

AMENDMENTS TO LB 626

(Amendments to Standing Committee amendments, AM972)

Introduced by Lautenbaugh, 18.

1           1. Insert the following new sections:

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

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

9           (a) Occurs in an official proceeding; or

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

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

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

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

1 Accountability and Disclosure Act.

2           Sec. 2. Section 49-1401, Revised Statutes Cumulative  
3 Supplement, 2008, is amended to read:

4           49-1401 Sections 49-1401 to 49-14,141 and section 34 of  
5 this act shall be known and may be cited as the Nebraska Political  
6 Accountability and Disclosure Act.

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

9           49-1415 (1) Contribution shall mean a payment, gift,  
10 subscription, assessment, expenditure, contract, payment for  
11 services, dues, advance, forbearance, loan, donation, pledge or  
12 promise of money or anything of ascertainable monetary value to  
13 a person, made for the purpose of influencing the nomination or  
14 election of a candidate, or for the qualification, passage, or  
15 defeat of a ballot question. An offer or tender of a contribution  
16 is not a contribution if expressly and unconditionally rejected or  
17 returned.

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

26           (3) Contribution shall not include:

27           (a) Volunteer personal services provided without

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

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

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

12 Sec. 4. Section 49-1446, Revised Statutes Cumulative  
13 Supplement, 2008, is amended to read:

14 49-1446 (1) Each committee shall have a treasurer who is  
15 a qualified elector of this state. A candidate may appoint himself  
16 or herself as the candidate committee treasurer.

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

26 (3) No contribution shall be accepted and no expenditure  
27 shall be made by a committee which has not filed a statement

1 of organization and which does not have a treasurer. When the  
2 office of treasurer in a candidate committee is vacant, the  
3 candidate shall be the treasurer until the candidate appoints a new  
4 treasurer.

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

10 (5) Contributions received by an individual acting in  
11 behalf of a committee shall be reported promptly to the committee's  
12 treasurer not later than five days before the closing date of  
13 any campaign statement required to be filed by the committee  
14 and shall be reported to the committee treasurer immediately  
15 if the contribution is received less than five days before the  
16 closing date. Beginning January 1, 2010, all contributions shall  
17 be reported to the committee's treasurer on or before the fifth  
18 business day after receipt.

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

24 (7) Contributions received by a committee shall not be  
25 commingled with any funds of an agent of the committee or of  
26 any other person except for funds received or disbursed by a  
27 separate segregated political fund for the purpose of supporting

1 or opposing candidates and committees in elections in states other  
2 than Nebraska and candidates for federal office, as provided in  
3 section 49-1469.06, including independent expenditures made in such  
4 elections.

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

7 Sec. 5. Section 49-1446.04, Revised Statutes Cumulative  
8 Supplement, 2008, is amended to read:

9 49-1446.04 (1) A candidate committee shall not accept  
10 more than fifteen thousand dollars in loans prior to or during the  
11 first thirty days after formation of the candidate committee.

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

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

27 (4) The penalty for violation of this section shall be a

1 civil penalty of not less than two hundred fifty dollars and not  
2 more than the amount of money received by a candidate committee in  
3 violation of this section if the candidate committee received more  
4 than two hundred fifty dollars. The commission shall assess and  
5 collect the civil penalty and shall remit the penalty to the State  
6 Treasurer for distribution in accordance with Article VII, section  
7 5, of the Constitution of Nebraska.

8 Sec. 6. Section 49-1447, Revised Statutes Cumulative  
9 Supplement, 2008, is amended to read:

10 49-1447 (1) The committee treasurer shall keep detailed  
11 accounts, records, bills, and receipts necessary to substantiate  
12 the information contained in a statement or report filed pursuant  
13 to sections 49-1445 to 49-1479.02 or rules and regulations adopted  
14 and promulgated under the Nebraska Political Accountability and  
15 Disclosure Act.

16 (2)(a) For any committee other than a candidate  
17 committee, the committee treasurer shall be responsible for filing  
18 all statements and reports of the committee required to be filed  
19 under the act and shall be personally liable subject to section  
20 49-1461.01 for any late filing fees, civil penalties, and interest  
21 that may be due under the act as a result of a failure to make  
22 such filings.

23 (b) For candidate committees, the candidate shall be  
24 responsible for filing all statements and reports required to  
25 be filed by his or her candidate committee under the ~~Nebraska~~  
26 ~~Political Accountability and Disclosure Act or the Campaign Finance~~  
27 ~~Limitation Act.~~ act. The candidate shall be personally liable for

1 any late filing fees, civil penalties, and interest that may be due  
2 under either act as a result of a failure to make such filings  
3 and may use funds of the candidate committee to pay such fees,  
4 penalties, and interest.

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

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

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

14 Sec. 7. Section 49-1455, Revised Statutes Cumulative  
15 Supplement, 2008, is amended to read:

16 49-1455 (1) The campaign statement of a committee, other  
17 than a political party committee, shall contain the following  
18 information:

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

22 (b) Under the heading RECEIPTS, the total amount of  
23 contributions received during the period covered by the campaign  
24 statement; under the heading EXPENDITURES, the total amount of  
25 expenditures made during the period covered by the campaign  
26 statement; and the cumulative amount of those totals for the  
27 election period. If a loan was repaid during the period covered

1 by the campaign statement, the amount of the repayment shall  
2 be subtracted from the total amount of contributions received.  
3 Forgiveness of a loan shall not be included in the totals. Payment  
4 of a loan by a third party shall be recorded and reported as a  
5 contribution by the third party but shall not be included in the  
6 totals. In-kind contributions or expenditures shall be listed at  
7 fair market value and shall be reported as both contributions and  
8 expenditures;

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

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

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

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



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

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

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

21           (2) For purposes of this section, election period means  
22 ~~(a) the period beginning January 1 of the calendar year prior~~  
23 ~~to the year of the election in which the candidate is seeking~~  
24 ~~office through the end of the calendar year of such election for~~  
25 ~~candidate committees of candidates seeking covered elective offices~~  
26 ~~as defined in subdivision (1)(a) of section 32-1603, (b) the period~~  
27 ~~beginning July 1 of the calendar year prior to the year of the~~

1 election in which the candidate is seeking office through the end  
2 of the calendar year of such election for candidate committees  
3 of candidates seeking covered elective offices so defined in  
4 subdivision (1)(b) of section 32-1603, and (e) the calendar year of  
5 the election. for all other committees.

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

12 Sec. 8. Section 49-1456, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 49-1456 (1) Any income received by a committee on an  
15 account consisting of funds or property belonging to the committee  
16 shall not be considered a contribution to the committee but shall  
17 be reported as income. Any interest paid by a committee shall be  
18 reported as an expenditure.

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

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

27 49-1457 (1) The campaign statement filed by a political

1 party committee shall contain the following information:

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

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

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

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

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

1 and the date of the contribution.

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

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

13 Sec. 10. Section 49-1458, Revised Statutes Cumulative  
14 Supplement, 2008, is amended to read:

15 49-1458 (1) A committee which receives a late  
16 contribution shall report the contribution to the commission by  
17 filing a report within two days after the date of its receipt.  
18 The report may be filed by hand delivery, facsimile transmission,  
19 telegraph, express delivery service, or any other written means  
20 of communication, including electronic means approved by the  
21 commission, and need not contain an original signature.

22 (2) The report shall include the full name, street  
23 address, occupation, employer, and principal place of business of  
24 the contributor, the amount of the contribution, and the date of  
25 receipt.

26 (3) A late contribution shall be reported on subsequent  
27 campaign statements without regard to reports filed pursuant to

1 this section.

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

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

16 Sec. 11. Section 49-1459, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 49-1459 (1) Except as provided in subsection (2) or  
19 (3) of this section, campaign statements as required by the  
20 Nebraska Political Accountability and Disclosure Act shall be filed  
21 according to the following schedule:

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

26 (b) A second preelection campaign statement shall be  
27 filed not later than the tenth day before the election. The closing

1 date for a campaign statement filed under this subdivision shall be  
2 the fifteenth day before the election; and

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

16 (2) Any committee may file a statement in writing with  
17 the commission indicating that the committee does not expect  
18 to receive contributions or make expenditures of more than one  
19 thousand dollars in the calendar year of an election. Such written  
20 statement shall be signed by the committee treasurer or the  
21 assistant treasurer, and in the case of a candidate committee,  
22 it shall also be signed by the candidate. Such written statement  
23 shall be filed on or before the thirtieth day before the election.  
24 A committee which files a written statement pursuant to this  
25 subsection is not required to file campaign statements according to  
26 the schedule prescribed in subsection (1) of this section but shall  
27 file a sworn statement of exemption not later than the fortieth day

1 following the primary election and the seventieth day following the  
2 general election stating only that the committee did not, in fact,  
3 receive or expend an amount in excess of one thousand dollars.  
4 If the committee receives contributions or makes expenditures of  
5 more than one thousand dollars during the election year, the  
6 committee is then subject to all campaign filing requirements under  
7 subsection (1) of this section.

8 (3) Beginning January 1, 2010, campaign statements may  
9 be filed according to the schedule in subsection (1) of this  
10 section or electronically within five business days after receipt  
11 of a contribution or making an expenditure. Beginning January 1,  
12 2012, campaign statements shall be filed electronically within  
13 five business days after receipt of a contribution or making an  
14 expenditure.

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

16 Sec. 12. Section 49-1461, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 49-1461 ~~is~~ (1) Except as otherwise provided in subsection  
19 (2) of this section, in addition to the campaign statements  
20 required to be filed pursuant to sections 49-1459 and 49-1462,  
21 a ballot question committee shall file a campaign statement as  
22 required by the Nebraska Political Accountability and Disclosure  
23 Act according to the following schedule:

24 ~~(1)~~ (a) The first campaign statement shall be filed not  
25 later than the last day of the calendar month in which the petition  
26 form is filed with the Secretary of State pursuant to section  
27 32-1405. The closing date for the campaign statement shall be five

1 days before the deadline for filing the first campaign statement;

2 ~~(2)~~ (b) Additional campaign statements shall be filed  
3 on the last day of each calendar month thereafter except for the  
4 calendar month during which the signed petitions must be filed with  
5 the Secretary of State as provided in section 32-1407. The closing  
6 date for such campaign statements shall be five days before the  
7 deadline for filing the statement; and

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

13 (2) Beginning January 1, 2010, campaign statements may  
14 be filed according to the schedule in subsection (1) of this  
15 section or electronically the next business day after receipt of a  
16 contribution or making an expenditure. Beginning January 1, 2012,  
17 campaign statements shall be filed electronically the next business  
18 day after receipt of a contribution or making an expenditure.

19 (3) The campaign statements required to be filed pursuant  
20 to this section shall be filed whether or not petitions have or  
21 will be filed with the Secretary of State. Any person who fails  
22 to file a campaign statement with the commission pursuant to this  
23 section shall be subject to late filing fees as provided in section  
24 49-1463.

25 Sec. 13. Section 49-1463, Revised Statutes Cumulative  
26 Supplement, 2008, is amended to read:

27 49-1463 (1) Any person who fails to file a campaign



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

16 (2) Any committee which fails to file a statement of  
17 exemption with the commission under subsection (2) of section  
18 49-1459 shall pay to the commission a late filing fee of  
19 twenty-five dollars for each day the statement of exemption remains  
20 not filed in violation of this section, not to exceed two hundred  
21 twenty-five dollars.

22 Sec. 14. Section 49-1463.01, Revised Statutes Cumulative  
23 Supplement, 2008, is amended to read:

24 49-1463.01 (1) A person required to pay a late filing  
25 fee imposed under section 32-1604, 32-1604.01, 32-1606.01, 49-1449,  
26 49-1458, 49-1463, 49-1467, 49-1469.08, 49-1478.01, or 49-1479.01  
27 may apply to the commission for relief. The commission by order may

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

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

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

19 49-1465 (1) A campaign statement filed by a committee  
20 shall:

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

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

27 (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. 16. Section 49-1467, Revised Statutes Cumulative  
13 Supplement, 2008, 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  
26 expenditure report form provided by the commission and shall  
27 include the date of the expenditure, a brief description of the

1 nature of the expenditure, the amount of the expenditure, the name  
2 and address of the person to whom it was paid, the name and address  
3 of the person filing the report, and the name, address, occupation,  
4 employer, and principal place of business of each person who  
5 contributed more than ~~two hundred~~ fifty dollars to the expenditure.

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

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

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

18 Sec. 17. Section 49-1469, Revised Statutes Cumulative  
19 Supplement, 2008, is amended to read:

20 49-1469 (1) A corporation, labor organization, or  
21 industry, trade, or professional association, which is organized  
22 under the laws of the State of Nebraska or doing business in this  
23 state and which is not a committee, may:

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

27 (2) Such a corporation, labor organization, or industry,

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

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

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

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

1           Sec. 18. Section 49-1470, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           49-1470 (1) Campaign statements shall be open for public  
4 inspection and reproduction, commencing as soon as practicable,  
5 but not later than the fifth business day following the day on  
6 which they were received, during regular business hours. Beginning  
7 January 1, 2012, the commission shall make campaign statements  
8 available on its web site on or before the next business day after  
9 receipt by the commission.

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

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

17           (4) No fee or charge shall be collected by any official  
18 for the filing of any campaign statement, or for the forms upon  
19 which statements are to be prepared, except as otherwise provided  
20 by law.

21           Sec. 19. Section 49-1478, Revised Statutes Cumulative  
22 Supplement, 2008, is amended to read:

23           49-1478 (1) An expenditure shall not be made, other than  
24 for overhead or normal operating expenses, by an agent or an  
25 independent contractor, including an advertising agency, on behalf  
26 of or for the benefit of a person unless the expenditure is  
27 reported by the committee as if the expenditure were made directly

1 by the committee, or unless the agent or independent contractor  
2 files an agent's expenditure report as provided in subsection (3)  
3 of this section. The agent or independent contractor shall make  
4 known to the committee all information required to be reported by  
5 the committee. Any person violating this subsection shall be guilty  
6 of a Class III misdemeanor.

7 (2) An expenditure shall not be made, other than for  
8 overhead or normal operating expenses, by a person gathering  
9 petition signatures on behalf of or for the benefit of a person,  
10 including a ballot question committee, unless the expenditure is  
11 reported by the ballot question committee as if the expenditure  
12 were made directly by the committee, or unless the person gathering  
13 petition signatures files an agent's expenditure report as provided  
14 in subsection (3) of this section. The person gathering petition  
15 signatures shall make known to the committee all information  
16 required to be reported by the committee. For purposes of this  
17 section, petition signature means a signature affixed to a petition  
18 for the purpose of qualifying a ballot question to appear on a  
19 ballot. Any person violating this subsection shall be guilty of a  
20 Class III misdemeanor.

21 (3) A person gathering petition signatures, an agent, or  
22 an independent contractor who is required to file an agent's report  
23 shall file a separate agent's report for each person on whose  
24 behalf an expenditure is made. ~~An~~ Until January 1, 2010, an agent's  
25 report shall be filed with the commission within ten days after  
26 the end of the calendar month in which the expenditure is made.  
27 Beginning January 1, 2010, the report may be filed within such

1 ten-day period or electronically on the next business day after the  
2 expenditure is made. Beginning January 1, 2012, the report shall be  
3 filed electronically on the next business day after the expenditure  
4 is made. An agent's report shall include:

5 (a) The name, permanent address, temporary address,  
6 permanent telephone number, and temporary telephone number of the  
7 person making expenditures for the purpose of gathering signatures,  
8 the agent, or the independent contractor;

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

11 (c) The name, permanent address, and temporary address  
12 of the person to whom the expenditure is made, except that if  
13 the expenditure is solely for the services of an individual  
14 circulating petitions, such individual's name and address shall not  
15 be included;

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

17 (e) A description of the goods or services purchased and  
18 the purpose of the goods or services.

19 (4) A person required to report under subsection (3) of  
20 this section shall include in the report the total amount paid  
21 to individual petition circulators during the reporting period but  
22 shall not include the name, address, or telephone number of any  
23 individual petition circulator if the only payment made to such  
24 individual was for services as a petition circulator.

25 Sec. 20. Section 49-1478.01, Revised Statutes Cumulative  
26 Supplement, 2008, is amended to read:

27 49-1478.01 (1) ~~An~~ Until January 1, 2012, an independent



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

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

27 (3) For purposes of this section, late independent

1 expenditure means an independent expenditure as defined in section  
2 49-1428 of ~~one thousand~~ fifty dollars or more made after the  
3 closing date for campaign statements as provided in subdivision  
4 (1) (b) of section 49-1459.

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

6 Sec. 21. Section 49-1479.01, Revised Statutes Cumulative  
7 Supplement, 2008, is amended to read:

8 49-1479.01 (1) Any contribution by a person made on  
9 behalf of or to a candidate or committee, including contributions  
10 which are in any way earmarked or otherwise directed to the  
11 candidate or committee through an intermediary or agent, shall be  
12 considered to be a contribution from the person to the candidate or  
13 committee.

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

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

24 (4) ~~An~~ Until January 1, 2010, an intermediary or  
25 agent which is not a committee shall file a report of the  
26 earmarked contribution with the commission within ten days after  
27 receipt of the contribution. Beginning January 1, 2010, the

1 report may be filed within such ten-day period or may be filed  
2 electronically on the next business day after receipt of the  
3 earmarked contribution. Beginning January 1, 2012, the report shall  
4 be filed electronically on the next business day after receipt  
5 of the earmarked contribution. Until January 1, 2010, any ~~Any~~  
6 committee which is an intermediary or agent shall file a report  
7 of the earmarked contribution with the commission by the date  
8 the next campaign statement is required to be filed. Beginning  
9 January 1, 2010, the report may be filed by such date or may be  
10 filed electronically on the next business day after receipt of  
11 the earmarked contribution. Beginning January 1, 2012, the report  
12 shall be filed electronically on the next business day after  
13 receipt of the earmarked contribution. The report of the earmarked  
14 contribution filed pursuant to this section shall be on a form  
15 prescribed by the commission.

16 (5) Any intermediary or agent making an earmarked  
17 contribution shall disclose to the recipient of the earmarked  
18 contribution the name and address of the intermediary or agent and  
19 the actual source of the contribution by providing the recipient  
20 with a copy of the report of the earmarked contribution at the time  
21 that the earmarked contribution is made.

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

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

3           Sec. 22. Section 49-1479.02, Revised Statutes Cumulative  
4 Supplement, 2008, is amended to read:

5           49-1479.02 (1) A major out-of-state contributor shall  
6 file with the commission an out-of-state contribution report.  
7 An out-of-state contribution report shall be filed on a form  
8 prescribed by the commission. Until January 1, 2010, the report  
9 shall be filed within ten days after the end of the calendar month  
10 in which a person becomes a major out-of-state contributor, and  
11 for - ~~For~~ the remainder of the calendar year, a major out-of-state  
12 contributor shall file an out-of-state contribution report with  
13 the commission within ten days after the end of each calendar  
14 month in which the contributor makes a contribution or expenditure.  
15 Beginning January 1, 2010, a major out-of-state contributor may  
16 file such reports as described or may file electronically the next  
17 business day after becoming a major out-of-state contributor and  
18 the next business day after making any subsequent contribution  
19 or expenditure. Beginning January 1, 2012, a major out-of-state  
20 contributor shall file the reports electronically the next business  
21 day after becoming a major out-of-state contributor and the  
22 next business day after making any subsequent contribution or  
23 expenditure.

24           (2) An out-of-state contribution report shall disclose as  
25 to each contribution or expenditure not previously reported (a) the  
26 amount, nature, value, and date of the contribution or expenditure,  
27 (b) the name and address of the committee, candidate, or person

1 who received the contribution or expenditure, (c) the name and  
2 address of the person filing the report, and (d) the name, address,  
3 occupation, and employer of each person making a contribution of  
4 more than ~~two hundred~~ fifty dollars in the calendar year to the  
5 person filing the report.

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

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

23 Sec. 23. Section 49-14,122, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 49-14,122 The commission shall make random field  
26 investigations and audits with respect to campaign statements and  
27 activity reports filed with the commission under ~~the Campaign~~

1 ~~Finance Limitation Act~~ and the Nebraska Political Accountability  
2 and Disclosure Act. ~~Except for audits conducted pursuant to the~~  
3 ~~Campaign Finance Limitation Act,~~ any Any audit or investigation  
4 conducted of a candidate's campaign statements during a campaign  
5 shall include an audit or investigation of the statements of his or  
6 her opponent or opponents as well. The commission may also carry  
7 out field investigations or audits with respect to any campaign  
8 statement, registration, report, or other statement filed under the  
9 ~~Nebraska Political Accountability and Disclosure Act~~ act if the  
10 commission or the executive director deems such investigations or  
11 audits necessary to carry out the purposes of the act.

12           Sec. 24. Section 49-14,123, Revised Statutes Cumulative  
13 Supplement, 2008, is amended to read:

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

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

20           (2) Prescribe forms for statements and reports required  
21 to be filed pursuant to ~~the Campaign Finance Limitation Act~~ and the  
22 Nebraska Political Accountability and Disclosure Act and furnish  
23 such forms to persons required to file such statements and reports;

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

1 filings;

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

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

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

12 (7) Prepare and publish summaries of statements and  
13 reports filed with the commission and special reports and technical  
14 studies to further the purposes of the ~~aets~~ act;

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

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

21 (10) Issue and publish advisory opinions on the  
22 requirements of the ~~aets~~ act upon the request of a person or  
23 government body directly covered or affected by the ~~aets~~ act. Any  
24 such opinion rendered by the commission, until amended or revoked,  
25 shall be binding on the commission in any subsequent charges  
26 concerning the person or government body who requested the opinion  
27 and who acted in reliance on it in good faith unless material facts

1 were omitted or misstated by the person or government body in the  
2 request for the opinion;

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

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

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

21 Sec. 25. Section 49-14,124, Revised Statutes Cumulative  
22 Supplement, 2008, is amended to read:

23 49-14,124 (1) The commission shall, by way of preliminary  
24 investigation, investigate any alleged violation of the Nebraska  
25 Political Accountability and Disclosure Act, or any rule or  
26 regulation adopted and promulgated thereunder, upon:

27 (a) The receipt of a complaint signed under oath which



1 contains at least a reasonable belief that a violation has  
2 occurred;

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

4 (c) The commission's own motion.

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

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

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

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

17 ~~(4)~~ (3) The executive director shall notify any person  
18 under investigation by the commission of the investigation and of  
19 the nature of the alleged violation within five days after the  
20 commencement of the investigation.

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

27 ~~(6)~~ (5) Each governing body shall cooperate with the

1 commission in the conduct of its investigations.

2           Sec. 26. Section 49-14,124.01, Revised Statutes  
3 Cumulative Supplement, 2008, is amended to read:

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

17           Sec. 27. Section 49-14,124.02, Revised Statutes  
18 Cumulative Supplement, 2008, is amended to read:

19           49-14,124.02 At any time after the commencement of a  
20 preliminary investigation, the commission may refer the matter of  
21 a possible criminal violation of ~~the Campaign Finance Limitation~~  
22 ~~Act or~~ the Nebraska Political Accountability and Disclosure Act to  
23 the Attorney General for consideration of criminal prosecution. The  
24 fact of the referral shall not be subject to the confidentiality  
25 provisions of section 49-14,124.01. The Attorney General shall  
26 determine if a matter referred by the commission will be criminally  
27 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. 28. Section 49-14,125, Revised Statutes Cumulative  
8 Supplement, 2008, 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~~ 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  
26 could be found to have violated ~~either~~ the act, the commission  
27 shall initiate appropriate proceedings to determine whether there

1 has in fact been a violation. The commission may appoint a hearing  
2 officer to preside over the proceedings.

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

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

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

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

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

24 (8) Any person whose name is mentioned during a  
25 proceeding of the commission and who may be adversely affected  
26 thereby shall be notified and may appear personally before the  
27 commission on that person's own behalf or file a written statement

1 for incorporation into the record of the proceeding.

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

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

9 Sec. 29. Section 49-14,126, Revised Statutes Cumulative  
10 Supplement, 2008, is amended to read:

11 49-14,126 ~~(1)~~ The commission, upon finding that there  
12 has been a violation of the Nebraska Political Accountability and  
13 Disclosure Act or any rule or regulation promulgated thereunder,  
14 may issue an order requiring the violator to do one or more of the  
15 following:

16 ~~(a)~~ (1) Cease and desist violation;

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

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

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

24 Sec. 30. Section 49-14,129, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 49-14,129 The commission, by order, may suspend or  
27 modify any of the reporting requirements of the ~~Campaign Finance~~

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

11           Sec. 31. Section 49-14,133, Revised Statutes Cumulative  
12 Supplement, 2008, is amended to read:

13           49-14,133 The Attorney General has jurisdiction to  
14 enforce the criminal provisions of ~~the Campaign Finance Limitation~~  
15 ~~Act~~ and the Nebraska Political Accountability and Disclosure  
16 Act. The county attorney of the county in which a violation of  
17 the ~~Campaign Finance Limitation Act~~ ~~or~~ the Nebraska Political  
18 ~~Accountability and Disclosure Act~~ act occurs shall have concurrent  
19 jurisdiction.

20           Sec. 32. Section 49-14,140, Revised Statutes Cumulative  
21 Supplement, 2008, is amended to read:

22           49-14,140 The Nebraska Accountability and Disclosure  
23 Commission Cash Fund is hereby created. The fund shall consist of  
24 funds received by the commission pursuant to sections 49-1449.01,  
25 49-1470, 49-1480.01, 49-1482, 49-1495, 49-14,123, and 49-14,123.01.  
26 The fund shall not include late filing fees or civil penalties  
27 assessed and collected by the commission. The fund shall be

1 used by the commission in administering the Nebraska Political  
2 Accountability and Disclosure Act. Any money in the fund available  
3 for investment shall be invested by the state investment officer  
4 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
5 State Funds Investment Act.

6 On January 2, 2010, the State Treasurer shall transfer  
7 any money in the Campaign Finance Limitation Cash Fund that is  
8 attributable to late filing fees, civil penalties, and interest  
9 for distribution in accordance with Article VII, section 5, of the  
10 Constitution of Nebraska, and shall transfer the remaining money in  
11 the fund to the Nebraska Accountability and Disclosure Commission  
12 Cash Fund.

13 Sec. 33. Section 49-14,141, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 49-14,141 (1) The commission may adopt procedures for the  
16 digital and electronic filing of any report or statement required  
17 by the Nebraska Political Accountability and Disclosure Act. Any  
18 procedures for digital filing shall comply with the provisions of  
19 section 86-611.

20 (2) By January 1, 2010, the commission shall adopt and  
21 promulgate rules and regulations to establish the procedures for  
22 electronic filing for reports and statements required to be filed  
23 electronically by the next business day as prescribed in the  
24 act. The form prescribed by the commission for submission of the  
25 reports and statements shall allow for posting the reports and  
26 statements on the commission's web site in a secure manner on the  
27 next business day after receipt by the commission. The commission

1 may contract for information technology assistance to develop and  
2 implement the electronic filing and web site posting of such  
3 reports and statements.

4 (3) The commission may adopt authentication procedures  
5 to be used as a verification process for statements or reports  
6 filed digitally or electronically. Compliance with authentication  
7 procedures adopted by the commission shall have the same validity  
8 as a signature on any report, statement, or verification statement.

9 Sec. 34. The office of the commission shall be open  
10 for the transaction of business at least from 8 a.m. until 5  
11 p.m. of each business day. For purposes of the Nebraska Political  
12 Accountability and Disclosure Act, business day includes each day  
13 except Saturdays, Sundays, and days declared by section 25-2221  
14 or proclamation of the President or Governor to be holidays. Any  
15 filing required to be received by the next business day shall  
16 be considered timely if received by 5 p.m. in the office of  
17 the commission on such day. For purposes of electronic filing,  
18 electronic postmarks shall be used as provided in section 86-644.

19 Sec. 35. Original sections 28-915.01, 49-1415, 49-1456,  
20 49-1457, 49-1459, 49-1461, 49-1465, 49-1470, 49-14,122, 49-14,129,  
21 and 49-14,141, Reissue Revised Statutes of Nebraska, and sections  
22 49-1401, 49-1446, 49-1446.04, 49-1447, 49-1455, 49-1458, 49-1463,  
23 49-1463.01, 49-1467, 49-1469, 49-1478, 49-1478.01, 49-1479.01,  
24 49-1479.02, 49-14,123, 49-14,124, 49-14,124.01, 49-14,124.02,  
25 49-14,125, 49-14,126, 49-14,133, and 49-14,140, Revised Statutes  
26 Cumulative Supplement, 2008, are repealed.

27 Sec. 36. The following sections are outright repealed:



1 Sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1605,  
2 32-1606, 32-1606.01, 32-1607, 32-1608, 32-1608.01 32-1608.02,  
3 32-1608.03, 32-1609, 32-1610, 32-1611, 32-1612, 32-1613, and  
4 77-27,119.04, Reissue Revised Statutes of Nebraska.

5           2. Renumber the remaining sections and correct internal  
6 references accordingly.