

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 676

Introduced by Chambers, 11.

Read first time January 08, 2014

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Nebraska Political Accountability and
2 Disclosure Act; to amend sections 49-1446.01 and 49-1462,
3 Reissue Revised Statutes of Nebraska, and sections
4 49-1446, 49-1459, and 49-14,126, Revised Statutes
5 Supplement, 2013; to require certain committees to file
6 statements from financial institutions as prescribed; to
7 prohibit candidate committees from making loans of money;
8 to change provisions relating to campaign statements; to
9 change the amount authorized for civil penalties; to
10 authorize an order of restitution; to harmonize
11 provisions; and to repeal the original sections.

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

1 Section 1. Section 49-1446, Revised Statutes Supplement,
2 2013, is amended to read:

3 49-1446 (1) Each committee shall have a treasurer who is
4 a qualified elector of this state. A candidate may appoint himself or
5 herself as the candidate committee treasurer.

6 (2) Each committee shall designate one account in a
7 financial institution in this state as an official depository for the
8 purpose of depositing all contributions which it receives in the form
9 of or which are converted to money, checks, or other negotiable
10 instruments and for the purpose of making all expenditures. Secondary
11 depositories shall be used for the sole purpose of depositing
12 contributions and promptly transferring the deposits to the
13 committee's official depository. Each committee, other than a
14 political party committee, shall submit a statement of the account
15 from the financial institution as of the end of the calendar year
16 with the postelection campaign statement under subsection (1) of
17 section 49-1459, with the statement of exemption due after the
18 general election under subsection (2) of section 49-1459, or with the
19 campaign statement filed under section 49-1462.

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

25 (4) No expenditure shall be made by a committee without

1 the authorization of the treasurer or the assistant treasurer. The
2 contributions received or expenditures made by a candidate or an
3 agent of a candidate shall be considered received or made by the
4 candidate committee.

5 (5) Contributions received by an individual acting in
6 behalf of a committee shall be reported promptly to the committee's
7 treasurer not later than five days before the closing date of any
8 campaign statement required to be filed by the committee and shall be
9 reported to the committee treasurer immediately if the contribution
10 is received less than five days before the closing date.

11 (6) A contribution shall be considered received by a
12 committee when it is received by the committee treasurer or a
13 designated agent of the committee treasurer notwithstanding the fact
14 that the contribution is not deposited in the official depository by
15 the reporting deadline.

16 (7) Contributions received by a committee shall not be
17 commingled with any funds of an agent of the committee or of any
18 other person except for funds received or disbursed by a separate
19 segregated political fund for the purpose of supporting or opposing
20 candidates and committees in elections in states other than Nebraska
21 and candidates for federal office, as provided in section 49-1469.06,
22 including independent expenditures made in such elections.

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

25 Sec. 2. Section 49-1446.01, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 49-1446.01 (1) No committee, other than a political party
3 committee, may expend funds except (a) to make an expenditure, as
4 defined in subsection (1), (2), or (3) of section 49-1419, ~~or except~~
5 that a candidate committee shall not loan money, or (b) as provided
6 in section 49-1446.03 or 49-1469.06, except that a candidate
7 committee shall not loan money.

8 (2) A candidate committee of an officeholder may make
9 expenditures for the payment of installation and use of telephone and
10 telefax machines located in an officeholder's public office and used
11 by such officeholder.

12 (3) Any committee, including a political party committee,
13 may invest funds in investments authorized for the state investment
14 officer in the Nebraska Capital Expansion Act and the Nebraska State
15 Funds Investment Act. Nothing in this section shall prohibit a
16 separate segregated political fund from disbursing funds as provided
17 in section 49-1469.06.

18 Sec. 3. Section 49-1459, Revised Statutes Supplement,
19 2013, is amended to read:

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

24 (a) A first preelection campaign statement shall be filed
25 not later than the thirtieth day before the election. The closing

1 date for a campaign statement filed under this subdivision shall be
2 the thirty-fifth day before the election;

3 (b) A second preelection campaign statement shall be
4 filed not later than the tenth day before the election. The closing
5 date for a campaign statement filed under this subdivision shall be
6 the fifteenth day before the election; and

7 (c) A postelection campaign statement shall be filed not
8 later than the fortieth day following the primary election and the
9 seventieth day following the general election. The closing date for a
10 postelection campaign statement to be filed under this subdivision
11 after the primary election shall be the thirty-fifth day following
12 the election. The closing date for a postelection campaign statement
13 to be filed under this subdivision after the general election shall
14 be December 31 of the year in which the election is held. If all
15 liabilities of a candidate and committee are paid before the closing
16 date and additional contributions are not expected, the campaign
17 statement may be filed at any time after the election, but not later
18 than the dates provided under this subdivision. Each committee, other
19 than a political party committee, shall submit a statement of the
20 designated account from the financial institution as of the end of
21 the calendar year as described in subsection (2) of section 49-1446
22 with the postelection campaign statement after the general election
23 under this subsection.

24 (2) Any committee may file a statement with the
25 commission indicating that the committee does not expect to receive

1 contributions or make expenditures of more than one thousand dollars
2 in the calendar year of an election. Such statement shall be signed
3 by the committee treasurer or the assistant treasurer, and in the
4 case of a candidate committee, it shall also be signed by the
5 candidate. Such statement shall be filed on or before the thirtieth
6 day before the election. A committee which files a statement pursuant
7 to this subsection is not required to file campaign statements
8 according to the schedule prescribed in subsection (1) of this
9 section but shall file a ~~sworn~~ statement of exemption not later than
10 the fortieth day following the primary election and the seventieth
11 day following the general election stating only that the committee
12 did not, in fact, receive or expend an amount in excess of one
13 thousand dollars. Each committee, other than a political party
14 committee, shall submit a statement of the designated account from
15 the financial institution as of the end of the calendar year as
16 described in subsection (2) of section 49-1446 with the statement of
17 exemption due after the general election under this subsection. If
18 the committee receives contributions or makes expenditures of more
19 than one thousand dollars during the election year, the committee is
20 then subject to all campaign filing requirements under subsection (1)
21 of this section.

22 Sec. 4. Section 49-1462, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 49-1462 Unless otherwise required to file an election
25 campaign statement as required by section 49-1459, a committee shall

1 file a campaign statement with a closing date of December 31 of such
2 year not later than January 31 of the following year. The period
3 covered by the campaign statement filed pursuant to this section
4 shall begin from the day after the closing date of the previous
5 campaign statement filed. Each committee, other than a political
6 party committee, shall submit a statement of the designated account
7 from the financial institution as of the end of the calendar year as
8 described in subsection (2) of section 49-1446 with the campaign
9 statement under this section.

10 Sec. 5. Section 49-14,126, Revised Statutes Supplement,
11 2013, is amended to read:

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

17 (1) Cease and desist from the violation;

18 (2) File any report, statement, or other information as
19 required;

20 (3) Pay a civil penalty of not more than ~~two~~ five
21 thousand dollars for each violation of the act, rule, or regulation;
22 ~~or~~

23 (4) Pay the costs of the hearing in a contested case if
24 the violator did not appear at the hearing personally or by counsel;
25 or -

1 (5) Make restitution to any committee, government body,
2 or person.

3 Sec. 6. Original sections 49-1446.01 and 49-1462, Reissue
4 Revised Statutes of Nebraska, and sections 49-1446, 49-1459, and
5 49-14,126, Revised Statutes Supplement, 2013, are repealed.