

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 210

Introduced by Crawford, 45; McCollister, 20; Quick, 35.

Read first time January 11, 2019

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Nebraska Political Accountability and
2 Disclosure Act; to amend section 49-1403, Reissue Revised Statutes
3 of Nebraska, and sections 49-1401, 49-1463.01, 49-1467, and 49-1469,
4 Revised Statutes Cumulative Supplement, 2018; to define a term; to
5 change reporting requirements for independent expenditures; to
6 require reporting regarding electioneering communication; to provide
7 for late filing fees; to provide a penalty; to harmonize provisions;
8 and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 49-1401, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 49-1401 Sections 49-1401 to 49-14,142 and sections 3 and 6 of this
4 act shall be known and may be cited as the Nebraska Political
5 Accountability and Disclosure Act.

6 Sec. 2. Section 49-1403, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 49-1403 For purposes of the Nebraska Political Accountability and
9 Disclosure Act, unless the context otherwise requires, the definitions
10 found in sections 49-1404 to 49-1444 and section 3 of this act shall be
11 used.

12 Sec. 3. (1) Electioneering communication means any communication
13 which:

14 (a) Refers to a clearly identified candidate or clearly identified
15 ballot question;

16 (b) Is publicly distributed in the thirty days immediately
17 preceding;

18 (i) An election for the office sought by the clearly identified
19 candidate; or

20 (ii) A vote on a clearly identified ballot question; and

21 (c) Is directed to the electorate:

22 (i) Of the office sought by the clearly identified candidate; or

23 (ii) Voting on the clearly identified ballot question.

24 (2) Electioneering communication does not include:

25 (a) A contribution or expenditure;

26 (b) A communication by a television station, radio station,
27 newspaper, magazine, or other periodical or publication for any news
28 story, commentary, or editorial in support of or opposition to a
29 candidate for elective office or a ballot question;

30 (c) A candidate or ballot question debate or forum or a
31 communication which gives notice of a candidate or ballot question debate

1 or forum;

2 (d) A communication while the Legislature is in session about
3 specifically named pending legislation;

4 (e) The posting on the Internet or other publication or distribution
5 of a voter guide; or

6 (f) A communication by a membership organization to one or more of
7 the recognized members of the membership organization if any one or more
8 of the following applies:

9 (i) The member has submitted an email to the membership organization
10 indicating an intent to be a member;

11 (ii) The member has submitted a written letter or other written
12 statement to the membership organization indicating an intent to be a
13 member; or

14 (iii) The member has paid dues to the membership organization.

15 (3) For purposes of this section:

16 (a) Clearly identified ballot question means the ballot question for
17 which the proposition number, official title, or popular name associated
18 with such ballot question appears in the communication or the ballot
19 question in a communication that refers to the subject matter of the
20 ballot question and either unambiguously states that the ballot question
21 is before the people for a vote or otherwise unambiguously refers to the
22 ballot question;

23 (b) Clearly identified candidate means the candidate whose name,
24 nickname, photograph, or drawing appears in the communication or whose
25 identity is otherwise apparent in the communication through an
26 unambiguous reference or through an unambiguous reference to the
27 candidate's status as a candidate; and

28 (c) Voter guide means a document or other compilation of the
29 responses of candidates or ballot question committees to a survey or
30 questionnaire if all known candidates seeking election to the same office
31 or all committees supporting or opposing the same ballot question are

1 given the opportunity to respond to the survey or questionnaire, all
2 responses received from candidates seeking election to the same office or
3 committees supporting or opposing the same ballot question by the
4 deadline designated in or with the survey or questionnaire are included
5 in the document or compilation, and the document or other compilation
6 does not express support for or opposition to the election of any
7 candidate or ballot question.

8 Sec. 4. Section 49-1463.01, Revised Statutes Cumulative Supplement,
9 2018, is amended to read:

10 49-1463.01 (1) A person required to pay a late filing fee imposed
11 under section 49-1449, 49-1458, 49-1463, 49-1467, 49-1469.08, 49-1478.01,
12 or 49-1479.01 or section 6 of this act may apply to the commission for
13 relief. The commission by order may reduce the amount of a late filing
14 fee imposed and waive any or all of the interest due on the fee upon a
15 showing by such person that (a) the circumstances indicate no intent to
16 file late, (b) the person has not been required to pay late filing fees
17 for two years prior to the time the filing was due, (c) the late filing
18 shows that less than five thousand dollars was raised, received, or
19 expended during the reporting period, and (d) a reduction of the late
20 fees and waiver of interest would not frustrate the purposes of the
21 Nebraska Political Accountability and Disclosure Act.

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

28 Sec. 5. Section 49-1467, Revised Statutes Cumulative Supplement,
29 2018, is amended to read:

30 49-1467 (1) Any person, other than a committee, who makes an
31 independent expenditure advocating the election of a candidate or the

1 defeat of a candidate's opponents or the qualification, passage, or
2 defeat of a ballot question, which is in an amount of more than two
3 hundred fifty dollars, shall file a report of the independent
4 expenditure, within ten days, with the commission.

5 (2) The report shall be made on an independent expenditure report
6 form provided by the commission and shall include:

7 (a) The ~~the~~ date of the expenditure;

8 (b) A ~~r~~-a brief description of the nature of the expenditure;

9 (c) The ~~r~~-the amount of the expenditure;

10 (d) The ~~r~~-the name and address of the person to whom it was paid;

11 (e) The ~~r~~-the name and address of the person filing the report;

12 (f) The ~~r~~-and the name, address, occupation, employer, and principal
13 place of business of each person who contributed more than two hundred
14 fifty dollars to the expenditure; and -

15 (g) The name of the candidate or identity of the ballot question
16 that is the subject of the independent expenditure.

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

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

23 Sec. 6. (1) Any person, other than a committee, who makes an
24 electioneering communication in an amount of more than one thousand
25 dollars shall file a report of the electioneering communication, within
26 two days, with the commission.

27 (2) The report shall be made on an electioneering communication
28 report form provided by the commission and shall include:

29 (a) The date of the electioneering communication;

30 (b) A brief description of the nature of the electioneering
31 communication and the means of communication;

- 1 (c) The amount disbursed for the electioneering communication;
2 (d) The name and address of the person to whom it was paid;
3 (e) The name and address of the person filing the report;
4 (f) The name, address, occupation, employer, and principal place of
5 business of each person who contributed more than two hundred fifty
6 dollars to the electioneering communication; and
7 (g) The name of the candidate or identity of the ballot question
8 that is the subject of the electioneering communication.

9 (3) Any person who fails to file a report of an electioneering
10 communication with the commission shall pay to the commission a late
11 filing fee of twenty-five dollars for each day the statement remains not
12 filed in violation of this section, not to exceed seven hundred fifty
13 dollars.

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

16 Sec. 7. Section 49-1469, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:

18 49-1469 (1) A corporation, labor organization, industry, trade, or
19 professional association, limited liability company, or limited liability
20 partnership, which is organized under the laws of the State of Nebraska
21 or doing business in this state and which is not a committee, may:

- 22 (a) Make an expenditure;
23 (b) Make a contribution;~~and~~
24 (c) Provide personal services;and ~~-~~
25 (d) Make an electioneering communication.

26 (2) Any such entity shall not be required to file reports of
27 independent expenditures or electioneering communications pursuant to
28 section 49-1467 or section 6 of this act, but if it makes a contribution,
29 ~~or~~ expenditure, or electioneering communication, or provides personal
30 services, with a value of more than two hundred fifty dollars, it shall
31 file a report with the commission within ten days after the end of the

1 calendar month in which the contribution, ~~or~~ expenditure, or
2 electioneering communication is made or the personal services are
3 provided. The report shall include:

4 (a) The nature, date, and value of the contribution or expenditure
5 and the name of the candidate or committee or a description of the ballot
6 question to or for which the contribution or expenditure was made; ~~and~~

7 (b) The nature, date, and value of the electioneering communication
8 and the name of the candidate or identity of the ballot question that is
9 the subject of the electioneering communication; and

10 (c) ~~(b)~~ A description of any personal services provided, the date
11 the services were provided, and the name of the candidate or committee or
12 a description of the ballot question to or for which the personal
13 services were provided.

14 (3) Any entity specified in subsection (1) of this section may not
15 receive contributions unless it establishes and administers a separate
16 segregated political fund which shall be utilized only in the manner set
17 forth in sections 49-1469.05 and 49-1469.06.

18 Sec. 8. Original section 49-1403, Reissue Revised Statutes of
19 Nebraska, and sections 49-1401, 49-1463.01, 49-1467, and 49-1469, Revised
20 Statutes Cumulative Supplement, 2018, are repealed.