

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 85

FINAL READING

Introduced by Blood, 3; Baker, 30; Crawford, 45; Hansen, 26; McDonnell,
5; Morfeld, 46; Vargas, 7; Wayne, 13; Chambers, 11.

Read first time January 05, 2017

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to law; to amend sections 32-602, 32-607, and
2 49-1401, Reissue Revised Statutes of Nebraska, and section
3 49-14,123, Revised Statutes Cumulative Supplement, 2016; to change
4 provisions of the Election Act relating to eligibility to file for
5 office and candidate filing forms; to provide a requirement for
6 persons appointed to certain elective or appointive offices; to
7 provide a duty for the Nebraska Accountability and Disclosure
8 Commission; to harmonize provisions; and to repeal the original
9 sections.

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

1 Section 1. Section 32-602, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-602 (1) Any person seeking an elective office shall be a
4 registered voter at the time of filing for the office pursuant to section
5 32-606 or 32-611.

6 (2) Any person filing for office shall meet the constitutional and
7 statutory requirements of the office for which he or she is filing. If a
8 person is filing for a partisan office, he or she shall be a registered
9 voter affiliated with the appropriate political party if required
10 pursuant to section 32-702. If the person is required to sign a contract
11 or comply with a bonding or equivalent commercial insurance policy
12 requirement prior to holding such office, he or she shall be at least
13 nineteen years of age at the time of filing for the office.

14 (3) A person shall not be eligible to file for an office if he or
15 she holds the office and his or her term of office expires after the
16 beginning of the term of office for which he or she would be filing. This
17 subsection does not apply to filing for an office to represent a
18 different district, ward, subdistrict, or subdivision of the same
19 governmental entity as the office held at the time of filing.

20 (4)(a) Except as provided in subdivision (b) of this subsection, a
21 person shall not be eligible to file for an office until he or she has
22 paid any outstanding civil penalties and interest imposed pursuant to the
23 Nebraska Political Accountability and Disclosure Act. The filing officer
24 shall determine such eligibility before accepting a filing. The Nebraska
25 Accountability and Disclosure Commission shall provide the filing
26 officers with current information or the most current list of such
27 outstanding civil penalties and interest owed pursuant to subdivision
28 (13) of section 49-14,123.

29 (b) A person owing a civil penalty to the commission shall be
30 eligible to file for an office if:

31 (i) The matter in which the civil penalty was assessed is pending on

1 appeal before a state court; and

2 (ii) The person files with the commission a surety bond running in
3 favor of the State of Nebraska with surety by a corporate bonding company
4 authorized to do business in this state and conditioned upon the payment
5 of the civil penalty imposed under the Nebraska Political Accountability
6 and Disclosure Act.

7 (5) (4) The governing body of the political subdivision swearing in
8 the officer shall determine whether the person meets all requirements
9 prior to swearing in the officer.

10 Sec. 2. Section 32-607, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 32-607 All candidate filing forms shall contain the following
13 statement: I hereby swear that I will abide by the laws of the State of
14 Nebraska regarding the results of the primary and general elections, that
15 I am a registered voter and qualified to be elected, and that I will
16 serve if elected. Candidate filing forms shall also contain the following
17 information regarding the candidate: Name ~~candidate's name~~; residence
18 address; mailing address if different from the residence address;
19 telephone number; office sought; and party affiliation if the office
20 sought is a partisan office; a statement as to whether or not civil
21 penalties are owed pursuant to the Nebraska Political Accountability and
22 Disclosure Act; and, if civil penalties are owed, whether or not a surety
23 bond has been filed pursuant to subdivision (4)(b) of section 32-602.

24 Candidate filing forms shall be filed with the following filing officers:

25 (1) For candidates for national, state, or congressional office,
26 directors of public power and irrigation districts, directors of
27 reclamation districts, directors of natural resources districts, members
28 of the boards of educational service units, members of governing boards
29 of community colleges, delegates to national conventions, and other
30 offices filled by election held in more than one county and judges
31 desiring retention, in the office of the Secretary of State;

1 (2) For officers elected within a county, in the office of the
2 election commissioner or county clerk;

3 (3) For officers in school districts which include land in adjoining
4 counties, in the office of the election commissioner or county clerk of
5 the county in which the greatest number of registered voters entitled to
6 vote for the officers reside; and

7 (4) For city or village officers, in the office of the election
8 commissioner or county clerk.

9 Sec. 3. Section 49-1401, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 49-1401 Sections 49-1401 to 49-14,141 and section 4 of this act
12 shall be known and may be cited as the Nebraska Political Accountability
13 and Disclosure Act.

14 Sec. 4. No person shall be appointed to any elective or appointive
15 office specified in section 49-1493 until he or she has first paid any
16 outstanding civil penalties and interest imposed pursuant to the Nebraska
17 Political Accountability and Disclosure Act.

18 Sec. 5. Section 49-14,123, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 49-14,123 In addition to any other duties prescribed by law, the
21 commission shall:

22 (1) Adopt and promulgate rules and regulations to carry out the
23 Nebraska Political Accountability and Disclosure Act pursuant to the
24 Administrative Procedure Act;

25 (2) Prescribe forms for statements and reports required to be filed
26 pursuant to the Nebraska Political Accountability and Disclosure Act and
27 furnish such forms to persons required to file such statements and
28 reports;

29 (3) Prepare and publish one or more manuals explaining the duties of
30 all persons and other entities required to file statements and reports by
31 the act and setting forth recommended uniform methods of accounting and

1 reporting for such filings;

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

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

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

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

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

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

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

27 (11) Act as the primary civil enforcement agency for violations of
28 the Nebraska Political Accountability and Disclosure Act and the rules or
29 regulations adopted and promulgated thereunder;

30 (12) Receive all late filing fees, civil penalties, and interest
31 imposed pursuant to the Nebraska Political Accountability and Disclosure

1 Act and remit all such funds to the State Treasurer for credit to the
2 Nebraska Accountability and Disclosure Commission Cash Fund; ~~and~~

3 (13) Provide current information or a list of persons owing civil
4 penalties and interest to filing officers to determine compliance with
5 subsection (4) of section 32-602. The commission shall provide the
6 current information or list to each filing officer on December 1 prior to
7 a statewide primary election, shall continuously update the information
8 or list through March 1 prior to the statewide primary election, and
9 shall update such information or list at other times upon request of a
10 filing officer; and

11 (14) (13) Prepare and distribute to the appropriate local officials
12 statements of financial interest, campaign committee organization forms,
13 filing instructions and forms, and such other forms as the commission may
14 deem appropriate.

15 Sec. 6. Original sections 32-602, 32-607, and 49-1401, Reissue
16 Revised Statutes of Nebraska, and section 49-14,123, Revised Statutes
17 Cumulative Supplement, 2016, are repealed.