

LEGISLATIVE BILL 416

Approved by the Governor March 30, 1999

Introduced by Janssen, 15

AN ACT relating to political accountability and disclosure; to amend sections 32-1604.01, 49-1413, 49-1445, 49-1446.05, 49-1449, 49-1451, 49-1455 to 49-1459, 49-1463, 49-1467, 49-1469, 49-1469.04, 49-1479.01, 49-1483.03, 49-1488.01, and 49-14,126, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to candidate committees, campaign statements, contributions, expenditures, loans, reports, late filing fees, and a civil penalty; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 32-1604.01, Reissue Revised Statutes of Nebraska, is amended to read:

32-1604.01. (1) Except as otherwise provided in this section, each candidate for a covered elective office listed in subdivision (1)(a) of section 32-1603 shall file either an affidavit to abide under subsection (4) of section 32-1604 or an affidavit not to abide under subdivision (5)(a) of section 32-1604 with the Nebraska Accountability and Disclosure Commission within ten days after a candidate committee is required to be formed pursuant to sections 49-1413, 49-1445, and 49-1449 and on or before the first day of each election period thereafter unless the candidate has not filed and will not file to seek election or reelection or has withdrawn his or her filing to seek election or reelection. Except as otherwise provided in this section, each candidate for a covered elective office listed in subdivision (1)(b) of section 32-1603 shall file either an affidavit to abide under subsection (4) of section 32-1604 or an affidavit not to abide under subdivision (5)(a) of section 32-1604 with the Nebraska Accountability and Disclosure Commission within ten days after a candidate committee is required to be formed pursuant to sections 49-1413, 49-1445, and 49-1449 or within ten days after the office is designated as a covered elective office under section 32-1611, whichever is later, unless the candidate has not filed and will not file to seek election or reelection or has withdrawn his or her filing to seek election or reelection. If a candidate is not required to form a candidate committee, the candidate is not required to file an affidavit under section 32-1604.

(2) Any candidate for a legislative district which is subject to election in 1998 for whom a candidate committee is in existence on September 13, 1997, shall file an affidavit to abide under subsection (4) of section 32-1604 or an affidavit not to abide under subdivision (5)(a) of section 32-1604 within thirty days after September 13, 1997.

(3) An affidavit to abide under subsection (4) of section 32-1604 and an affidavit not to abide under subdivision (5)(a) of section 32-1604 shall be filed on forms prescribed by the commission.

(4) A candidate who fails to file an affidavit as required by this section shall pay to the commission a late filing fee of ~~ten~~ twenty-five dollars for each day the statement remains not filed in violation of this section not to exceed ~~three hundred~~ seven hundred fifty dollars.

(5) It shall be a violation of the Campaign Finance Limitation Act for a candidate for a covered elective office who has filed an affidavit to abide under subsection (4) of section 32-1604 to exceed the spending limitations prescribed in section 32-1604.

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

49-1413. Committee shall mean (1) any combination of two or more individuals which receives contributions or makes expenditures of over ~~two~~ five thousand dollars 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 (2) a person, as defined in section 49-1438, whose primary purpose is to receive contributions or make expenditures and who receives or makes contributions or expenditures of over ~~two~~ five thousand dollars 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 an individual, other than a candidate, shall not constitute a committee. 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 ~~two~~ five thousand dollars in a calendar year referred to in this section. A corporation, labor organization, or industry, trade, or professional association is not a committee if it makes expenditures or provides personal services pursuant to section 49-1469.

Sec. 3. Section 49-1445, Reissue Revised Statutes of Nebraska, is amended to read:

49-1445. Each candidate shall, upon raising, receiving, or expending in excess of ~~two~~ five thousand dollars in a calendar year, other than the fee for filing for office, form a candidate committee which may be a one-person committee, that person being the candidate. A person who is a candidate for more than one office shall form a candidate committee for the office for which the person is a candidate upon raising, receiving, or expending in excess of ~~two~~ five thousand dollars in a calendar year, other than the fee for filing for office, for the campaign for that office. Any 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, in excess of ~~two~~ five thousand dollars in a calendar year, other than the fee for filing for office.

Sec. 4. Section 49-1446.05, Reissue Revised Statutes of Nebraska, is amended to read:

49-1446.05. (1) Any person as defined in section 49-1438, including an independent committee or a political party committee, that makes independent expenditures as defined in section 49-1428 for or against a candidate seeking nomination or election to a covered elective office as defined in section 32-1603, in an aggregate amount greater than two thousand dollars during the primary election period or the general election period as defined in section 32-1603, shall report such independent expenditures by filing a report with the commission within five days after the aggregate amount of such expenditures exceeds two thousand dollars. Such report shall include:

(a) The name, address, and telephone number of the person or committee filing the report;

(b) The name, address, and telephone number of the treasurer if the person filing the report is an independent committee or a political party committee;

(c) The name of the candidate for which the independent expenditure was made, the date of the election for which the independent expenditure was made, and whether the independent expenditure was made in support of or in opposition to such candidate;

(d) The office sought by the candidate for which the independent expenditure was made;

(e) The name and address of the person to whom the independent expenditure is made;

(f) The aggregate amount of the independent expenditures which have been made;

(g) A description of the nature of each such independent expenditure; and

(h) The name, address, occupation, employer, and principal place of business of each person who contributed more than one hundred dollars to the expenditure.

(2) Any such person shall file an additional report each time the aggregate amount of independent expenditures not previously reported exceeds ~~two~~ five thousand dollars. Such reports shall be filed with the commission within five days after the aggregate amount of such expenditures not previously reported exceeds ~~two~~ five thousand dollars during a primary or general election period. An independent expenditure made in support of or in opposition to more than one candidate for a covered elective office shall be apportioned reasonably among the candidates supported or opposed by such expenditure.

(3) The commission shall give notice of the filing of a report under subsection (1) or (2) of this section to each candidate for the office named in such report by certified mail the day after receipt of the filing.

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

(5) The reports required by this section shall be in addition to any reports required to be filed by the committee pursuant to section 49-1459 or by any person subject to the reporting requirements of section 49-1469.

Sec. 5. Section 49-1449, Reissue Revised Statutes of Nebraska, is amended to read:

49-1449. Each committee shall file a statement of organization with the filing officials designated in section 49-1464 to receive the committee's campaign statements. Such statement of organization shall be filed within ten days after a committee is formed. Any committee in existence on July 1, 1977, and desiring to remain in existence shall file a statement with the appropriate filing officials within thirty days after July 1, 1977. Any committee in existence on July 1, 1977, and not filing a statement within thirty days after such date shall be dissolved. The filing official shall maintain a statement of organization filed by a committee until notified of the committee's dissolution. Any person who fails to file with the commission a statement of organization required by this section shall pay to the commission a late filing fee of ~~ten~~ twenty-five dollars for each day the statement remains not filed in violation of this section, not to exceed ~~three hundred~~ seven hundred fifty dollars.

Sec. 6. Section 49-1451, Reissue Revised Statutes of Nebraska, is amended to read:

49-1451. When any of the information required in a statement of organization is changed, such change shall be reported when the next campaign statement is required to be filed. Any person who fails to report a change to the commission under this section shall pay to the commission a late filing fee of ~~ten~~ twenty-five dollars for each day the change remains not reported in violation of this section, not to exceed ~~three hundred~~ seven hundred fifty dollars.

Sec. 7. 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 ~~one hundred~~ two hundred fifty dollars 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 ~~one hundred~~ two hundred fifty dollars 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) The full name and street address of each person to whom expenditures totaling more than ~~one hundred~~ two hundred fifty dollars 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.

Sec. 8. 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 ~~one hundred~~ two hundred fifty dollars.

Sec. 9. 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 ~~one hundred~~ two hundred fifty dollars 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. † ~~and~~

(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. 10. Section 49-1458, Reissue Revised Statutes of Nebraska, is amended to read:

49-1458. (1) A late contribution shall be reported by filing with the filing officer within five days after its receipt the full name, street address, occupation, employer, and principal place of business of the contributor. Filing of a report of late contributions may be by hand delivery, facsimile transmission, telegraph, express delivery service, or any other written means of communication and need not contain an original signature. A late contribution shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section. If a campaign statement has not been filed, a late contribution may be reported, if practicable, in the campaign statement and need not be reported in a

subsequent campaign statement.

(2) Any person or committee which fails to file a report of late contributions with the commission as required by this section shall pay to the commission a late filing fee of one hundred fifty dollars for each day the report remains not filed not to exceed three thousand one thousand five hundred dollars or ten percent of the late contribution required to be reported, whichever is greater.

(3) As used in this section, late contribution shall mean a contribution of five hundred one thousand dollars or more received after the closing date of the last campaign statement required to be filed prior to an election.

Sec. 11. 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 ~~sixtieth~~ seventieth day following the general election. The closing date for a postprimary election campaign statement filed under this subdivision shall be the thirty-fifth day following the election. The closing date for a postgeneral election campaign statement filed under this subdivision 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 ~~sixtieth~~ 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. 12. Section 49-1463, Reissue Revised Statutes of Nebraska, is amended to read:

49-1463. 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 ~~ten~~ twenty-five dollars for each day the campaign statement remains not filed in violation of this section, not to exceed ~~three hundred~~ seven hundred fifty dollars. 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 ~~ten~~ twenty-five dollars for each day the statement of exemption remains not filed in violation of this section, not to exceed ~~one hundred~~ two hundred twenty-five dollars.

Sec. 13. 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 ~~one hundred~~ two hundred fifty dollars, shall file a report of the independent expenditure, within ten days, with the commission and the election commissioner or, if there is no election commissioner, the clerk of the county of residence of that person. 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, together with the name, address, occupation, employer, and principal place of business of each person who contributed more than ~~one hundred~~ two hundred fifty dollars to the expenditure. The commission shall forward copies, as required, to the appropriate filing officers as described in section 49-1464.

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

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

Sec. 14. Section 49-1469, Reissue Revised Statutes of Nebraska, is amended to read:

49-1469. (1) Any corporation, labor organization, or industry, trade, or professional association, whether organized under the laws of this state or any other state or country and doing business in this state, without being a committee as defined in section 49-1413, may make expenditures or provide personal services. It shall not be required to file reports of independent expenditures pursuant to section 49-1467, but it shall file a report with the commission within ten days after the end of the calendar month in which any expenditure of two hundred fifty dollars or more is made or personal service of two hundred fifty dollars or more, calculated at fair market value, is provided. Such report shall fully disclose the nature, date, and value of any expenditure, as well as the committee or candidate to which or in whose behalf it was made. In the case of personal services, the corporation, labor organization, or industry, trade, or professional association shall in such report fully detail the nature, the date or dates, and the specifics of the personal service provided, the committee or candidate to which or in whose behalf it was made, and the proposition in behalf of or in opposition to which it was made.

(2)(a) A corporation, labor organization, or industry, trade, or professional association 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 this subsection.

(b) The corporation, labor organization, or industry, trade, or professional association establishing and administering such a separate segregated political fund 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.

(c) All contributions to and expenditures from such 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, and the affiliates thereof, under which such fund was established. 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. 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, except that 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 which establishes and administers such fund complies with the laws of the jurisdiction in which such receipts or disbursements are made. The expenses for establishment and administration of a separate segregated political fund of a corporation, labor organization, or industry, trade, or professional association may be paid from the separate segregated political fund of such corporation, labor organization, or industry, trade, or professional association.

(d) The corporation, labor organization, or industry, trade, or professional association which establishes and administers a separate segregated political fund shall file the reports required by subsection (1) of this section 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. If a corporation makes an expenditure to a separate segregated political fund which is established and administered by an industry, trade, or professional association of which such corporation is a member, such corporation shall not be required to file the reports required by subsection (1) of this section.

(e) Such 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 which establishes and administers such fund shall make the reports and filings required therefor.

(3) Any corporation, labor organization, or industry, trade, or professional association which fails to file a report with the commission required by this section shall pay to the commission a late filing fee of twenty-five ~~ten~~ dollars for each day the statement remains not filed in violation of this section not to exceed seven hundred fifty ~~three hundred~~ dollars.

(4) Any person who knowingly violates the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 15. Section 49-1469.04, Reissue Revised Statutes of Nebraska, is amended to read:

49-1469.04. (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 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 (1) of section 49-1469, (b) a person required to file a report or campaign statement pursuant to section 49-1469, (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 fifty one hundred ~~one thousand five hundred~~ three thousand dollars or ten percent of the amount of the contributions or expenditures which were required to be reported, whichever is greater.

Sec. 16. Section 49-1479.01, Reissue Revised Statutes of Nebraska, is amended to read:

49-1479.01. (1) Any contribution by a person made on behalf of or to a candidate or committee, including contributions which are in any way earmarked or otherwise directed to the candidate or committee through an intermediary or agent, shall be considered to be a contribution from the person to the candidate or committee.

(2) For purposes of this section, earmarked shall mean a designation, instruction, or encumbrance, including those which are direct or indirect, express or implied, or oral or written, which results in any part of a contribution or expenditure, including any in-kind expenditure made in exchange for a contribution, being made to or expended on behalf of a candidate or a committee.

(3) Any intermediary or agent, other than a committee, which receives an earmarked contribution shall forward the earmarked contribution to the recipient candidate or committee within ten days after receipt of such contribution.

(4) Any intermediary or agent shall file a report of the earmarked contribution with the commission and the election commissioner or, if there is no election commissioner, with the clerk of the county of residence of the candidate or the county of the headquarters of the committee. An intermediary or agent which is not a committee shall file the report within ten days after

receipt of the contribution. Any committee which is an intermediary or agent shall file a report of the earmarked contribution by the date the next campaign statement is required to be filed. Any intermediary or agent making an earmarked contribution shall disclose to the recipient of the earmarked contribution the name and address of the intermediary or agent and the actual source of the contribution by providing the recipient with a copy of the report of the earmarked contribution at the time that the earmarked contribution is made. The report of the earmarked contribution filed pursuant to this section shall be on a form prescribed by the commission.

(5) Any person or committee which fails to file a report of an earmarked contribution with the commission as required by this section shall pay to the commission a late filing fee of ~~ten~~ twenty-five dollars for each day the statement remains not filed in violation of this section not to exceed ~~three hundred~~ seven hundred fifty dollars.

(6) Any person who knowingly violates the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 17. Section 49-1483.03, Reissue Revised Statutes of Nebraska, is amended to read:

49-1483.03. (1) Any lobbyist or principal who receives or expends more than five thousand dollars for lobbying purposes during any calendar month in which the Legislature is in session shall, within fifteen days after the end of such calendar month, file a special report disclosing for that calendar month all information required by section 49-1483. All information disclosed in a special report shall also be disclosed in the next quarterly report required to be filed. The requirement to file a special report shall not apply to a receipt or expenditure for lobbyist fees for lobbying services which have otherwise been disclosed in the lobbyist's application for registration.

(2) Any lobbyist who fails to file a special report required by this section with the Clerk of the Legislature or the commission shall pay to the commission a late filing fee of ~~fifty one hundred~~ three thousand dollars for each day the statement remains not filed not to exceed ~~one thousand five hundred~~ three thousand dollars or ten percent of the amount of the receipts and expenditures reported, whichever is greater.

Sec. 18. 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 ~~ten~~ twenty-five dollars for each day any of such statements are not filed in violation of such sections but not to exceed ~~three hundred~~ 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 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 (3) 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. 19. Section 49-14,126, Reissue Revised Statutes of Nebraska, 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 begin civil or criminal prosecution for the imposition of civil or criminal penalties provided by the act. If the commission finds a violation of the act or any rule or regulation thereunder, it may issue an order requiring the violator to:

(a) Cease and desist violation;
 (b) File any report, statement, or other information as required; or
 (c) Pay a civil penalty of not more than ~~one~~ two thousand dollars for each violation of the act, rule, or regulation.

(2) If the commission finds a violation of the Campaign Finance Limitation Act, the commission shall assess a civil penalty as required under

section 32-1612.

Sec. 20. Original sections 32-1604.01, 49-1413, 49-1445, 49-1446.05, 49-1449, 49-1451, 49-1455 to 49-1459, 49-1463, 49-1467, 49-1469, 49-1469.04, 49-1479.01, 49-1483.03, 49-1488.01, and 49-14,126, Reissue Revised Statutes of Nebraska, are repealed.