such action or for nonaction.

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

Sec. 29. Section 49-14,124.01, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 30. Section 49-14,124.02, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 31. Section 49-14,125, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

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

(8) Any person whose name is mentioned during a proceeding of the

commission and who may be adversely affected thereby shall be notified and may appear personally before the commission on that person's own behalf or file a written statement for incorporation into the record of the proceeding.

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

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

Sec. 32. Section 49-14,126, Revised Statutes Cumulative Supplement, 2012, is amended to read:

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

~~(a)~~ (1) Cease and desist from the violation;

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

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

~~(d)~~ (4) Pay the costs of the hearing in a contested case if the violator did not appear at the hearing personally or by counsel.

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

Sec. 33. Section 49-14,129, Reissue Revised Statutes of Nebraska, is amended to read:

49-14,129 The commission, by order, may suspend or modify any of the reporting requirements of ~~the Campaign Finance Limitation Act or~~ the Nebraska Political Accountability and Disclosure Act, in a particular case, for good cause shown, or if it finds that literal application of ~~such acts~~ the act works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of such acts. ~~the act.~~ Any such suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required by this section.

Sec. 34. Section 49-14,132, Reissue Revised Statutes of Nebraska, is amended to read:

49-14,132 Information copied from campaign statements, registration forms, activity reports, statements of financial interest, and other filings required by the Nebraska Political Accountability and Disclosure Act shall not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, except that (1) the name and address of any political committee, ~~corporation, labor organization, or industry, trade, or professional association or entity specified in subsection (1) of section 49-1469~~ may be used for soliciting contributions from such committee, corporation, organization, or association or entity and (2) the use of information copied or otherwise obtained from statements, forms, reports, and other filings required by the act in newspapers, magazines, books, or other similar communications is permissible as long as the principal purpose of using such information is not to communicate any contributor information listed thereon for the purpose of soliciting contributions or for other commercial purposes.

Sec. 35. Section 49-14,133, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 36. Section 49-14,140, Revised Statutes Cumulative Supplement, 2012, is amended to read:

49-14,140 The Nebraska Accountability and Disclosure Commission Cash Fund is hereby created. The fund shall consist of funds received by the commission pursuant to sections 49-1449.01, 49-1470, 49-1480.01, 49-1482, 49-14,123, and 49-14,123.01 and subdivision ~~(1)(d)~~ (4) of section 49-14,126. ~~The fund shall not include late filing fees or civil penalties assessed and collected by the commission.~~ The fund shall be used by the commission in administering the Nebraska Political Accountability and Disclosure Act. Any money in the Nebraska Accountability and Disclosure Commission Cash Fund

available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

On the operative date of this section, the State Treasurer shall transfer \$630,870 from the Campaign Finance Limitation Cash Fund to the Nebraska Accountability and Disclosure Commission Cash Fund to be used for development, implementation, and maintenance of an electronic filing system for campaign statements and other reports under the Nebraska Political Accountability and Disclosure Act and for making such statements and reports available to the public on the web site of the commission. The State Treasurer shall transfer the balance of the Campaign Finance Limitation Cash Fund to the Election Administration Fund on or before July 5, 2013, or as soon thereafter as administratively possible.

Sec. 37. Section 49-14,141, Reissue Revised Statutes of Nebraska, is amended to read:

49-14,141 (1) The commission shall develop, implement, and maintain an electronic filing system for campaign statements and other reports required to be filed with the commission under the Nebraska Political Accountability and Disclosure Act and shall provide for such statements and reports to be made available to the public on its web site as soon as practicable.

(2) The commission may adopt procedures for the digital and electronic filing of any report or statement with the commission as required by the Nebraska Political Accountability and Disclosure Act- act. Any procedures for digital filing shall comply with the provisions of section 86-611. The commission may adopt authentication procedures to be used as a verification process for statements or reports filed digitally or electronically. Compliance with authentication procedures adopted by the commission shall have the same validity as a signature on any report, statement, or verification statement.

Sec. 38. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 39, 41 of this act become operative on January 1, 2014. The other sections of this act become operative on their effective date.

Sec. 39. Original sections 28-915.01, 49-1413, 49-1415, 49-1433.01, 49-1445, 49-1446, 49-1446.04, 49-1447, 49-1455, 49-1456, 49-1457, 49-1459, 49-1461.01, 49-1463, 49-1463.01, 49-1464, 49-1467, 49-1469, 49-1469.05, 49-1469.06, 49-1469.07, 49-1469.08, 49-1477, 49-1479.02, 49-1488.01, 49-14,122, 49-14,123, 49-14,124, 49-14,124.01, 49-14,124.02, 49-14,125, 49-14,129, 49-14,132, 49-14,133, and 49-14,141, Reissue Revised Statutes of Nebraska, and section 49-14,126, Revised Statutes Cumulative Supplement, 2012, are repealed.

Sec. 40. Original section 49-14,140, Revised Statutes Cumulative Supplement, 2012, is repealed.

Sec. 41. The following sections are outright repealed: Sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1605, 32-1606, 32-1606.01, 32-1607, 32-1608.01, 32-1608.02, 32-1608.03, 32-1609, 32-1610, 32-1611, 32-1612, 32-1613, and 77-27,119.04, Reissue Revised Statutes of Nebraska, and section 32-1608, Revised Statutes Cumulative Supplement, 2012.

Sec. 42. Since an emergency exists, this act takes effect when passed and approved according to law.