

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 142

Introduced by Lautenbaugh, 18.

Read first time January 07, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to political accountability and disclosure; to
2 amend sections 28-915.01, 49-1401, 49-1415, 49-1446,
3 49-1446.04, 49-1447, 49-1455, 49-1456, 49-1457, 49-1458,
4 49-1459, 49-1461, 49-1463, 49-1463.01, 49-1465, 49-1467,
5 49-1469, 49-1470, 49-1478, 49-1478.01, 49-1479.01,
6 49-1479.02, 49-14,122, 49-14,123, 49-14,124,
7 49-14,124.01, 49-14,124.02, 49-14,125, 49-14,126,
8 49-14,129, 49-14,133, 49-14,140, and 49-14,141, Reissue
9 Revised Statutes of Nebraska; to change provisions
10 relating to filing campaign statements and reports; to
11 repeal the Campaign Finance Limitation Act; to harmonize
12 provisions; to repeal the original sections; and to
13 outright repeal sections 32-1601, 32-1602, 32-1603,
14 32-1604, 32-1604.01, 32-1605, 32-1606, 32-1606.01,
15 32-1607, 32-1608, 32-1608.01 32-1608.02, 32-1608.03,
16 32-1609, 32-1610, 32-1611, 32-1612, 32-1613, and
17 77-27,119.04, Reissue Revised Statutes of Nebraska.

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

1 Section 1. Section 28-915.01, Reissue Revised Statutes of
2 Nebraska, 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 the
6 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 Campaign~~
21 ~~Finance Limitation Act or~~ the Nebraska Political Accountability and
22 Disclosure Act.

23 Sec. 2. Section 49-1401, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 49-1401 Sections 49-1401 to 49-14,141 and section 34 of

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

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

5 49-1415 (1) Contribution shall mean a payment, gift,
6 subscription, assessment, expenditure, contract, payment for
7 services, dues, advance, forbearance, loan, donation, pledge or
8 promise of money or anything of ascertainable monetary value to a
9 person, made for the purpose of influencing the nomination or
10 election of a candidate, or for the qualification, passage, or defeat
11 of a ballot question. An offer or tender of a contribution is not a
12 contribution if expressly and unconditionally rejected or returned.

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

20 (3) Contribution shall not include:

21 (a) Volunteer personal services provided without
22 compensation, or payments of costs incurred of less than ~~two hundred~~
23 fifty dollars in a calendar year by an individual for personal travel
24 expenses if the costs are voluntarily incurred without any
25 understanding or agreement that the costs shall be, directly or

1 indirectly, repaid;

2 (b) Amounts received pursuant to a pledge or promise to
3 the extent that the amounts were previously reported as a
4 contribution; or

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

8 Sec. 4. Section 49-1446, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 49-1446 (1) Each committee shall have a treasurer who is
11 a qualified elector of this state. A candidate may appoint himself or
12 herself as the candidate committee treasurer.

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

22 (3) No contribution shall be accepted and no expenditure
23 shall be made by a committee which has not filed a statement of
24 organization and which does not have a treasurer. When the office of
25 treasurer in a candidate committee is vacant, the candidate shall be

1 the treasurer until the candidate appoints a new treasurer.

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

7 (5) Contributions received by an individual acting in
8 behalf of a committee shall be reported promptly to the committee's
9 treasurer not later than five days before the closing date of any
10 campaign statement required to be filed by the committee and shall be
11 reported to the committee treasurer immediately if the contribution
12 is received less than five days before the closing date. Beginning
13 January 1, 2012, all contributions shall be reported to the
14 committee's treasurer on or before the fifth business day after
15 receipt.

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

21 (7) Contributions received by a committee shall not be
22 commingled with any funds of an agent of the committee or of any
23 other person except for funds received or disbursed by a separate
24 segregated political fund for the purpose of supporting or opposing
25 candidates and committees in elections in states other than Nebraska

1 and candidates for federal office, as provided in section 49-1469.06,
2 including independent expenditures made in such elections.

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

5 Sec. 5. Section 49-1446.04, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 49-1446.04 (1) A candidate committee shall not accept
8 more than fifteen thousand dollars in loans prior to or during the
9 first thirty days after formation of the candidate committee.

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

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

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

1 civil penalty of not less than two hundred fifty dollars and not more
2 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 5,
7 of the Constitution of Nebraska.

8 Sec. 6. Section 49-1447, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 49-1447 (1) The committee treasurer shall keep detailed
11 accounts, records, bills, and receipts necessary to substantiate the
12 information contained in a statement or report filed pursuant to
13 sections 49-1445 to 49-1479.02 or rules and regulations adopted and
14 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 such
22 filings.

23 (b) For candidate committees, the candidate shall be
24 responsible for filing all statements and reports required to be
25 filed by his or her candidate committee under the ~~Nebraska Political~~

1 ~~Accountability and Disclosure Act or the Campaign Finance Limitation~~
2 ~~Act.~~ act. The candidate shall be personally liable for any late
3 filing fees, civil penalties, and interest that may be due under
4 either act as a result of a failure to make such filings and may use
5 funds of the candidate committee to pay such fees, penalties, and
6 interest.

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

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

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

16 Sec. 7. Section 49-1455, Reissue Revised Statutes of
17 Nebraska, is amended to read:

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

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

24 (b) Under the heading RECEIPTS, the total amount of
25 contributions received during the period covered by the campaign

1 statement; under the heading EXPENDITURES, the total amount of
2 expenditures made during the period covered by the campaign
3 statement; and the cumulative amount of those totals for the election
4 period. If a loan was repaid during the period covered by the
5 campaign statement, the amount of the repayment shall be subtracted
6 from the total amount of contributions received. Forgiveness of a
7 loan shall not be included in the totals. Payment of a loan by a
8 third party shall be recorded and reported as a contribution by the
9 third party but shall not be included in the totals. In-kind
10 contributions or expenditures shall be listed at fair market value
11 and shall be reported as both contributions and expenditures;

12 (c) The balance of cash and cash equivalents on hand at
13 the beginning and the end of the period covered by the campaign
14 statement;

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

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

1 was received, and the cumulative amount contributed by the person for
2 the election period;

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

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

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

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

25 (2) For purposes of this section, election period means

1 ~~(a) the period beginning January 1 of the calendar year prior to the~~
2 ~~year of the election in which the candidate is seeking office through~~
3 ~~the end of the calendar year of such election for candidate~~
4 ~~committees of candidates seeking covered elective offices as defined~~
5 ~~in subdivision (1)(a) of section 32-1603, (b) the period beginning~~
6 ~~July 1 of the calendar year prior to the year of the election in~~
7 ~~which the candidate is seeking office through the end of the calendar~~
8 ~~year of such election for candidate committees of candidates seeking~~
9 ~~covered elective offices so defined in subdivision (1)(b) of section~~
10 ~~32-1603, and (c) the calendar year of the election, for all other~~
11 ~~committees.~~

12 (3) A campaign statement shall include the total amount
13 paid to individual petition circulators during the reporting period,
14 if any, but shall not include the name, address, or telephone number
15 of any individual petition circulator if the only payment made to
16 such individual was for services as a petition circulator.

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

19 49-1456 (1) Any income received by a committee on an
20 account consisting of funds or property belonging to the committee
21 shall not be considered a contribution to the committee but shall be
22 reported as income. Any interest paid by a committee shall be
23 reported as an expenditure.

24 (2) A loan made or received shall be set forth in a
25 separate schedule providing the date and amount of the loan and, if

1 the loan is repaid, the date and manner of repayment. The committee
2 shall provide the name and address of the lender and any person who
3 is liable directly, indirectly, or contingently on each loan of more
4 than ~~two hundred fifty~~ dollars.

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

7 49-1457 (1) The campaign statement filed by a political
8 party committee shall contain the following information:

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

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

24 (c) The total expenditure by the committee for each
25 candidate for elective office or ballot question in whose behalf an

1 independent expenditure was made or a contribution was given for the
2 election; and

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

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

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

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

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

24 49-1458 (1) A committee which receives a late
25 contribution shall report the contribution to the commission by

1 filing a report within two days after the date of its receipt. The
2 report may be filed by hand delivery, facsimile transmission,
3 telegraph, express delivery service, or any other written means of
4 communication, including electronic means approved by the commission,
5 and need not contain an original signature.

6 (2) The report shall include the full name, street
7 address, occupation, employer, and principal place of business of the
8 contributor, the amount of the contribution, and the date of receipt.

9 (3) A late contribution shall be reported on subsequent
10 campaign statements without regard to reports filed pursuant to this
11 section.

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

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

25 Sec. 11. Section 49-1459, Reissue Revised Statutes of

1 Nebraska, is amended to read:

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

6 (a) A first preelection campaign statement shall be filed
7 not later than the thirtieth day before the election. The closing
8 date for a campaign statement filed under this subdivision shall be
9 the thirty-fifth day before the election;

10 (b) A second preelection campaign statement shall be
11 filed not later than the tenth day before the election. The closing
12 date for a campaign statement filed under this subdivision shall be
13 the fifteenth day before the election; and

14 (c) A postelection campaign statement shall be filed not
15 later than the fortieth day following the primary election and the
16 seventieth day following the general election. The closing date for a
17 postprimary election campaign statement filed under this subdivision
18 shall be the thirty-fifth day following the election. The closing
19 date for a ~~postgeneral election~~ postelection campaign statement to be
20 filed under this subdivision after the general election shall be
21 December 31 of the year in which the election is held. If all
22 liabilities of a candidate and committee are paid before the closing
23 date and additional contributions are not expected, the campaign
24 statement may be filed at any time after the election, but not later
25 than the dates provided under this subdivision.

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

20 (3) Beginning January 1, 2012, campaign statements may be
21 filed according to the schedule in subsection (1) of this section or
22 electronically within five business days after receipt of a
23 contribution or making an expenditure. Beginning January 1, 2014,
24 campaign statements shall be filed electronically within five
25 business days after receipt of a contribution or making an

1 expenditure.

2 (4) This section terminates on January 1, 2014.

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

5 49-1461 ~~In~~ (1) Except as otherwise provided in subsection
6 (2) of this section, in addition to the campaign statements required
7 to be filed pursuant to sections 49-1459 and 49-1462, a ballot
8 question committee shall file a campaign statement as required by the
9 Nebraska Political Accountability and Disclosure Act according to the
10 following schedule:

11 ~~(1)-(a)~~ (a) The first campaign statement shall be filed not
12 later than the last day of the calendar month in which the petition
13 form is filed with the Secretary of State pursuant to section
14 32-1405. The closing date for the campaign statement shall be five
15 days before the deadline for filing the first campaign statement;

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

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

1 deadline for filing such petitions.

2 (2) Beginning January 1, 2012, campaign statements may be
3 filed according to the schedule in subsection (1) of this section or
4 electronically the next business day after receipt of a contribution
5 or making an expenditure. Beginning January 1, 2014, campaign
6 statements shall be filed electronically the next business day after
7 receipt of a contribution or making an expenditure.

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

13 Sec. 13. Section 49-1463, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 49-1463 (1) Any person who fails to file a campaign
16 statement with the commission under sections 49-1459 to 49-1463 shall
17 pay to the commission a late filing fee of twenty-five dollars for
18 each day the campaign statement remains not filed in violation of
19 this section, not to exceed seven hundred fifty dollars. ~~In addition,~~
20 ~~if a candidate who files an affidavit under subdivision (5)(a) of~~
21 ~~section 32-1604 fails to file a campaign statement as required by~~
22 ~~sections 49-1459 to 49-1463 within the prescribed time resulting in~~
23 ~~any abiding candidate not receiving public funds as described in~~
24 ~~subsection (6) of section 32-1604 or resulting in a delay in the~~
25 ~~receipt of such funds, the commission shall assess a civil penalty of~~

1 ~~not less than two thousand dollars and not more than three times (a)~~
2 ~~the amount of public funds the abiding candidate received after the~~
3 ~~delay or (b) the amount of public funds the abiding candidate would~~
4 ~~have received if the campaign statement had been filed within the~~
5 ~~prescribed time.~~

6 (2) Any committee which fails to file a statement of
7 exemption with the commission under subsection (2) of section 49-1459
8 shall pay to the commission a late filing fee of twenty-five dollars
9 for each day the statement of exemption remains not filed in
10 violation of this section, not to exceed two hundred twenty-five
11 dollars.

12 Sec. 14. Section 49-1463.01, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 49-1463.01 (1) A person required to pay a late filing fee
15 imposed under section ~~32-1604, 32-1604.01, 32-1606.01,~~ 49-1449,
16 49-1458, 49-1463, 49-1467, 49-1469.08, 49-1478.01, or 49-1479.01 may
17 apply to the commission for relief. The commission by order may
18 reduce the amount of a late filing fee imposed and waive any or all
19 of the interest due on the fee upon a showing by such person that (a)
20 the circumstances indicate no intent to file late, (b) the person has
21 not been required to pay late filing fees for two years prior to the
22 time the filing was due, (c) the late filing shows that less than
23 five thousand dollars was raised, received, or expended during the
24 reporting period, and (d) a reduction of the late fees and waiver of
25 interest would not frustrate the purposes of the Nebraska Political

1 Accountability and Disclosure Act.

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

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

11 49-1465 (1) A campaign statement filed by a committee
12 shall:

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

14 (b) Contain a verification statement which states that
15 the treasurer used all reasonable diligence in its preparation, that
16 to the treasurer's knowledge it is true and complete, and if the
17 committee is a candidate committee, that to the best of the
18 candidate's knowledge the statement is true and complete.

19 (2) The verification statement shall be signed by the
20 treasurer and, in the case of a candidate committee, by the
21 candidate.

22 (3) The verification statement shall be required to
23 perfect the filing of the campaign statement. A campaign statement
24 shall cover the period beginning the day after the closing date of
25 the last campaign statement and end on the closing date as specified

1 in the Nebraska Political Accountability and Disclosure Act.

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

5 Sec. 16. Section 49-1467, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 49-1467 (1) Any person, other than a committee, who makes
8 an independent expenditure advocating the election of a candidate or
9 the defeat of a candidate's opponents or the qualification, passage,
10 or defeat of a ballot question, which is in an amount of more than
11 ~~two hundred fifty~~ dollars, shall file a report of the independent
12 expenditure, ~~within ten days~~, with the commission. The report shall
13 be filed within ten days until January 1, 2012. Beginning January 1,
14 2012, the report may be filed within ten days or electronically the
15 next business day after the independent expenditure. Beginning
16 January 1, 2014, the report shall be filed electronically the next
17 business day after the independent expenditure.

18 (2) The report shall be made on an independent
19 expenditure report form provided by the commission and shall include
20 the date of the expenditure, a brief description of the nature of the
21 expenditure, the amount of the expenditure, the name and address of
22 the person to whom it was paid, the name and address of the person
23 filing the report, and the name, address, occupation, employer, and
24 principal place of business of each person who contributed more than
25 ~~two hundred fifty~~ dollars to the expenditure.

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

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

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

13 Sec. 17. Section 49-1469, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 49-1469 (1) A corporation, labor organization, or
16 industry, trade, or professional association, which is organized
17 under the laws of the State of Nebraska or doing business in this
18 state and which is not a committee, may:

- 19 (a) Make an expenditure;
20 (b) Make a contribution; and
21 (c) Provide personal services.

22 (2) Such a corporation, labor organization, or industry,
23 trade, or professional association shall not be required to file
24 reports of independent expenditures pursuant to section 49-1467, but
25 if it makes a contribution or expenditure, or provides personal

1 services, with a value of more than ~~two hundred~~ fifty dollars, it
2 shall file a report with the commission. Until January 1, 2012, the
3 report shall be filed within ten days after the end of the calendar
4 month in which the contribution or expenditure is made or the
5 personal services are provided. Beginning January 1, 2012, the report
6 may be filed within such ten-day period or electronically the next
7 business day after making the contribution or expenditure or
8 providing personal services. Beginning January 1, 2014, the report
9 shall be filed electronically the next business day after making the
10 contribution or expenditure or providing personal services. The
11 report shall include:

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

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

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

25 Sec. 18. Section 49-1470, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 49-1470 (1) Campaign statements shall be open for public
3 inspection and reproduction, commencing as soon as practicable, but
4 not later than the fifth business day following the day on which they
5 were received, during regular business hours. Beginning January 1,
6 2014, the commission shall make campaign statements available on its
7 web site on or before the next business day after receipt by the
8 commission.

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

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

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

19 Sec. 19. Section 49-1478, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 49-1478 (1) An expenditure shall not be made, other than
22 for overhead or normal operating expenses, by an agent or an
23 independent contractor, including an advertising agency, on behalf of
24 or for the benefit of a person unless the expenditure is reported by
25 the committee as if the expenditure were made directly by the

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

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

20 (3) A person gathering petition signatures, an agent, or
21 an independent contractor who is required to file an agent's report
22 shall file a separate agent's report for each person on whose behalf
23 an expenditure is made. ~~An~~ Until January 1, 2012, an agent's report
24 shall be filed with the commission within ten days after the end of
25 the calendar month in which the expenditure is made. Beginning

1 January 1, 2012, the report may be filed within such ten-day period
2 or electronically on the next business day after the expenditure is
3 made. Beginning January 1, 2014, the report shall be filed
4 electronically on the next business day after the expenditure is
5 made. An agent's report shall include:

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

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

12 (c) The name, permanent address, and temporary address of
13 the person to whom the expenditure is made, except that if the
14 expenditure is solely for the services of an individual circulating
15 petitions, such individual's name and address shall not 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 to
21 individual petition circulators during the reporting period but shall
22 not include the name, address, or telephone number of any individual
23 petition circulator if the only payment made to such individual was
24 for services as a petition circulator.

25 Sec. 20. Section 49-1478.01, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 49-1478.01 (1) ~~An~~ Until January 1, 2014, an independent
3 committee, including a separate segregated political fund, which
4 makes a late independent expenditure shall report the expenditure to
5 the commission by filing within two days after the date of the
6 expenditure the committee's full name and street address, the amount
7 of the expenditure, and the date of the expenditure. The report shall
8 include (a) the full name and street address of the recipient of the
9 expenditure, (b) the name and office sought of the candidate whose
10 nomination or election is supported or opposed by the expenditure,
11 and (c) the identification of the ballot question, the qualification,
12 passage, or defeat of which is supported or opposed. Filing of a
13 report of a late independent expenditure may be by any written means
14 of communication, including electronic means approved by the
15 commission, and need not contain an original signature. A late
16 independent expenditure shall be reported on subsequent campaign
17 statements without regard to reports filed pursuant to this section.

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

1 percent of the amount of the late independent expenditure which was
2 required to be reported.

3 (3) For purposes of this section, late independent
4 expenditure means an independent expenditure as defined in section
5 49-1428 of ~~one thousand~~ fifty dollars or more made after the closing
6 date for campaign statements as provided in subdivision (1)(b) of
7 section 49-1459.

8 (4) This section terminates on January 1, 2014.

9 Sec. 21. Section 49-1479.01, Reissue Revised Statutes of
10 Nebraska, is amended to read:

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

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

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

1 (4) ~~An~~ Until January 1, 2012, an intermediary or agent
2 which is not a committee shall file a report of the earmarked
3 contribution with the commission within ten days after receipt of the
4 contribution. ~~Any~~ Beginning January 1, 2012, the report may be filed
5 within such ten-day period or may be filed electronically on the next
6 business day after receipt of the earmarked contribution. Beginning
7 January 1, 2014, the report shall be filed electronically on the next
8 business day after receipt of the earmarked contribution. Until
9 January 1, 2012, any committee which is an intermediary or agent
10 shall file a report of the earmarked contribution with the commission
11 by the date the next campaign statement is required to be filed.
12 Beginning January 1, 2012, the report may be filed by such date or
13 may be filed electronically on the next business day after receipt of
14 the earmarked contribution. Beginning January 1, 2014, the report
15 shall be filed electronically on the next business day after receipt
16 of the earmarked contribution. The report of the earmarked
17 contribution filed pursuant to this section shall be on a form
18 prescribed by the commission.

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

25 (6) Any person or committee which fails to file a report

1 of an earmarked contribution with the commission as required by this
2 section shall pay to the commission a late filing fee of twenty-five
3 dollars for each day the statement remains not filed in violation of
4 this section not to exceed seven hundred fifty dollars.

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

7 Sec. 22. Section 49-1479.02, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 49-1479.02 (1) A major out-of-state contributor shall
10 file with the commission an out-of-state contribution report. An out-
11 of-state contribution report shall be filed on a form prescribed by
12 the commission. Until January 1, 2012, the report shall be filed
13 within ten days after the end of the calendar month in which a person
14 becomes a major out-of-state contributor, and for ~~For~~ the remainder
15 of the calendar year, a major out-of-state contributor shall file an
16 out-of-state contribution report with the commission within ten days
17 after the end of each calendar month in which the contributor makes a
18 contribution or expenditure. Beginning January 1, 2012, a major out-
19 of-state contributor may file such reports as described or may file
20 electronically the next business day after becoming a major out-of-
21 state contributor and the next business day after making any
22 subsequent contribution or expenditure. Beginning January 1, 2014, a
23 major out-of-state contributor shall file the reports electronically
24 the next business day after becoming a major out-of-state contributor
25 and the next business day after making any subsequent contribution or

1 expenditure.

2 (2) An out-of-state contribution report shall disclose as
3 to each contribution or expenditure not previously reported (a) the
4 amount, nature, value, and date of the contribution or expenditure,
5 (b) the name and address of the committee, candidate, or person who
6 received the contribution or expenditure, (c) the name and address of
7 the person filing the report, and (d) the name, address, occupation,
8 and employer of each person making a contribution of more than ~~two~~
9 ~~hundred~~-fifty dollars in the calendar year to the person filing the
10 report.

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

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

1 percent of the amount of the contributions or expenditures which were
2 required to be reported.

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

5 49-14,122 The commission shall make random field
6 investigations and audits with respect to campaign statements and
7 activity reports filed with the commission under ~~the Campaign Finance~~
8 ~~Limitation Act~~ and the Nebraska Political Accountability and
9 Disclosure Act. ~~Except for audits conducted pursuant to the Campaign~~
10 ~~Finance Limitation Act, any~~ Any audit or investigation conducted of a
11 candidate's campaign statements during a campaign shall include an
12 audit or investigation of the statements of his or her opponent or
13 opponents as well. The commission may also carry out field
14 investigations or audits with respect to any campaign statement,
15 registration, report, or other statement filed under the ~~Nebraska~~
16 ~~Political Accountability and Disclosure Act~~ act if the commission or
17 the executive director deems such investigations or audits necessary
18 to carry out the purposes of the act.

19 Sec. 24. Section 49-14,123, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 49-14,123 In addition to any other duties prescribed by
22 law, the commission shall:

23 (1) Prescribe and publish, after notice and opportunity
24 for public comment, rules and regulations to carry out ~~the Campaign~~
25 ~~Finance Limitation Act~~ and the Nebraska Political Accountability and

1 Disclosure Act pursuant to the Administrative Procedure Act;

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

6 (3) Prepare and publish one or more manuals explaining
7 the duties of all persons and other entities required to file
8 statements and reports by the ~~acts~~ act and setting forth recommended
9 uniform methods of accounting and reporting for such filings;

10 (4) Accept and file any reasonable amount of information
11 voluntarily supplied that exceeds the requirements of the ~~acts~~; act;

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

16 (6) Compile and maintain an index of all reports and
17 statements filed with the commission to facilitate public access to
18 such reports and statements;

19 (7) Prepare and publish summaries of statements and
20 reports filed with the commission and special reports and technical
21 studies to further the purposes of the ~~acts~~; act;

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

25 (9) Preserve statements and reports filed with the

1 commission for a period of not less than five years from the date of
2 receipt;

3 (10) Issue and publish advisory opinions on the
4 requirements of the ~~aets~~act upon the request of a person or
5 government body directly covered or affected by the ~~aets~~act. Any
6 such opinion rendered by the commission, until amended or revoked,
7 shall be binding on the commission in any subsequent charges
8 concerning the person or government body who requested the opinion
9 and who acted in reliance on it in good faith unless material facts
10 were omitted or misstated by the person or government body in the
11 request for the opinion;

12 (11) Act as the primary civil enforcement agency for
13 violations of the Nebraska Political Accountability and Disclosure
14 Act and the rules or regulations promulgated thereunder; ~~and act as~~
15 ~~the primary civil enforcement agency for violations of the Campaign~~
16 ~~Finance Limitation Act and the rules or regulations promulgated~~
17 ~~thereunder;~~

18 (12) Receive all late filing fees, civil penalties, and
19 interest imposed pursuant to ~~the Campaign Finance Limitation Act or~~
20 ~~the Nebraska Political Accountability and Disclosure Act,~~ ~~seek the~~
21 ~~return of any amount as provided in section 32-1606,~~ ~~and seek the~~
22 ~~repayment of any amount as provided in section 32-1607~~ and remit all
23 such funds to the State Treasurer for ~~credit to the Campaign Finance~~
24 ~~Limitation Cash Fund;~~ distribution in accordance with Article VII,
25 section 5, of the Constitution of Nebraska; and

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

5 Sec. 25. Section 49-14,124, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 49-14,124 (1) The commission shall, by way of preliminary
8 investigation, investigate any alleged violation of the Nebraska
9 Political Accountability and Disclosure Act, or any rule or
10 regulation adopted and promulgated thereunder, upon:

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

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

14 (c) The commission's own motion.

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

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

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

21 ~~(3)~~ (2) For purposes of conducting preliminary
22 investigations under either the Campaign Finance Limitation Act or
23 the Nebraska Political Accountability and Disclosure Act, the
24 commission shall have the powers possessed by the courts of this
25 state to issue subpoenas, and the district court shall have

1 jurisdiction to enforce such subpoenas.

2 ~~(4)~~(3) The executive director shall notify any person
3 under investigation by the commission of the investigation and of the
4 nature of the alleged violation within five days after the
5 commencement of the investigation.

6 ~~(5)~~(4) Within fifteen days after the filing of a sworn
7 complaint by a person alleging a violation, and every thirty days
8 thereafter until the matter is terminated, the executive director
9 shall notify the complainant and the alleged violator of the action
10 taken to date by the commission together with the reasons for such
11 action or for nonaction.

12 ~~(6)~~(5) Each governing body shall cooperate with the
13 commission in the conduct of its investigations.

14 Sec. 26. Section 49-14,124.01, Reissue Revised Statutes
15 of Nebraska, is amended to read:

16 49-14,124.01 All commission proceedings and records
17 relating to preliminary investigations shall be confidential until a
18 final determination is made by the commission unless the person
19 alleged to be in violation of the Nebraska Political Accountability
20 and Disclosure Act ~~or the Campaign Finance Limitation Act~~ requests
21 that the proceedings be public. If the commission determines that
22 there was no violation of ~~either~~the act or any rule or regulation
23 adopted and promulgated under ~~either~~the act, the records and actions
24 relative to the investigation and determination shall remain
25 confidential unless the alleged violator requests that the records

1 and actions be made public. If the commission determines that there
2 was a violation, the records and actions shall be made public as soon
3 as practicable after the determination is made.

4 Sec. 27. Section 49-14,124.02, Reissue Revised Statutes
5 of Nebraska, is amended to read:

6 49-14,124.02 At any time after the commencement of a
7 preliminary investigation, the commission may refer the matter of a
8 possible criminal violation of ~~the Campaign Finance Limitation Act or~~
9 the Nebraska Political Accountability and Disclosure Act to the
10 Attorney General for consideration of criminal prosecution. The fact
11 of the referral shall not be subject to the confidentiality
12 provisions of section 49-14,124.01. The Attorney General shall
13 determine if a matter referred by the commission will be criminally
14 prosecuted. If the Attorney General determines that a matter will be
15 criminally prosecuted, he or she shall advise the commission in
16 writing of the determination. If the Attorney General determines that
17 a matter will not be criminally prosecuted, he or she shall advise
18 the commission in writing of the determination. The fact of the
19 declination to criminally prosecute shall not be subject to the
20 confidentiality provisions of section 49-14,124.01.

21 Sec. 28. Section 49-14,125, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 49-14,125 (1) If, after a preliminary investigation, it
24 is determined by a majority vote of the commission that there is no
25 probable cause for belief that a person has violated the Nebraska

1 Political Accountability and Disclosure Act ~~or the Campaign Finance~~
2 ~~Limitation Act~~ or any rule or regulation adopted and promulgated
3 thereunder or if the commission determines that there is insufficient
4 evidence to reasonably believe that the person could be found to have
5 violated ~~either the~~ act, the commission shall terminate the
6 investigation and so notify the complainant and the person who had
7 been under investigation.

8 (2) If, after a preliminary investigation, it is
9 determined by a majority vote of the commission that there is
10 probable cause for belief that the Nebraska Political Accountability
11 and Disclosure Act ~~or the Campaign Finance Limitation Act~~ or a rule
12 or regulation adopted and promulgated thereunder has been violated
13 and if the commission determines that there is sufficient evidence to
14 reasonably believe that the person could be found to have violated
15 ~~either the~~ act, the commission shall initiate appropriate proceedings
16 to determine whether there has in fact been a violation. The
17 commission may appoint a hearing officer to preside over the
18 proceedings.

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

25 (4) The commission shall have the powers possessed by the

1 courts of this state to issue subpoenas in connection with
2 proceedings under this section, and the district court shall have
3 jurisdiction to enforce such subpoenas.

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

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

11 (7) All witnesses summoned before the commission shall
12 receive reimbursement as paid in like circumstances in the district
13 court.

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

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

21 (10) At the conclusion of proceedings concerning an
22 alleged violation, the commission shall deliberate on the evidence
23 and determine whether there has been a violation of ~~the Campaign~~
24 ~~Finance Limitation Act or~~ the Nebraska Political Accountability and
25 Disclosure Act.

1 Sec. 29. Section 49-14,126, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 49-14,126 ~~(1)~~The commission, upon finding that there has
4 been a violation of the Nebraska Political Accountability and
5 Disclosure Act or any rule or regulation promulgated thereunder, may
6 issue an order requiring the violator to do one or more of the
7 following:

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

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

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

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

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

18 49-14,129 The commission, by order, may suspend or modify
19 any of the reporting requirements of ~~the Campaign Finance Limitation~~
20 ~~Act or~~ the Nebraska Political Accountability and Disclosure Act, in a
21 particular case, for good cause shown, or if it finds that literal
22 application of ~~such acts~~the act works a manifestly unreasonable
23 hardship and if it also finds that such suspension or modification
24 will not frustrate the purposes of ~~such acts.~~the act. Any such
25 suspension or modification shall be only to the extent necessary to

1 substantially relieve the hardship. The commission shall suspend or
2 modify any reporting requirements only if it determines that facts
3 exist that are clear and convincing proof of the findings required by
4 this section.

5 Sec. 31. Section 49-14,133, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 49-14,133 The Attorney General has jurisdiction to
8 enforce the criminal provisions of ~~the Campaign Finance Limitation~~
9 ~~Act and~~ the Nebraska Political Accountability and Disclosure Act. The
10 county attorney of the county in which a violation of ~~the Campaign~~
11 ~~Finance Limitation Act or~~ the Nebraska Political Accountability and
12 Disclosure Act occurs shall have concurrent jurisdiction.

13 Sec. 32. Section 49-14,140, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 49-14,140 The Nebraska Accountability and Disclosure
16 Commission Cash Fund is hereby created. The fund shall consist of
17 funds received by the commission pursuant to sections 49-1449.01,
18 49-1470, 49-1480.01, 49-1482, 49-1495, 49-14,123, and 49-14,123.01.
19 The fund shall not include late filing fees or civil penalties
20 assessed and collected by the commission. The fund shall be used by
21 the commission in administering the Nebraska Political Accountability
22 and Disclosure Act, except that transfers may be made from the fund
23 to the General Fund at the direction of the Legislature through June
24 30, 2011. Any money in the Nebraska Accountability and Disclosure
25 Commission Cash Fund available for investment shall be invested by

1 the state investment officer pursuant to the Nebraska Capital
2 Expansion Act and the Nebraska State Funds Investment Act.

3 On January 2, 2012, the State Treasurer shall transfer
4 any money in the Campaign Finance Limitation Cash Fund that is
5 attributable to late filing fees, civil penalties, and interest for
6 distribution in accordance with Article VII, section 5, of the
7 Constitution of Nebraska, and shall transfer the remaining money in
8 the fund to the Nebraska Accountability and Disclosure Commission
9 Cash Fund.

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

12 49-14,141 (1) The commission may adopt procedures for the
13 digital and electronic filing of any report or statement required by
14 the Nebraska Political Accountability and Disclosure Act. Any
15 procedures for digital filing shall comply with the provisions of
16 section 86-611.

17 (2) By January 1, 2012, the commission shall adopt and
18 promulgate rules and regulations to establish the procedures for
19 electronic filing for reports and statements required to be filed
20 electronically by the next business day as prescribed in the act. The
21 form prescribed by the commission for submission of the reports and
22 statements shall allow for posting the reports and statements on the
23 commission's web site in a secure manner on the next business day
24 after receipt by the commission. The commission may contract for
25 information technology assistance to develop and implement the

1 electronic filing and web site posting of such reports and
2 statements.

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

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

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

25 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.