

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1112

Introduced by Erdman, 47.

Read first time January 23, 2008

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to political accountability and disclosure;

2 to amend sections 49-1402, 49-1403, 49-1415, 49-1455,

3 49-1456, 49-1457, 49-1459, 49-1461, 49-1465, 49-1470,

4 49-1478, 49-14,122, 49-14,129, and 49-14,141, Reissue

5 Revised Statutes of Nebraska, sections 49-1446,

6 49-1446.04, 49-1447, 49-1463, 49-1463.01, 49-1467,

7 49-1469, 49-1479.01, 49-14,124, 49-14,124.01, and

8 49-14,125, Revised Statutes Cumulative Supplement,

9 2006, and sections 28-915.01, 49-1401, 49-1458,

10 49-1478.01, 49-1479.02, 49-14,123, 49-14,124.02,

11 49-14,126, 49-14,133, and 49-14,140, Revised Statutes

12 Supplement, 2007; to provide limitations on certain

13 campaign contributions; to change provisions relating to

14 filing campaign statements and reports; to repeal the

1 Campaign Finance Limitation Act; to harmonize provisions;  
2 to provide an operative date; to repeal the original  
3 sections; and to outright repeal sections 32-1605,  
4 32-1608.02, 32-1609, 32-1610, 32-1611, 32-1613, and  
5 77-27,119.04, Reissue Revised Statutes of Nebraska, and  
6 sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01,  
7 32-1606, 32-1606.01, 32-1607, 32-1608, 32-1608.01,  
8 32-1608.03, and 32-1612, Revised Statutes Cumulative  
9 Supplement, 2006.  
10 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-915.01, Revised Statutes  
2 Supplement, 2007, is amended to read:

3           28-915.01 (1) A person who makes a false statement under  
4 oath or equivalent affirmation, or swears or affirms the truth of  
5 such a statement previously made, when he or she does not believe  
6 the statement to be true, is guilty of a Class I misdemeanor if the  
7 falsification:

8           (a) Occurs in an official proceeding; or

9           (b) Is intended to mislead a public servant in performing  
10 his or her official function.

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

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

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

23           Sec. 2. Section 49-1401, Revised Statutes Supplement,  
24 2007, is amended to read:

25           49-1401 Sections 49-1401 to 49-14,141 and sections 6 to

1 10 and 41 of this act shall be known and may be cited as the  
2 Nebraska Political Accountability and Disclosure Act.

3 Sec. 3. Section 49-1402, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 49-1402 The Legislature finds:

6 (1) That the public interest in the manner in which  
7 election campaigns are conducted has increased greatly in  
8 recent years, creating a need for additional disclosure and  
9 accountability;

10 (2) That there is a compelling state interest in ensuring  
11 that the state and local elections are free of corruption and the  
12 appearance of corruption and that this can only be achieved if  
13 (a) the sources of funding of campaigns are fully disclosed, and  
14 (b) the use of money in campaigns is fully disclosed, and (c)  
15 limits are placed on contributions to candidates and committees  
16 from persons other than individuals;

17 (3) That it is essential to the proper operation of  
18 democratic government that public officials and employees be  
19 independent and impartial, that governmental decisions and policy  
20 be made in the proper channels of governmental structure, and that  
21 public office or employment not be used for private gain other than  
22 the compensation provided by law; and

23 (4) That the attainment of one or more of these ends  
24 is impaired when there exists, or appears to exist, a substantial  
25 conflict between the private interests of a public official and his

1 or her duties as such official; and that although the vast majority  
2 of public officials and employees are dedicated and serve with  
3 high integrity, the public interest requires that the law provide  
4 greater accountability, disclosure, and guidance with respect to  
5 the conduct of public officials and employees.

6 Sec. 4. Section 49-1403, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 49-1403 For purposes of the Nebraska Political  
9 Accountability and Disclosure Act, unless the context otherwise  
10 requires, the definitions found in sections 49-1404 to 49-1444 and  
11 sections 6 to 9 of this act shall be used.

12 Sec. 5. Section 49-1415, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 49-1415 (1) Contribution shall mean a payment, gift,  
15 subscription, assessment, expenditure, contract, payment for  
16 services, dues, advance, forbearance, loan, donation, pledge or  
17 promise of money or anything of ascertainable monetary value to  
18 a person, made for the purpose of influencing the nomination or  
19 election of a candidate, or for the qualification, passage, or  
20 defeat of a ballot question. An offer or tender of a contribution  
21 is not a contribution if expressly and unconditionally rejected or  
22 returned.

23 (2) Contribution shall include the purchase of tickets  
24 or payment of an attendance fee for events such as dinners,  
25 luncheons, rallies, testimonials, and similar fundraising events;

1 an individual's own money or property other than the individual's  
2 homestead used on behalf of that individual's candidacy; and the  
3 granting of discounts or rebates by broadcast media and newspapers  
4 not extended on an equal basis to all candidates for the same  
5 office.

6 (3) Contribution shall not include:

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

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

16 (c) Food and beverages, not to exceed fifty dollars in  
17 value during a calendar year, which are donated by an individual  
18 and for which reimbursement is not given.

19 Sec. 6. Election period means the period beginning  
20 January 1 of the calendar year prior to the year of the election  
21 in which the candidate is seeking office through the end of the  
22 calendar year of such election.

23 Sec. 7. General election period means the period  
24 beginning with the day following the end of the primary election  
25 period through the end of the election period.

1           Sec. 8. National political party committee means an  
2 organization which, by virtue of the bylaws of a political party,  
3 is responsible for the day-to-day operation of the party at the  
4 national level and which raises and spends money for political  
5 campaigning.

6           Sec. 9. Primary election period means the period  
7 beginning with the first day of the election period through the  
8 thirty-fifth day following the primary election.

9           Sec. 10. (1) No person other than an individual shall  
10 make any contributions which total more than:

11           (a) Two thousand three hundred dollars for the primary  
12 election period and two thousand three hundred dollars for the  
13 general election period to each candidate or candidate committee;

14           (b) Subject to subdivision (c) of this subsection:

15           (i) Twenty-eight thousand five hundred dollars to each  
16 national political party committee per calendar year;

17           (ii) Ten thousand dollars to state, district, and local  
18 political party committees combined per calendar year; and

19           (iii) Five thousand dollars to each committee other than  
20 those covered by subdivision (a), (b)(i), or (b)(ii) of this  
21 subsection per calendar year; and

22           (c) Sixty-five thousand five hundred dollars to all  
23 committees other than candidate committees combined per election  
24 period.

25           (2) The commission shall adjust the limits in subsection

1 (1) of this section for inflation for each election period based  
2 upon the Consumer Price Index for the calendar year prior to the  
3 year in which the adjustment is made, and the adjusted limits shall  
4 be in effect until further adjusted as provided in this subsection.  
5 The commission shall use the Consumer Price Index, All Urban  
6 Consumers, All Items, United States City Average, to calculate the  
7 adjustments for the limits beginning in 2010 for the following  
8 election period and every two years thereafter. The limits shall  
9 be rounded to the next highest one-thousand-dollar amount. If  
10 publication of the Consumer Price Index is discontinued, the most  
11 recent limit adjustments in effect prior to the discontinuance  
12 shall remain in effect.

13           Sec. 11. Section 49-1446, Revised Statutes Cumulative  
14 Supplement, 2006, is amended to read:

15           49-1446 (1) Each committee shall have a treasurer who is  
16 a qualified elector of this state. A candidate may appoint himself  
17 or herself as the candidate committee treasurer.

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



1 deposits to the committee's official depository.

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

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

13 (5) Contributions received by an individual acting in  
14 behalf of a committee shall be reported promptly to the committee's  
15 treasurer not later than five days before the closing date of  
16 any campaign statement required to be filed by the committee  
17 and shall be reported to the committee treasurer immediately  
18 if the contribution is received less than five days before the  
19 closing date. Beginning January 1, 2012, all contributions shall  
20 be reported to the committee's treasurer on the next business day  
21 after receipt.

22 (6) A contribution shall be considered received by a  
23 committee when it is received by the committee treasurer or a  
24 designated agent of the committee treasurer notwithstanding the  
25 fact that the contribution is not deposited in the official

1 depository by the reporting deadline.

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

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

12 Sec. 12. Section 49-1446.04, Revised Statutes Cumulative  
13 Supplement, 2006, is amended to read:

14 49-1446.04 (1) A candidate committee shall not accept  
15 more than fifteen thousand dollars in loans prior to or during the  
16 first thirty days after formation of the candidate committee.

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

1 of the aggregate loan limit.

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

7 (4) The penalty for violation of this section shall be a  
8 civil penalty of not less than two hundred fifty dollars and not  
9 more than the amount of money received by a candidate committee in  
10 violation of this section if the candidate committee received more  
11 than two hundred fifty dollars. The commission shall assess and  
12 collect the civil penalty and shall remit the penalty to the State  
13 Treasurer for distribution in accordance with Article VII, section  
14 5, of the Constitution of Nebraska.

15 Sec. 13. Section 49-1447, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

17 49-1447 (1) The committee treasurer shall keep detailed  
18 accounts, records, bills, and receipts necessary to substantiate  
19 the information contained in a statement or report filed pursuant  
20 to sections 49-1445 to 49-1479.02 or rules and regulations adopted  
21 and promulgated under the Nebraska Political Accountability and  
22 Disclosure Act.

23 (2)(a) For any committee other than a candidate  
24 committee, the committee treasurer shall be responsible for filing  
25 all statements and reports of the committee required to be filed

1 under the act and shall be personally liable subject to section  
2 49-1461.01 for any late filing fees, civil penalties, and interest  
3 that may be due under the act as a result of a failure to make  
4 such filings.

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

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

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

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

23 Sec. 14. Section 49-1455, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 49-1455 ~~(1)~~ The campaign statement of a committee, other

1 than a political party committee, shall contain the following  
2 information:

3 ~~(a)~~ (1) The filing committee's name, address, and  
4 telephone number and the full name, residential and business  
5 addresses, and telephone numbers of its committee treasurer;

6 ~~(b)~~ (2) Under the heading RECEIPTS, the total amount of  
7 contributions received during the period covered by the campaign  
8 statement; under the heading EXPENDITURES, the total amount of  
9 expenditures made during the period covered by the campaign  
10 statement; and the cumulative amount of those totals for the  
11 election period. If a loan was repaid during the period covered  
12 by the campaign statement, the amount of the repayment shall  
13 be subtracted from the total amount of contributions received.  
14 Forgiveness of a loan shall not be included in the totals. Payment  
15 of a loan by a third party shall be recorded and reported as a  
16 contribution by the third party but shall not be included in the  
17 totals. In-kind contributions or expenditures shall be listed at  
18 fair market value and shall be reported as both contributions and  
19 expenditures;

20 ~~(c)~~ (3) The balance of cash and cash equivalents on hand  
21 at the beginning and the end of the period covered by the campaign  
22 statement;

23 ~~(d)~~ (4) The full name of each individual from whom  
24 contributions totaling more than ~~two~~ hundred fifty dollars are  
25 received during the period covered by the report, together with

1 the individual's street address, the amount contributed, the date  
2 on which each contribution was received, and the cumulative amount  
3 contributed by that individual for the election period;

4 ~~(e)~~ (5) The full name of each person, except those  
5 individuals reported under subdivision ~~(1)(d)~~ (4) of this section,  
6 which contributed a total of more than ~~two hundred~~ fifty dollars  
7 during the period covered by the report together with the person's  
8 street address, the amount contributed, the date on which each  
9 contribution was received, and the cumulative amount contributed by  
10 the person for the election period;

11 ~~(f)~~ (6) The name of each committee which is listed  
12 as a contributor shall include the full name of the committee's  
13 treasurer;

14 ~~(g)~~ (7) The full name and street address of each person  
15 to whom expenditures totaling more than ~~two hundred~~ fifty dollars  
16 were made, together with the date and amount of each separate  
17 expenditure to each such person during the period covered by the  
18 campaign statement; the purpose of the expenditure; and the full  
19 name and street address of the person providing the consideration  
20 for which any expenditure was made if different from the payee;

21 ~~(h)~~ (8) The amount and the date of expenditures for or  
22 against a candidate or ballot question during the period covered  
23 by the campaign statement and the cumulative amount of expenditures  
24 for or against that candidate or ballot question for the election  
25 period. An expenditure made in support of more than one candidate

1 or ballot question, or both, shall be apportioned reasonably among  
 2 the candidates or ballot questions, or both; and

3 ~~(i)~~ (9) The total amount of funds disbursed by a separate  
 4 segregated political fund, by state, for the purpose of supporting  
 5 or opposing candidates and committees in elections in states  
 6 other than Nebraska and candidates for federal office, including  
 7 independent expenditures made in such elections.

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

20 Sec. 15. Section 49-1456, Reissue Revised Statutes of  
 21 Nebraska, is amended to read:

22 49-1456 (1) Any income received by a committee on an  
 23 account consisting of funds or property belonging to the committee  
 24 shall not be considered a contribution to the committee but shall  
 25 be reported as income. Any interest paid by a committee shall be

1 reported as an expenditure.

2 (2) A loan made or received shall be set forth in a  
3 separate schedule providing the date and amount of the loan and, if  
4 the loan is repaid, the date and manner of repayment. The committee  
5 shall provide the name and address of the lender and any person  
6 who is liable directly, indirectly, or contingently on each loan of  
7 more than ~~two hundred~~ fifty dollars.

8 Sec. 16. Section 49-1457, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 49-1457 (1) The campaign statement filed by a political  
11 party committee shall contain the following information:

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

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



1 elective office or the defeat of any of the candidate's opponents;

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

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

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

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

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

25 Sec. 17. Section 49-1458, Revised Statutes Supplement,

1 2007, is amended to read:

2           49-1458 (1) A committee which receives a late  
3 contribution shall report the contribution to the commission by  
4 filing a report within two days after the date of its receipt.  
5 The report may be filed by hand delivery, facsimile transmission,  
6 telegraph, express delivery service, or any other written means  
7 of communication, including electronic means approved by the  
8 commission, and need not contain an original signature.

9           (2) The report shall include the full name, street  
10 address, occupation, employer, and principal place of business of  
11 the contributor, the amount of the contribution, and the date of  
12 receipt.

13           (3) A late contribution shall be reported on subsequent  
14 campaign statements without regard to reports filed pursuant to  
15 this section.

16           (4) Any committee which fails to file a report of late  
17 contributions with the commission as required by this section  
18 shall pay to the commission a late filing fee of one hundred  
19 dollars for each of the first ten days the report remains not  
20 filed in violation of this section. After the tenth day, such  
21 committee shall pay, for each day the report remains not filed, an  
22 additional late filing fee of one percent of the amount of the late  
23 contribution which was required to be reported, not to exceed ten  
24 percent of the amount of the late contribution which was required  
25 to be reported.

1                   (5) For purposes of this section, late contribution means  
2 a contribution of ~~one thousand~~ fifty dollars or more received after  
3 the closing date for campaign statements as provided in subdivision  
4 (1) (b) of section 49-1459.

5                   Sec. 18. Section 49-1459, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7                   49-1459 (1) Except as provided in subsection (2) or  
8 (3) of this section, campaign statements as required by the  
9 Nebraska Political Accountability and Disclosure Act shall be filed  
10 according to the following schedule:

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

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

19                   (c) A postelection campaign statement shall be filed not  
20 later than the fortieth day following the primary election and  
21 the seventieth day following the general election. The closing  
22 date for a postprimary election campaign statement filed under  
23 this subdivision shall be the thirty-fifth day following the  
24 election. The closing date for a ~~postgeneral election~~ postelection  
25 campaign statement to be filed after the general election under

1 this subdivision shall be December 31 of the year in which the  
2 election is held. If all liabilities of a candidate and committee  
3 are paid before the closing date and additional contributions are  
4 not expected, the campaign statement may be filed at any time after  
5 the election, but not later than the dates provided under this  
6 subdivision.

7 (2) Any committee may file a statement in writing with  
8 the commission indicating that the committee does not expect  
9 to receive contributions or make expenditures of more than one  
10 thousand dollars in the calendar year of an election. Such written  
11 statement shall be signed by the committee treasurer or the  
12 assistant treasurer, and in the case of a candidate committee,  
13 it shall also be signed by the candidate. Such written statement  
14 shall be filed on or before the thirtieth day before the election.  
15 A committee which files a written statement pursuant to this  
16 subsection is not required to file campaign statements according to  
17 the schedule prescribed in subsection (1) of this section but shall  
18 file a sworn statement of exemption not later than the fortieth day  
19 following the primary election and the seventieth day following the  
20 general election stating only that the committee did not, in fact,  
21 receive or expend an amount in excess of one thousand dollars.  
22 If the committee receives contributions or makes expenditures of  
23 more than one thousand dollars during the election year, the  
24 committee is then subject to all campaign filing requirements under  
25 subsection (1) of this section.

1           (3) Beginning January 1, 2010, campaign statements may  
2 be filed according to the schedule in subsection (1) of this  
3 section or electronically the next business day after receipt of a  
4 contribution or making an expenditure. Beginning January 1, 2012,  
5 campaign statements shall be filed electronically the next business  
6 day after receipt of a contribution or making an expenditure.

7           (4) This section terminates on January 1, 2012.

8           Sec. 19. Section 49-1461, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           49-1461 (1) Except as otherwise provided in subsection  
11 (2) of this section, in ~~in~~ addition to the campaign statements  
12 required to be filed pursuant to sections 49-1459 and 49-1462,  
13 a ballot question committee shall file a campaign statement as  
14 required by the Nebraska Political Accountability and Disclosure  
15 Act according to the following schedule:

16           ~~(1)~~ (a) The first campaign statement shall be filed not  
17 later than the last day of the calendar month in which the petition  
18 form is filed with the Secretary of State pursuant to section  
19 32-1405. The closing date for the campaign statement shall be five  
20 days before the deadline for filing the first campaign statement;

21           ~~(2)~~ (b) Additional campaign statements shall be filed  
22 on the last day of each calendar month thereafter except for the  
23 calendar month during which the signed petitions must be filed with  
24 the Secretary of State as provided in section 32-1407. The closing  
25 date for such campaign statements shall be five days before the

1 deadline for filing the statement; and

2 ~~(3)(c)~~ A final campaign statement shall be filed not  
3 later than thirty days after the deadline for filing petitions with  
4 the Secretary of State as provided in section 32-1407. The closing  
5 date for the campaign statement shall be twenty-five days after the  
6 deadline for filing such petitions.

7 (2) Beginning January 1, 2010, campaign statements may  
8 be filed according to the schedule in subsection (1) of this  
9 section or electronically the next business day after receipt of a  
10 contribution or making an expenditure. Beginning January 1, 2012,  
11 campaign statements shall be filed electronically the next business  
12 day after receipt of a contribution or making an expenditure.

13 (3) The campaign statements required to be filed pursuant  
14 to this section shall be filed whether or not petitions have or  
15 will be filed with the Secretary of State. Any person who fails  
16 to file a campaign statement with the commission pursuant to this  
17 section shall be subject to late filing fees as provided in section  
18 49-1463.

19 Sec. 20. Section 49-1463, Revised Statutes Cumulative  
20 Supplement, 2006, is amended to read:

21 49-1463 (1) Any person who fails to file a campaign  
22 statement with the commission under sections 49-1459 to 49-1463  
23 shall pay to the commission a late filing fee of twenty-five  
24 dollars for each day the campaign statement remains not filed  
25 in violation of this section, not to exceed seven hundred fifty

1 dollars. In addition, if a candidate who files an affidavit under  
2 subdivision (5)(a) of section 32-1604 fails to file a campaign  
3 statement as required by sections 49-1459 to 49-1463 within the  
4 prescribed time resulting in any abiding candidate not receiving  
5 public funds as described in subsection (6) of section 32-1604 or  
6 resulting in a delay in the receipt of such funds, the commission  
7 shall assess a civil penalty of not less than two thousand dollars  
8 and not more than three times (a) the amount of public funds  
9 the abiding candidate received after the delay or (b) the amount  
10 of public funds the abiding candidate would have received if the  
11 campaign statement had been filed within the prescribed time.

12 (2) Any committee which fails to file a statement of  
13 exemption with the commission under subsection (2) of section  
14 49-1459 shall pay to the commission a late filing fee of  
15 twenty-five dollars for each day the statement of exemption remains  
16 not filed in violation of this section, not to exceed two hundred  
17 twenty-five dollars.

18 Sec. 21. Section 49-1463.01, Revised Statutes Cumulative  
19 Supplement, 2006, is amended to read:

20 49-1463.01 (1) A person required to pay a late filing  
21 fee imposed under section 32-1604, 32-1604.01, 32-1606.01, 49-1449,  
22 49-1458, 49-1463, 49-1467, 49-1469.08, 49-1478.01, or 49-1479.01  
23 may apply to the commission for relief. The commission by order may  
24 reduce the amount of a late filing fee imposed and waive any or  
25 all of the interest due on the fee upon a showing by such person

1 that (a) the circumstances indicate no intent to file late, (b)  
2 the person has not been required to pay late filing fees for two  
3 years prior to the time the filing was due, (c) the late filing  
4 shows that less than five thousand dollars was raised, received, or  
5 expended during the reporting period, and (d) a reduction of the  
6 late fees and waiver of interest would not frustrate the purposes  
7 of the Nebraska Political Accountability and Disclosure Act.

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

15 Sec. 22. Section 49-1465, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 49-1465 (1) A campaign statement filed by a committee  
18 shall:

19 (a) Be signed by the committee treasurer; and

20 (b) Contain a verification statement which states that  
21 the treasurer used all reasonable diligence in its preparation,  
22 that to the treasurer's knowledge it is true and complete, and if  
23 the committee is a candidate committee, that to the best of the  
24 candidate's knowledge the statement is true and complete.

25 (2) The verification statement shall be signed by the



1 treasurer and, in the case of a candidate committee, by the  
2 candidate.

3 (3) The verification statement shall be required to  
4 perfect the filing of the campaign statement. A campaign statement  
5 shall cover the period beginning the day after the closing date  
6 of the last campaign statement and end on the closing date as  
7 specified in the Nebraska Political Accountability and Disclosure  
8 Act.

9 (4) The signature requirements of this section shall be  
10 deemed met for purposes of electronic filing if the filer complies  
11 with the authentication procedures adopted by the commission.

12 Sec. 23. Section 49-1467, Revised Statutes Cumulative  
13 Supplement, 2006, is amended to read:

14 49-1467 (1) Any person, other than a committee, who makes  
15 an independent expenditure advocating the election of a candidate  
16 or the defeat of a candidate's opponents or the qualification,  
17 passage, or defeat of a ballot question, which is in an amount  
18 of more than ~~two hundred~~ fifty dollars, shall file a report of  
19 the independent expenditure, ~~within ten days,~~ with the commission.  
20 The report shall be filed within ten days until January 1, 2010.  
21 Beginning January 1, 2010, the report may be filed within ten  
22 days or electronically the next business day after the independent  
23 expenditure. Beginning January 1, 2012, the report shall be filed  
24 electronically the next business after the independent expenditure.

25 (2) The report shall be made on an independent

1 expenditure report form provided by the commission and shall  
2 include the date of the expenditure, a brief description of the  
3 nature of the expenditure, the amount of the expenditure, the name  
4 and address of the person to whom it was paid, the name and address  
5 of the person filing the report, and the name, address, occupation,  
6 employer, and principal place of business of each person who  
7 contributed more than ~~two hundred~~ fifty dollars to the expenditure.

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

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

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

20 Sec. 24. Section 49-1469, Revised Statutes Cumulative  
21 Supplement, 2006, is amended to read:

22 49-1469 (1) A corporation, labor organization, or  
23 industry, trade, or professional association, which is organized  
24 under the laws of the State of Nebraska or doing business in this  
25 state and which is not a committee, may:

1 (a) Make an expenditure;

2 (b) Make a contribution; and

3 (c) Provide personal services.

4 (2) Such a corporation, labor organization, or industry,  
5 trade, or professional association shall not be required to file  
6 reports of independent expenditures pursuant to section 49-1467,  
7 but if it makes a contribution or expenditure, or provides personal  
8 services, with a value of more than ~~two~~ hundred fifty dollars,  
9 it shall file a report with the commission. Until January 1,  
10 2010, the report shall be filed within ten days after the end  
11 of the calendar month in which the contribution or expenditure  
12 is made or the personal services are provided. Beginning January  
13 1, 2010, the report may be filed within such ten-day period or  
14 electronically the next business day after making the contribution  
15 or expenditure or providing personal services. Beginning January 1,  
16 2012, the report shall be filed electronically the next business  
17 day after making the contribution or expenditure or providing  
18 personal services. The report shall include:

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

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

1 the personal services were provided.

2 (3) A corporation, labor organization, or industry,  
3 trade, or professional association may not receive contributions  
4 unless it establishes and administers a separate segregated  
5 political fund which shall be utilized only in the manner set forth  
6 in sections 49-1469.05 and 49-1469.06.

7 Sec. 25. Section 49-1470, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 49-1470 (1) Campaign statements shall be open for public  
10 inspection and reproduction, commencing as soon as practicable,  
11 but not later than the fifth business day following the day on  
12 which they were received, during regular business hours. Beginning  
13 January 1, 2012, the commission shall make campaign statements  
14 available on its web site on or before the next business day after  
15 receipt by the commission.

16 (2) Copies of statements or parts of statements shall be  
17 provided by the officials with whom they are filed at a cost of not  
18 to exceed fifty cents per page.

19 (3) Campaign statements shall be preserved for a period  
20 of not less than eighteen months by the officials other than the  
21 commission with whom they are filed, and not less than five years  
22 by the commission.

23 (4) No fee or charge shall be collected by any official  
24 for the filing of any campaign statement, or for the forms upon  
25 which statements are to be prepared, except as otherwise provided

1 by law.

2           Sec. 26. Section 49-1478, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           49-1478 (1) An expenditure shall not be made, other than  
5 for overhead or normal operating expenses, by an agent or an  
6 independent contractor, including an advertising agency, on behalf  
7 of or for the benefit of a person unless the expenditure is  
8 reported by the committee as if the expenditure were made directly  
9 by the committee, or unless the agent or independent contractor  
10 files an agent's expenditure report as provided in subsection (3)  
11 of this section. The agent or independent contractor shall make  
12 known to the committee all information required to be reported by  
13 the committee. Any person violating this subsection shall be guilty  
14 of a Class III misdemeanor.

15           (2) An expenditure shall not be made, other than for  
16 overhead or normal operating expenses, by an individual or entity  
17 gathering petition signatures on behalf of or for the benefit  
18 of a person, including a ballot question committee, unless the  
19 expenditure is reported by the ballot question committee as if  
20 the expenditure were made directly by the committee, or unless  
21 the person or entity gathering petition signatures files an  
22 agent's expenditure report as provided in subsection (3) of this  
23 section. The individual or entity gathering petition signatures  
24 shall make known to the committee all information required to be  
25 reported by the committee. For purposes of this section, petition

1 signature means a signature affixed to a petition for the purpose  
2 of qualifying a ballot question to appear on a ballot. Any  
3 person violating this subsection shall be guilty of a Class III  
4 misdemeanor.

5 (3) An individual or entity gathering petition  
6 signatures, an agent, or an independent contractor who is required  
7 to file an agent's report shall file a separate agent's report  
8 for each person on whose behalf an expenditure is made. ~~An~~  
9 Until January 1, 2010, an agent's report shall be filed with the  
10 commission within ten days after the end of the calendar month  
11 in which the expenditure is made. Beginning January 1, 2010, the  
12 report may be filed within such ten-day period or electronically  
13 on the next business day after the expenditure is made. Beginning  
14 January 1, 2012, the report shall be filed electronically on the  
15 next business day after the expenditure is made. An agent's report  
16 shall include:

17 (a) The name, permanent address, temporary address,  
18 permanent telephone number, and temporary telephone number of  
19 the individual or entity gathering signatures, the agent, or the  
20 independent contractor;

21 (b) The name, address, and telephone number of the person  
22 on whose behalf the expenditure is made;

23 (c) The name, permanent address, and temporary address of  
24 the person to whom the expenditure is made;

25 (d) The date and amount of each expenditure; and

1           (e) A description of the goods or services purchased and  
2 the purpose of the goods or services.

3           Sec. 27. Section 49-1478.01, Revised Statutes Supplement,  
4 2007, is amended to read:

5           49-1478.01 (1) ~~An~~ Until January 1, 2012, an independent  
6 committee, including a separate segregated political fund, which  
7 makes a late independent expenditure shall report the expenditure  
8 to the commission by filing within two days after the date of  
9 the expenditure the committee's full name and street address, the  
10 amount of the expenditure, and the date of the expenditure. The  
11 report shall include (a) the full name and street address of the  
12 recipient of the expenditure, (b) the name and office sought of the  
13 candidate whose nomination or election is supported or opposed by  
14 the expenditure, and (c) the identification of the ballot question,  
15 the qualification, passage, or defeat of which is supported or  
16 opposed. Filing of a report of a late independent expenditure may  
17 be by any written means of communication, including electronic  
18 means approved by the commission, and need not contain an original  
19 signature. A late independent expenditure shall be reported on  
20 subsequent campaign statements without regard to reports filed  
21 pursuant to this section.

22           (2) A committee which fails to file a report of a late  
23 independent expenditure with the commission as required by this  
24 section shall pay to the commission a late filing fee of one  
25 hundred dollars for each of the first ten days the report remains

1 not filed in violation of this section. After the tenth day, such  
2 committee shall pay, for each day the report remains not filed,  
3 an additional late filing fee of one percent of the amount of the  
4 late independent expenditure which was required to be reported,  
5 not to exceed ten percent of the amount of the late independent  
6 expenditure which was required to be reported.

7 (3) For purposes of this section, late independent  
8 expenditure means an independent expenditure as defined in section  
9 49-1428 of ~~one thousand~~ fifty dollars or more made after the  
10 closing date for campaign statements as provided in subdivision  
11 (1) (b) of section 49-1459.

12 (4) This section terminates on January 1, 2012.

13 Sec. 28. Section 49-1479.01, Revised Statutes Cumulative  
14 Supplement, 2006, is amended to read:

15 49-1479.01 (1) Any contribution by a person made on  
16 behalf of or to a candidate or committee, including contributions  
17 which are in any way earmarked or otherwise directed to the  
18 candidate or committee through an intermediary or agent, shall be  
19 considered to be a contribution from the person to the candidate or  
20 committee.

21 (2) For purposes of this section, earmarked shall mean a  
22 designation, instruction, or encumbrance, including those which are  
23 direct or indirect, express or implied, or oral or written, which  
24 results in any part of a contribution or expenditure, including any  
25 in-kind expenditure made in exchange for a contribution, being made



1 to or expended on behalf of a candidate or a committee.

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

6 (4) ~~An~~ Until January 1, 2010, an intermediary or  
7 agent which is not a committee shall file a report of the  
8 earmarked contribution with the commission within ten days after  
9 receipt of the contribution. Beginning January 1, 2010, the  
10 report may be filed within such ten-day period or may be filed  
11 electronically on the next business day after receipt of the  
12 earmarked contribution. Beginning January 1, 2012, the report shall  
13 be filed electronically on the next business day after receipt  
14 of the earmarked contribution. Until January 1, 2010, any Any  
15 committee which is an intermediary or agent shall file a report  
16 of the earmarked contribution with the commission by the date  
17 the next campaign statement is required to be filed. Beginning  
18 January 1, 2010, the report may be filed by such date or may be  
19 filed electronically on the next business day after receipt of  
20 the earmarked contribution. Beginning January 1, 2012, the report  
21 shall be filed electronically on the next business day after  
22 receipt of the earmarked contribution. The report of the earmarked  
23 contribution filed pursuant to this section shall be on a form  
24 prescribed by the commission.

25 (5) Any intermediary or agent making an earmarked

1 contribution shall disclose to the recipient of the earmarked  
2 contribution the name and address of the intermediary or agent and  
3 the actual source of the contribution by providing the recipient  
4 with a copy of the report of the earmarked contribution at the time  
5 that the earmarked contribution is made.

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

12 (7) Any person who knowingly violates this section shall  
13 be guilty of a Class III misdemeanor.

14 Sec. 29. Section 49-1479.02, Revised Statutes Supplement,  
15 2007, is amended to read:

16 49-1479.02 (1) A major out-of-state contributor shall  
17 file with the commission an out-of-state contribution report.  
18 An out-of-state contribution report shall be filed on a form  
19 prescribed by the commission. Until January 1, 2010, the report  
20 shall be filed within ten days after the end of the calendar month  
21 in which a person becomes a major out-of-state contributor, and  
22 for - ~~For~~ the remainder of the calendar year, a major out-of-state  
23 contributor shall file an out-of-state contribution report with  
24 the commission within ten days after the end of each calendar  
25 month in which the contributor makes a contribution or expenditure.

1 Beginning January 1, 2010, a major out-of-state contributor may  
2 file such reports as described or may file electronically the next  
3 business day after becoming a major out-of-state contributor and  
4 the next business day after making any subsequent contribution  
5 or expenditure. Beginning January 1, 2012, a major out-of-state  
6 contributor shall file the reports electronically the next business  
7 day after becoming a major out-of-state contributor and the  
8 next business day after making any subsequent contribution or  
9 expenditure.

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

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

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

11           Sec. 30. Section 49-14,122, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           49-14,122 The commission shall make random field  
14 investigations and audits with respect to campaign statements and  
15 activity reports filed with the commission under ~~the Campaign~~  
16 ~~Finance Limitation Act~~ and the Nebraska Political Accountability  
17 and Disclosure Act. ~~Except for audits conducted pursuant to the~~  
18 ~~Campaign Finance Limitation Act,~~ any Any audit or investigation  
19 conducted of a candidate's campaign statements during a campaign  
20 shall include an audit or investigation of the statements of his or  
21 her opponent or opponents as well. The commission may also carry  
22 out field investigations or audits with respect to any campaign  
23 statement, registration, report, or other statement filed under the  
24 ~~Nebraska Political Accountability and Disclosure Act~~ act if the  
25 commission or the executive director deems such investigations or

1 audits necessary to carry out the purposes of the act.

2           Sec. 31. Section 49-14,123, Revised Statutes Supplement,  
3 2007, is amended to read:

4           49-14,123 In addition to any other duties prescribed by  
5 law, the commission shall:

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

10           (2) Prescribe forms for statements and reports required  
11 to be filed pursuant to ~~the Campaign Finance Limitation Act~~ and the  
12 Nebraska Political Accountability and Disclosure Act and furnish  
13 such forms to persons required to file such statements and reports;

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

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

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

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

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

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

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

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

22          (11) Act as the primary civil enforcement agency for  
23 violations of the ~~Nebraska Political Accountability and Disclosure~~  
24 ~~Act and the rules or regulations promulgated thereunder and act as~~  
25 ~~the primary civil enforcement agency for violations of the Campaign~~

1 ~~Finance Limitation Act~~ act and the rules or regulations adopted and  
2 promulgated thereunder;

3 (12) Receive all late filing fees, civil penalties, and  
4 interest imposed pursuant to the ~~Campaign Finance Limitation Act~~  
5 ~~or the Nebraska Political Accountability and Disclosure Act,~~ seek  
6 the return of any amount as provided in section 32-1606~~7~~, and seek  
7 the repayment of any amount as provided in section 32-1607 act  
8 and remit all such funds to the State Treasurer for credit to the  
9 ~~Campaign Finance Limitation Cash Fund;~~ distribution in accordance  
10 with Article VII, section 5, of the Constitution of Nebraska; and

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

15 Sec. 32. Section 49-14,124, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

17 49-14,124 (1) The commission shall, by way of preliminary  
18 investigation, investigate any alleged violation of the Nebraska  
19 Political Accountability and Disclosure Act, or any rule or  
20 regulation adopted and promulgated thereunder, upon:

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

24 (b) The recommendation of the executive director; or

25 (c) The commission's own motion.

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

5           ~~(a) The recommendation of the executive director, or~~

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

7           ~~(3) (2) For purposes of conducting preliminary~~  
8 ~~investigations under either the Campaign Finance Limitation Act or~~  
9 ~~the Nebraska Political Accountability and Disclosure Act, the act,~~  
10 the commission shall have the powers possessed by the courts of  
11 this state to issue subpoenas, and the district court shall have  
12 jurisdiction to enforce such subpoenas.

13           ~~(4) (3) The executive director shall notify any person~~  
14 ~~under investigation by the commission of the investigation and of~~  
15 ~~the nature of the alleged violation within five days after the~~  
16 ~~commencement of the investigation.~~

17           ~~(5) (4) Within fifteen days after the filing of a sworn~~  
18 ~~complaint by a person alleging a violation, and every thirty days~~  
19 ~~thereafter until the matter is terminated, the executive director~~  
20 ~~shall notify the complainant and the alleged violator of the action~~  
21 ~~taken to date by the commission together with the reasons for such~~  
22 ~~action or for nonaction.~~

23           ~~(6) (5) Each governing body shall cooperate with the~~  
24 ~~commission in the conduct of its investigations.~~

25           Sec. 33. Section 49-14,124.01, Revised Statutes



1 Cumulative Supplement, 2006, is amended to read:

2           49-14,124.01 All commission proceedings and records  
3 relating to preliminary investigations shall be confidential until  
4 a final determination is made by the commission unless the person  
5 alleged to be in violation of the Nebraska Political Accountability  
6 and Disclosure Act ~~or the Campaign Finance Limitation Act~~ requests  
7 that the proceedings be public. If the commission determines that  
8 there was no violation of ~~either~~ the act or any rule or regulation  
9 adopted and promulgated under ~~either~~ the act, the records and  
10 actions relative to the investigation and determination shall  
11 remain confidential unless the alleged violator requests that the  
12 records and actions be made public. If the commission determines  
13 that there was a violation, the records and actions shall be made  
14 public as soon as practicable after the determination is made.

15           Sec. 34. Section 49-14,124.02, Revised Statutes  
16 Supplement, 2007, is amended to read:

17           49-14,124.02 At any time after the commencement of a  
18 preliminary investigation, the commission may refer the matter of  
19 a possible criminal violation of ~~the Campaign Finance Limitation~~  
20 ~~Act or~~ the Nebraska Political Accountability and Disclosure Act to  
21 the Attorney General for consideration of criminal prosecution. The  
22 fact of the referral shall not be subject to the confidentiality  
23 provisions of section 49-14,124.01. The Attorney General shall  
24 determine if a matter referred by the commission will be criminally  
25 prosecuted. If the Attorney General determines that a matter will

1 be criminally prosecuted, he or she shall advise the commission in  
2 writing of the determination. If the Attorney General determines  
3 that a matter will not be criminally prosecuted, he or she shall  
4 advise the commission in writing of the determination. The fact of  
5 the declination to criminally prosecute shall not be subject to the  
6 confidentiality provisions of section 49-14,124.01.

7           Sec. 35. Section 49-14,125, Revised Statutes Cumulative  
8 Supplement, 2006, is amended to read:

9           49-14,125 (1) If, after a preliminary investigation, it  
10 is determined by a majority vote of the commission that there  
11 is no probable cause for belief that a person has violated  
12 the Nebraska Political Accountability and Disclosure Act ~~or the~~  
13 ~~Campaign Finance Limitation Act~~ or any rule or regulation adopted  
14 and promulgated thereunder or if the commission determines that  
15 there is insufficient evidence to reasonably believe that the  
16 person could be found to have violated ~~either~~ the act, the  
17 commission shall terminate the investigation and so notify the  
18 complainant and the person who had been under investigation.

19           (2) If, after a preliminary investigation, it is  
20 determined by a majority vote of the commission that there  
21 is probable cause for belief that the Nebraska Political  
22 Accountability and Disclosure Act ~~or the Campaign Finance~~  
23 ~~Limitation Act~~ act or a rule or regulation adopted and promulgated  
24 thereunder has been violated and if the commission determines that  
25 there is sufficient evidence to reasonably believe that the person

1 could be found to have violated ~~either~~ the act, the commission  
2 shall initiate appropriate proceedings to determine whether there  
3 has in fact been a violation. The commission may appoint a hearing  
4 officer to preside over the proceedings.

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

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

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

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

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

1           (8) Any person whose name is mentioned during a  
2 proceeding of the commission and who may be adversely affected  
3 thereby shall be notified and may appear personally before the  
4 commission on that person's own behalf or file a written statement  
5 for incorporation into the record of the proceeding.

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

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

13           Sec. 36. Section 49-14,126, Revised Statutes Supplement,  
14 2007, is amended to read:

15           49-14,126 ~~(1)~~ The commission, upon finding that there  
16 has been a violation of the Nebraska Political Accountability and  
17 Disclosure Act or any rule or regulation promulgated thereunder,  
18 may issue an order requiring the violator to do one or more of the  
19 following:

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

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

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

25           ~~(2)~~ If the commission finds a violation of the ~~Campaign~~

1 ~~Finance Limitation Act, the commission shall assess a civil penalty~~  
2 ~~as required under section 32-1604, 32-1606.01, or 32-1612.~~

3           Sec. 37. Section 49-14,129, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           49-14,129 The commission, by order, may suspend or  
6 modify any of the reporting requirements of ~~the Campaign Finance~~  
7 ~~Limitation Act or~~ the Nebraska Political Accountability and  
8 Disclosure Act, in a particular case, for good cause shown, or if  
9 it finds that literal application of ~~such acts~~ the act works a  
10 manifestly unreasonable hardship and if it also finds that such  
11 suspension or modification will not frustrate the purposes of ~~such~~  
12 ~~acts.~~ the act. Any such suspension or modification shall be only  
13 to the extent necessary to substantially relieve the hardship. The  
14 commission shall suspend or modify any reporting requirements only  
15 if it determines that facts exist that are clear and convincing  
16 proof of the findings required by this section.

17           Sec. 38. Section 49-14,133, Revised Statutes Supplement,  
18 2007, is amended to read:

19           49-14,133 The Attorney General has jurisdiction to  
20 enforce the criminal provisions of ~~the Campaign Finance Limitation~~  
21 ~~Act and~~ the Nebraska Political Accountability and Disclosure  
22 Act. The county attorney of the county in which a violation of  
23 the ~~Campaign Finance Limitation Act or the Nebraska Political~~  
24 ~~Accountability and Disclosure Act~~ act occurs shall have concurrent  
25 jurisdiction.

1           Sec. 39. Section 49-14,140, Revised Statutes Supplement,  
2 2007, is amended to read:

3           49-14,140 The Nebraska Accountability and Disclosure  
4 Commission Cash Fund is hereby created. The fund shall consist of  
5 funds received by the commission pursuant to sections 49-1449.01,  
6 49-1470, 49-1480.01, 49-1482, 49-1495, 49-14,123, and 49-14,123.01.  
7 The fund shall not include late filing fees or civil penalties  
8 assessed and collected by the commission. The fund shall be  
9 used by the commission in administering the Nebraska Political  
10 Accountability and Disclosure Act. Any money in the fund available  
11 for investment shall be invested by the state investment officer  
12 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
13 State Funds Investment Act.

14           On January 2, 2009, the State Treasurer shall transfer  
15 any money in the Campaign Finance Limitation Cash Fund that is  
16 attributable to late filing fees, civil penalties, and interest  
17 for distribution in accordance with Article VII, section 5, of the  
18 Constitution of Nebraska, and shall transfer the remaining money in  
19 the fund to the Nebraska Accountability and Disclosure Commission  
20 Cash Fund.

21           Sec. 40. Section 49-14,141, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           49-14,141 (1) The commission may adopt procedures for the  
24 digital and electronic filing of any report or statement required  
25 by the Nebraska Political Accountability and Disclosure Act. Any

1 procedures for digital filing shall comply with the provisions of  
2 section 86-611.

3 (2) By January 1, 2010, the commission shall adopt and  
4 promulgate rules and regulations to establish the procedures for  
5 electronic filing for reports and statements required to be filed  
6 electronically by the next business day as prescribed in the  
7 act. The form prescribed by the commission for submission of the  
8 reports and statements shall allow for posting the reports and  
9 statements on the commission's web site in a secure manner on the  
10 next business day after receipt by the commission. The commission  
11 may contract for information technology assistance to develop and  
12 implement the electronic filing and web site posting of such  
13 reports and statements.

14 (3) The commission may shall adopt authentication  
15 procedures to be used as a verification process for statements  
16 or reports filed digitally or electronically. Compliance with  
17 authentication procedures adopted by the commission shall have  
18 the same validity as a signature on any report, statement, or  
19 verification statement.

20 Sec. 41. The office of the commission shall be open  
21 for the transaction of business at least from 8 a.m. until 5  
22 p.m. of each business day. For purposes of the Nebraska Political  
23 Accountability and Disclosure Act, business day includes each day  
24 except Saturdays, Sundays, and days declared by section 25-2221  
25 or proclamation of the President or Governor to be holidays. Any

1 filing required to be received by the next business day shall  
2 be considered timely if received by 5 p.m. in the office of  
3 the commission on such day. For purposes of electronic filing,  
4 electronic postmarks shall be used as provided in section 86-644.

5           Sec. 42. This act becomes operative on January 1, 2009.

6           Sec. 43. Original sections 49-1402, 49-1403, 49-1415,  
7 49-1455, 49-1456, 49-1457, 49-1459, 49-1461, 49-1465, 49-1470,  
8 49-1478, 49-14,122, 49-14,129, and 49-14,141, Reissue Revised  
9 Statutes of Nebraska, sections 49-1446, 49-1446.04, 49-1447,  
10 49-1463, 49-1463.01, 49-1467, 49-1469, 49-1479.01, 49-14,124,  
11 49-14,124.01, and 49-14,125, Revised Statutes Cumulative  
12 Supplement, 2006, and sections 28-915.01, 49-1401, 49-1458,  
13 49-1478.01, 49-1479.02, 49-14,123, 49-14,124.02, 49-14,126,  
14 49-14,133, and 49-14,140, Revised Statutes Supplement, 2007, are  
15 repealed.

16           Sec. 44. The following sections are outright repealed:  
17 Sections 32-1605, 32-1608.02, 32-1609, 32-1610, 32-1611, 32-1613,  
18 and 77-27,119.04, Reissue Revised Statutes of Nebraska, and  
19 sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1606,  
20 32-1606.01, 32-1607, 32-1608, 32-1608.01, 32-1608.03, and 32-1612,  
21 Revised Statutes Cumulative Supplement, 2006.