

## LEGISLATIVE BILL 420

Approved by the Governor June 10, 1997

Introduced by Brashear, 4; Wickersham 49

AN ACT relating to campaign finance; to amend sections 32-1601 to 32-1608, 32-1609, 32-1611, 49-1428, 49-1455, and 49-14,124 to 49-14,126, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1463.01, and 49-14,123, Revised Statutes Supplement, 1996; to state intent; to define and redefine terms; to change spending and contribution limitations and filing procedures; to provide, change, and eliminate penalties; to provide for enforcement; to harmonize provisions; to provide severability; and to repeal the original sections.

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

Section 1. Section 32-1601, Reissue Revised Statutes of Nebraska, is amended to read:  
32-1601. Sections 32-1601 to 32-1611 and sections 5 and 12 to 14 of this act shall be known and may be cited as the Campaign Finance Limitation Act.

Sec. 2. Section 32-1602, Reissue Revised Statutes of Nebraska, is amended to read:

32-1602. (1) The Legislature finds that the cost of running for statewide offices and legislative seats has risen greatly and that many qualified candidates are excluded from the democratic system as a result of such rising cost. The Legislature further finds that the United States Supreme Court has indicated that any limitation on campaign expenditures must be entered into voluntarily and that the utilization of public financing of campaigns is a constitutionally permissible way in which to encourage candidates to adopt voluntary campaign spending limitations. The Legislature further finds that using public funds to assist in the financing of campaigns for certain statewide offices and legislative seats, in conjunction with voluntary campaign spending limitations, will increase the number of qualified candidates able to run for office.

(2) The Legislature finds that there is a compelling state interest in preserving the integrity of the electoral process in state elections by ensuring that these elections are free from corruption and the appearance of corruption and that this end can only be achieved if (a) reasonable limits are placed on the amount of campaign contributions from certain sources and (b) the sources of funding and the use of that funding in campaigns are fully disclosed.

Sec. 3. Section 32-1603, Reissue Revised Statutes of Nebraska, is amended to read:

32-1603. For purposes of the Campaign Finance Limitation Act, the definitions found in sections 49-1404 to 49-1444 shall be used, except that:

(1) Covered elective office means (a) the Legislature in any election period and (b) the Governor, Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, Auditor of Public Accounts, the Public Service Commission, the Board of Regents of the University of Nebraska, and the State Board of Education if designated as covered for a given election period pursuant to section 32-1611.

(2) Election period shall mean the calendar year of the election means (a) the period beginning January 1 of the calendar year prior to the year of the election in which the candidate is seeking office through the end of the calendar year of such election for covered elective offices listed in subdivision (1)(a) of this section and (b) the period beginning July 1 of the calendar year prior to the year of the election in which the candidate is seeking office through the end of the calendar year of such election for covered elective offices listed in subdivision (1)(b) of this section;

(2) (3) Expenditure shall mean means the purchase for campaign activities of (a) services from a communications medium, including production costs, (b) printing, photography, graphic arts, or advertising services, (c) office supplies, (d) postage and other commercial delivery services, (e) meals, lodging, and travel expenses, and (f) staff salaries; and

(3) (4) General election period means the period beginning with the day following the end of the primary election period through the end of the election period;

(5) Primary election period means the period beginning with the first day shall mean January 1 of the election period through the thirty-fifth

day following the primary election; and

(6) Unrestricted spending means expenditures or transfers of funds authorized under subdivision (1)(f) or (h) of section 49-1446.01.

Sec. 4. Section 32-1604, Reissue Revised Statutes of Nebraska, is amended to read:

32-1604. (1) Any ~~If the office is designated as covered for a given election period pursuant to section 32-1611,~~ any candidate for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, Auditor of Public Accounts, ~~the Legislature,~~ the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education may qualify for public funds to be used for the election period if he or she limits his or her campaign spending for the election period and meets the other requirements prescribed in this section.

(2) In any election period, any candidate for the Legislature may qualify for public funds to be used for the election period if he or she limits his or her campaign spending for the election period and meets the other requirements prescribed in this section.

(3) To qualify for public funds for the election period, a candidate for Governor shall limit his or her spending, other than unrestricted spending, for the election period to one million five hundred thousand dollars, a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts shall limit his or her spending, other than unrestricted spending, for the election period to one hundred fifty thousand dollars, a candidate for the Legislature shall limit his or her spending, other than unrestricted spending, for the election period to seventy-three thousand dollars, and a candidate for ~~the Legislature,~~ the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education shall limit his or her spending, other than unrestricted spending, for the election period to fifty thousand dollars, and such candidates shall limit their spending, other than unrestricted spending, for the primary election period to not exceed fifty percent of the limits provided in this subsection for the election period.

~~(3)~~ (4) Each candidate for a covered elective office desiring to receive public funds pursuant to this section shall (a) beginning January 1 the first day of the election period, raise an amount equal to at least twenty-five percent of the spending limitation for the office from persons who are residents of Nebraska; and (b) file with the Nebraska Accountability and Disclosure Commission, on the day he or she files for the office, a written declaration of an affidavit pursuant to section 5 of this act indicating his or her intent to abide by the spending limitations prior to raising such funds, and (c) file with the commission, on the day he or she files for the office, a written statement by which he or she agrees and his or her agreement to personally act as a guarantor for the lawful use of such funds and agrees to be held personally liable to the State of Nebraska for any such funds not repaid to the state as required by law. Money raised prior to filing the affidavit declaration required by subdivision (b) of this subsection shall not count toward the qualifying amount established in subdivision (a) of this subsection. Money raised prior to the first day of the election period shall not count toward the qualifying amount established in this subsection. At least sixty-five percent of the qualifying amount established in subdivision ~~(a)~~ of this subsection shall be received from individuals. For purposes of this section, a business, corporation, partnership, limited liability company, or association shall be deemed a resident if it has an office in this state and transacts business in this state.

~~(4)~~ Any (5)(a) Except as otherwise provided in section 5 of this act, any candidate for a covered elective office who does not file an affidavit pursuant to subsection (4) the written declaration pursuant to subdivision (3)(b) of this section shall file with the commission, on the day he or she files for the office, an affidavit which shall constitute his or her written declaration of indicating his or her intent not to abide by the spending limitations of this section and shall include a reasonable estimate of his or her maximum expenditures as defined in sections 32-1603 and 49-1419 for the primary election period. The estimate of expenditures for the primary election period may be amended up to thirty days prior to the primary election by filing a subsequent affidavit. A candidate nominated for a covered elective office in the primary election shall file an estimate of expenditures for the remainder of the total general election period on or before the fortieth day following the primary election. The estimate of expenditures for the remainder of the general election period may be amended up to sixty days prior to the general election by filing a subsequent affidavit.

(b) A candidate for a covered elective office whose estimated

maximum expenditures exceed the spending limitations of this section as set forth in the affidavit filed under subdivision (5)(a) of this section shall file an affidavit with the commission when forty percent of his or her estimated maximum expenditures has been spent for the primary election period. The candidate shall file a second affidavit with the commission when forty percent of his or her estimated maximum expenditures has been spent for the general election period. Each affidavit shall be filed no later than five days after the forty percent has been expended. A candidate who intentionally fails to file the required affidavit within either five-day period shall be guilty of a Class II misdemeanor.

(6) If an affidavit required under subdivision (5)(b) of this section is not filed, no public funds shall be distributed to the candidates for such office who have qualified for public funds for the election period unless preelection campaign statements filed pursuant to subdivisions (1) and (2) of section 49-1459 or audits by the commission conducted pursuant to section 49-14.122 reveal that a candidate has made expenditures requiring the filing of an affidavit under subdivision (5)(b) of this section.

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

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

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

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

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

Sec. 6. Section 32-1605, Reissue Revised Statutes of Nebraska, is amended to read:

32-1605. Any individual who files to appear on the ballot for an elective office specified in subsection (1) of section 32-1604 a covered elective office shall file a copy of the affidavit written declaration that was required to be filed with the Nebraska Accountability and Disclosure Commission as provided in subsections (3) and (4) of section 5 of this act 32-1604 at the same time and with the same official with whom the individual files for office. Candidates for an elective office specified in subsection (1) of section 32-1604 a candidate for a covered elective office who qualify qualifies other than by filing, shall file a copy of an affidavit under section 5 of this act, if required under section 5 of this act, a written declaration as provided in subsections (3) and (4) of section 32-1604 with the commission within five days after qualifying for the ballot. A filing to appear on the ballot for an office specified in subsection (1) of section 32-1604 a covered elective office shall not be accepted by a filing official unless a copy of the candidate's affidavit as filed with the commission, if required, written declaration is properly filed with the filing official.

Sec. 7. Section 32-1606, Reissue Revised Statutes of Nebraska, is amended to read:

32-1606. (1) Any candidate for a covered elective office who has satisfied the requirements of subsection ~~(3)~~ (4) of section 32-1604 may, upon spending twenty-five percent of the spending limitation for the election period prescribed in such section, file an affidavit with the commission setting forth these facts and requesting public funds. If the highest estimated maximum expenditure filed by any of the candidate's opponents for that same office in effect as of the last date to amend an affidavit pursuant to subsection ~~(4)~~ (5) of section 32-1604 is greater than the spending limitations as provided in subsection ~~(2)~~ (3) of section 32-1604 for the office, the candidate shall be entitled to receive the difference between the spending limitation and the highest estimated maximum expenditure filed by any of the candidate's opponents. The commission shall compute the amount of the payment to be made to a candidate. For purposes of this section, a candidate's opponent in a partisan primary election shall include only those other candidates of the same political party running for the same office and a candidate's opponent in a nonpartisan primary election shall include all candidates running for the same office.

(2) Public Except as otherwise provided by subsection (6) of section 32-1604, public funds to which a candidate is entitled under this section shall be disbursed to that candidate not later than two weeks after the last date to amend an affidavit pursuant to subsection ~~(4)~~ subdivision (5)(a) of section 32-1604.

(3) Public funds received pursuant to this section shall be kept in a separate account in a financial institution in this state, shall be used only to make expenditures, and shall not be counted against the spending limitations prescribed in section 32-1604. Any unexpended public funds shall be repaid to the state on or before December 31 of the final year of the election period.

(4) Expenditures from public funds received pursuant to this section shall be reported to the commission on forms prescribed by the commission and in accordance with rules and regulations adopted and promulgated by the commission.

Sec. 8. Section 32-1607, Reissue Revised Statutes of Nebraska, is amended to read:

32-1607. (1) Any candidate who receives public funds pursuant to section 32-1606 and fails to comply with the spending limitations prescribed in section 32-1604 shall repay the amount expended in excess of the spending limitations to the state within six months after the receipt of the public funds by the candidate.

(2) Any candidate who receives public funds pursuant to section 32-1606 and exceeds the spending limitations prescribed in section 32-1604 by five percent or more shall, within six months, repay the entire amount of public funds received with interest at the rate specified in section 45-104.02, as such rate may from time to time be adjusted, from the date the limitation was exceeded by five percent or more.

(3) Any candidate described in subsection (1) of this section or the treasurer of any such candidate committee who exceeds the spending limitation by five percent or more shall be deemed to be in willful and knowing violation of section 32-1604. Any person willfully and knowingly violating such section shall be guilty of a Class II misdemeanor.

(4) Any candidate who files, or causes to be filed, pursuant to subdivision (5)(a) of section 32-1604, an affidavit executed by him or her that he or she knows contains any material element which is false shall be guilty of a Class IV felony.

(5) Any candidate who willfully, knowingly, or intentionally underestimates his or her maximum expenditures by five percent or more in an affidavit filed pursuant to subdivision (5)(a) of section 32-1604 shall be guilty of a Class II misdemeanor.

(6) Any other violation of the Campaign Finance limitation Act, not otherwise covered by subsections ~~(1)~~ through ~~(5)~~ of this section, shall be a Class IV misdemeanor.

~~(7) The expenditure of public funds received pursuant to section 32-1606 shall not be a violation of the spending limitation.~~

Sec. 9. Section 32-1608, Reissue Revised Statutes of Nebraska, is amended to read:

32-1608. During the election period, no candidate for a covered elective office shall accept contributions from independent committees, businesses, including corporations, unions, industry, trade, or professional associations, and political parties which, when aggregated, are in excess of seven hundred fifty thousand dollars for a candidate for Governor,

seventy-five thousand dollars for a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts, thirty-six thousand five hundred dollars for a candidate for the Legislature, and twenty-five thousand dollars for a candidate for ~~the~~ the ~~Legislature,~~ the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education.

Sec. 10. Section 32-1609, Reissue Revised Statutes of Nebraska, is amended to read:

32-1609. The commission shall conduct a random audit of the accounts and records of any candidate filing a declaration of intent an affidavit under subsection ~~(3)~~ (4) of section 32-1604.

Sec. 11. Section 32-1611, Reissue Revised Statutes of Nebraska, is amended to read:

32-1611. (1) Prior to June 30 of each odd-numbered year, the Nebraska Accountability and Disclosure Commission shall (a) allocate available funds of one hundred fifty thousand dollars to fund requests for public funds for covered elective offices listed in subdivision (1)(a) of section 32-1603, (b) calculate its best estimate of the amount of funds available to fund requests for public funds during the ensuing election year in the Campaign Finance Limitation Cash Fund based upon the appropriations, if any, made to the fund by the Legislature in such year, and (c) if the estimated amount of available funds exceeds one hundred fifty thousand dollars, designate additional covered elective offices in the following order if the following amounts of additional funds are available:

(a) The Public Service Commission, one thousand dollars;

(b) The Board of Regents of the University of Nebraska, twenty-five thousand dollars;

(c) The State Board of Education, one thousand dollars;

(d) The Auditor of Public Accounts, fifty thousand dollars;

(e) The Attorney General, fifty thousand dollars;

(f) The Secretary of State, fifty thousand dollars;

(g) The State Treasurer, fifty thousand dollars;

(h) The Lieutenant Governor, fifty thousand dollars; and

(i) The Governor, five hundred thousand dollars.

(2) All elective offices not within the class of offices designated under subsection (1) of this section to be covered elective offices for the election period ending on December 31 of the following year shall be designated not to be covered elective offices for such election period.

(3) For purposes of the election period ending December 31, 1998, (a) the Legislature shall be the only covered elective office, (b) the election period shall begin on the effective date of this act, and (c) the Campaign Finance Limitation Act shall not apply to any other office. The Campaign Finance Limitation Act shall become operative for elections held after January 1, 1995.

Sec. 12. (1) The Nebraska Accountability and Disclosure Commission shall assess any person that the commission finds to have violated subsection (3) or (5) of section 32-1607 a civil penalty of one thousand dollars or an amount equal to ten percent of the amount by which the limitation was exceeded, whichever is greater, for each violation.

(2) Unless a specific penalty is otherwise provided, the commission shall assess any person that it finds to have violated any other provision of the Campaign Finance Limitation Act a civil penalty of not more than one thousand dollars for each violation.

Sec. 13. The Nebraska Accountability and Disclosure Commission shall commence civil proceedings for a violation of the Campaign Finance Limitation Act within three years after the date on which the violation occurred.

Sec. 14. (1) If a person as defined in section 49-1438, including an independent committee or a political party committee, determines more than forty-five days prior to a primary election or general election that it intends to make independent expenditures of two thousand dollars or more during the primary election period or the general election period for or against a candidate seeking nomination or election to a covered elective office, the person shall file a statement of intent to expend with the Nebraska Accountability and Disclosure Commission. The statement of intent to expend shall be filed no later than forty-five days prior to the date of the election at which the candidate is seeking nomination or election. The statement of intent to expend shall include:

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

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

committee:

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

(d) The office sought by the candidate for which the independent expenditure is intended to be made; and

(e) The maximum amount of independent expenditures the person intends to spend in support of or in opposition to the candidate for the primary election period and the general election period.

(2) No person who has filed a statement of intent to expend shall make independent expenditures exceeding twenty percent more than the amount stated in subdivision (1)(e) of this section or less than twenty percent less than such amount. No person shall make independent expenditures for a covered elective office without filing a statement of intent to expend under this section.

(3) The commission shall give notice of the filing of a statement of intent to expend to all candidates seeking the same office as a candidate named in a statement of intent to expend. The notice shall be given by mail within ten days after the receipt of the filing.

(4) If a statement of intent to expend is filed pursuant to this section, (a) the candidate named in the statement if the expenditures are to be made in opposition to such candidate or (b) a candidate for the same office as the candidate named in the statement and on whose behalf the expenditures are to be made shall be allowed to withdraw an affidavit of intent to abide by the spending limitations of section 32-1604 if the candidate has not received public funds under the Campaign Finance Limitation Act. The withdrawal shall be accomplished by filing a written statement withdrawing his or her affidavit to abide and simultaneously filing an affidavit not to abide under subdivision (5)(a) of section 32-1604 at least thirty days prior to the election.

(5) Notwithstanding the provisions of this section, if independent expenditures of two thousand dollars or more are made (a) in opposition to a candidate seeking nomination or election to a covered elective office or (b) in support of another candidate seeking nomination or election to the same covered elective office during a primary election period or a general election period, a candidate against whom independent expenditures are made or a candidate for the same office as a candidate in support of whom independent expenditures are made shall be allowed to withdraw an affidavit of intent to abide by the spending limitations of section 32-1604 if the candidate has not received public funds under the act. Such withdrawal shall be made by filing a written statement withdrawing his or her affidavit to abide and simultaneously filing an affidavit not to abide as provided in subdivision (5)(a) of section 32-1604. Such withdrawal shall be made at least thirty days prior to the election.

(6) This section shall not apply to an individual making independent expenditures with his or her own funds. An individual making independent expenditures shall be required to file an independent expenditure report as required by section 49-1467.

Sec. 15. Section 49-1401, Revised Statutes Supplement, 1996, is amended to read:

49-1401. Sections 49-1401 to 49-14,140 and section 17 of this act shall be known and may be cited as the Nebraska Political Accountability and Disclosure Act. Any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-14,123.01 and 49-14,140.

Sec. 16. Section 49-1428, Reissue Revised Statutes of Nebraska, is amended to read:

49-1428. Independent expenditure shall mean an expenditure as defined in section 49-1419 by a person if the expenditure is not made at the direction of, or under the control of, or with the cooperation of another person and if the expenditure is not a contribution to a committee.

Sec. 17. (1) Any person as defined in section 49-1438, including an independent committee or a political party committee, that makes independent expenditures as defined in section 49-1428 for or against a candidate seeking nomination or election to a covered elective office as defined in section 32-1603, in an aggregate amount greater than two thousand dollars during the primary election period or the general election period as defined in section 32-1603, shall report such independent expenditures by filing a report with the commission within five days after the aggregate amount of such expenditures exceeds two thousand dollars. Such report shall include:

(a) The name, address, and telephone number of the person or

committee filing the report;

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

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

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

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

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

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

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

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

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

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

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

Sec. 18. Section 49-1455, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

~~(4)~~ (d) The full name of each individual from whom contributions totaling more than one hundred dollars are received during the period covered by the report, together with the individual's street address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by that individual for the election period;

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

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

~~(7)~~ (g) The full name and street address of each person to whom

expenditures totaling more than one hundred dollars were made, together with the date and amount of each separate expenditure to each such person during the period covered by the campaign statement; the purpose of the expenditure; and the full name and street address of the person providing the consideration for which any expenditure was made if different from the payee;

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

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

(2) For purposes of this section, election period means (a) the period beginning January 1 of the calendar year prior to the year of the election in which the candidate is seeking office through the end of the calendar year of such election for candidate committees of candidates seeking covered elective offices as defined in subdivision (1)(a) of section 32-1603, (b) the period beginning July 1 of the calendar year prior to the year of the election in which the candidate is seeking office through the end of the calendar year of such election for candidate committees of candidates seeking covered elective offices so defined in subdivision (1)(b) of section 32-1603, and (c) the calendar year of the election for all other committees. 7  
election period shall be as defined in section 32-1603.

Sec. 19. Section 49-1463.01, Revised Statutes Supplement, 1996, is amended to read:

49-1463.01. A person required to pay a late filing fee imposed under section 49-1449, 49-1458, 49-1463, 49-1467, 49-1469, or 49-1479.01 or section 5 or 17 of this act may apply to the commission for relief. The commission by order may reduce the amount of a late filing fee imposed upon a showing by such person that (1) the circumstances indicate no intent to file late, (2) the person has not been required to pay late filing fees for two years prior to the time the filing was due, (3) the late filing shows that less than five thousand dollars was raised, received, or expended during the reporting period, and (4) a reduction of the late fees would not frustrate the purposes of the Nebraska Political Accountability and Disclosure Act.

Sec. 20. Section 49-14,123, Revised Statutes Supplement, 1996, is amended to read:

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

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

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

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

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

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

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

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

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

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

(10) Issue and publish advisory opinions on the requirements of the acts upon the request of a person or governmental body directly covered or



affected by the acts. Any such opinion rendered by the commission, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the person or public body who requested the opinion and who acted in reliance on it in good faith unless material facts were omitted or misstated by the person in the request for the opinion;

(11) Act as the primary civil and criminal enforcement agency for violations of the Nebraska Political Accountability and Disclosure Act and the rules or regulations promulgated thereunder, act as the primary civil enforcement agency for violations of the Campaign Finance Limitation Act and the rules or regulations promulgated thereunder, and act concurrently with the county attorney in prosecuting criminal violations of the Campaign Finance Limitation Act;

(12) Receive all late filing fees and civil penalties imposed pursuant to the Campaign Finance Limitation Act or the Nebraska Political Accountability and Disclosure Act, seek the return of any amount as provided in section 32-1606, and seek the repayment of any amount as provided in section 32-1607 and remit all such funds to the State Treasurer for credit to the Campaign Finance Limitation Cash Fund; and

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

Sec. 21. Section 49-14,124, Reissue Revised Statutes of Nebraska, is amended to read:

49-14,124. Upon a complaint signed under oath by any person, upon the recommendation of the executive director, or upon its own motion, the commission shall, by way of preliminary investigation, investigate any alleged violation of sections 49-1401 to 49-14,138 the Nebraska Political Accountability and Disclosure Act or any rule or regulation adopted and promulgated thereunder. Upon the recommendation of the executive director or upon its own motion, the commission shall, by way of preliminary investigation, investigate any alleged violation of the Campaign Finance Limitation Act or any rule or regulation promulgated thereunder. Each governmental body shall cooperate with the commission in the conduct of its investigations. All commission proceedings and records relating to preliminary investigations shall be confidential until a final determination is made by the commission unless the person alleged to be in violation of sections 49-1401 to 49-14,138 the Nebraska Political Accountability and Disclosure Act or the Campaign Finance Limitation Act requests that the proceedings be public. The executive director shall notify any person under investigation by the commission of the investigation and of the nature of the alleged violation within five days of after the commencement of the investigation. Within fifteen days of after the filing of a sworn complaint by a person alleging a violation, and every thirty days thereafter until the matter is terminated, the executive director shall notify the complainant and the alleged violator of the action taken to date by the commission together with the reasons for such action or for nonaction.

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

49-14,125. (1) If a preliminary investigation fails to indicate probable cause for belief that sections 49-1401 to 49-14,138 have the Nebraska Political Accountability and Disclosure Act or the Campaign Finance Limitation Act has been violated, the commission shall terminate the investigation and so notify the complainant and the person who had been under investigation.

(2) If, after a preliminary investigation, it is determined by a majority vote of the commission that there is probable cause for belief that sections 49-1401 to 49-14,138, the Nebraska Political Accountability and Disclosure Act or the Campaign Finance Limitation Act or a rule or regulation adopted and promulgated thereunder, has been violated, the commission shall initiate appropriate proceedings to determine whether there has in fact been a violation. All proceedings of the commission pursuant to this subsection shall be by closed session attended only by those persons necessary to the investigation of the alleged violation, unless the person alleged to be in violation of sections 49-1401 to 49-14,138, either act or any rule or regulation adopted and promulgated thereunder requests an open session. The commission shall have the powers possessed by the courts of this state to issue subpoenas and cause them to be served and enforced. All testimony shall be under oath which shall be administered by a member of the commission. Any person who appears before the commission shall have all of the due process rights, privileges, and responsibilities of a witness appearing before the courts of this state. All witnesses summoned before the commission shall receive reimbursement as paid in like circumstances in the district court.

Any person whose name is mentioned during a proceeding of the commission and who may be adversely affected thereby shall be notified and may appear personally before the commission on that person's own behalf or file a written statement for incorporation into the record of the proceeding. The commission shall cause a record to be made of all proceedings pursuant to this subsection. At the conclusion of proceedings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence and then proceed to determine by majority vote of the members present whether there has been a violation of sections 49-1401 to 49-14,138 the Campaign Finance Limitation Act or the Nebraska Political Accountability and Disclosure Act. If the commission determines that sections 49-1401 to 49-14,138, there was no violation of either act or any rule or regulation, was not violated, the records and actions relative to the investigation and determination shall remain confidential unless the alleged violator requests that the records and actions be made public. If the commission determines that sections 49-1401 to 49-14,138 or any rule or regulation thereof was violated, there was a violation, the records and actions shall be made public as soon as practicable after the determination is made.

Sec. 23. Section 49-14,126, Reissue Revised Statutes of Nebraska, is amended to read:

49-14,126. (1) The commission, upon finding that there has been a violation of sections 49-1401 to 49-14,138 the Nebraska Political Accountability and Disclosure Act or any rule or regulation promulgated thereunder, may begin civil or criminal prosecution for the imposition of civil or criminal penalties provided by sections 49-1401 to 49-14,138 the act. If the commission finds a violation of sections 49-1401 to 49-14,138, the act or any rule or regulation thereunder, it may issue an order requiring the violator to:

(a) ~~(1)~~ Cease and desist violation;  
 (b) ~~(2)~~ File any report, statement, or other information as required; or

(c) ~~(3)~~ Pay a civil penalty of not more than one thousand dollars for each violation of sections 49-1401 to 49-14,138 the act, rule, or regulation.

(2) If the commission finds a violation of the Campaign Finance Limitation Act, the commission shall assess a civil penalty as required under section 12 of this act.

Sec. 24. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 25. Original sections 32-1601 to 32-1608, 32-1609, 32-1611, 49-1428, 49-1455, and 49-14,124 to 49-14,126, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1463.01, and 49-14,123, Revised Statutes Supplement, 1996, are repealed.