

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 482**

Introduced by Cavanaugh, J., 9.

Read first time January 15, 2021

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Nebraska Political Accountability and
- 2 Disclosure Act; to amend section 49-14,101.02, Reissue Revised
- 3 Statutes of Nebraska; to define a term; to prohibit the use of
- 4 public resources made as a contribution by transfer to certain
- 5 entities as prescribed; 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 of  
2 Nebraska, is amended to read:

3 49-14,101.02 (1) For purposes of this section:

4 (a) Public ~~, public~~ resources means personnel, property, resources,  
5 or funds under the official care and control of a public official or  
6 public employee; and -

7 (b) Use or authorize the use of includes, but is not limited to, any  
8 transfer of public resources made as a contribution to a candidate or  
9 committee, including such transfer made on behalf of a political  
10 subdivision in the form of affiliation assessments or membership dues to  
11 any private cooperative, corporation, association, or other entity for  
12 use as a contribution to a candidate or committee. For purposes of this  
13 subdivision, transfer does not include a voluntary payroll deduction  
14 authorized by a public employee for payment of membership dues to a labor  
15 organization or industry, trade, or professional association.

16 (2) Except as otherwise provided in this section, a public official  
17 or public employee shall not use or authorize the use of public resources  
18 for the purpose of campaigning for or against the nomination or election  
19 of a candidate or the qualification, passage, or defeat of a ballot  
20 question.

21 (3) This section does not prohibit a public official or public  
22 employee from making government facilities available to a person for  
23 campaign purposes if the identity of the candidate or the support for or  
24 opposition to the ballot question is not a factor in making the  
25 government facility available or a factor in determining the cost or  
26 conditions of use.

27 (4) This section does not prohibit a governing body from discussing  
28 and voting upon a resolution supporting or opposing a ballot question or  
29 a public corporation organized under Chapter 70 from otherwise supporting  
30 or opposing a ballot question concerning the sale or purchase of its  
31 assets.

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

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

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

30 (8) Nothing in this section prohibits a public official from  
31 campaigning for or against the qualification, passage, or defeat of a

1 ballot question or the nomination or election of a candidate when no  
2 public resources are used.

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

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

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

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