

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1134**

Introduced by Morfeld, 46.

Read first time January 19, 2022

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to political accountability and disclosure; to
- 2 amend section 49-14,101.02, Reissue Revised Statutes of Nebraska; to
- 3 prohibit use of public resources by a member of a board of directors
- 4 or an employee of certain corporations as prescribed; and to repeal
- 5 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 of  
2 Nebraska, is amended to read:

3           49-14,101.02 (1) For purposes of this section, public resources  
4 means personnel, property, resources, or funds under the official care  
5 and control of (a) a public official or public employee or (b) a member  
6 of a board of directors or an employee of a corporation organized under  
7 the Electric Cooperative Corporation Act.

8           (2) Except as otherwise provided in this section, a public official  
9 or public employee or a person described in subdivision (1)(b) of this  
10 section shall not use or authorize the use of public resources for the  
11 purpose of campaigning for or against the nomination or election of a  
12 candidate or the qualification, passage, or defeat of a ballot question.

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

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

24           (5) This section does not prohibit a public official or a public  
25 employee under the direct supervision of a public official from  
26 responding to specific inquiries by the press or the public as to his or  
27 her opinion regarding a ballot question or from providing information in  
28 response to a request for information.

29           (6) This section does not prohibit a member of the Legislature from  
30 making use of public resources in expressing his or her opinion regarding  
31 a candidate or a ballot question or from communicating that opinion. A

1 member is not authorized by this section to utilize mass mailings or  
2 other mass communications at public expense for the purpose of  
3 campaigning for or against the nomination or election of a candidate. A  
4 member is not authorized by this section to utilize mass mailings at  
5 public expense for the purpose of qualifying, supporting, or opposing a  
6 ballot question.

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

22 (8) Nothing in this section prohibits a public official or a  
23 director described in subdivision (1)(b) of this section from campaigning  
24 for or against the qualification, passage, or defeat of a ballot question  
25 or the nomination or election of a candidate when no public resources are  
26 used.

27 (9) Nothing in this section prohibits a public employee or an  
28 employee described in subdivision (1)(b) of this section from campaigning  
29 for or against the qualification, passage, or defeat of a ballot question  
30 or the nomination or election of a candidate when no public resources are  
31 used. Except as otherwise provided in this section, a public employee

1 shall not engage in campaign activity for or against the qualification,  
2 passage, or defeat of a ballot question or the nomination or election of  
3 a candidate while on government work time or when otherwise engaged in  
4 his or her official duties.

5 (10) This section does not prohibit an employee of the Legislature  
6 from using public resources consistent with this section for the purpose  
7 of researching or campaigning for or against the qualification, passage,  
8 or defeat of a ballot question if the employee is under the direction and  
9 supervision of a member of the Legislature.

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

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