

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 252

Introduced by Crawford, 45.

Read first time January 11, 2017

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Nebraska Political Accountability and
2 Disclosure Act; to amend sections 49-1401 and 49-1403, Reissue
3 Revised Statutes of Nebraska, and sections 49-1463.01, 49-1467, and
4 49-1469, Revised Statutes Cumulative Supplement, 2016; to define a
5 term; to change reporting requirements for independent expenditures;
6 to require reporting regarding electioneering communication; to
7 provide for late filing fees; to provide a penalty; to harmonize
8 provisions; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 49-1401, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 49-1401 Sections 49-1401 to 49-14,141 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;

15 (b) Is publicly distributed in the thirty days immediately preceding
16 an election for the office sought by the clearly identified candidate;
17 and

18 (c) Is directed to the electorate of the office sought by the
19 clearly identified candidate.

20 (2) Electioneering communication does not include:

21 (a) A contribution or expenditure;

22 (b) A communication by a television station, radio station,
23 newspaper, magazine, or other periodical or publication for any news
24 story, commentary, or editorial in support of or opposition to a
25 candidate for elective office;

26 (c) A candidate debate or forum or a communication which gives
27 notice of a candidate debate or forum;

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

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

1 (f) A communication by a membership organization to one or more of
2 the recognized members of the membership organization if any one or more
3 of the following applies:

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

6 (ii) The member has submitted a written letter or other written
7 statement to the membership organization indicating an intent to be a
8 member; or

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

10 (3) For purposes of this section:

11 (a) Clearly identified candidate means the candidate whose name,
12 nickname, photograph, or drawing appears in the communication or whose
13 identity is otherwise apparent in the communication through an
14 unambiguous reference or through an unambiguous reference to the
15 candidate's status as a candidate; and

16 (b) Voter guide means a document or other compilation of the
17 responses of candidates to a survey or questionnaire if all known
18 candidates seeking election to the same office are given the opportunity
19 to respond to the survey or questionnaire, all responses received from
20 candidates seeking election to the same office by the deadline designated
21 in or with the survey or questionnaire are included in the document or
22 compilation, and the document or other compilation does not express
23 support for or opposition to the election of any candidate.

24 Sec. 4. Section 49-1463.01, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 49-1463.01 (1) A person required to pay a late filing fee imposed
27 under section 49-1449, 49-1458, 49-1463, 49-1467, 49-1469.08, 49-1478.01,
28 or 49-1479.01 or section 6 of this act may apply to the commission for
29 relief. The commission by order may reduce the amount of a late filing
30 fee imposed and waive any or all of the interest due on the fee upon a
31 showing by such person that (a) the circumstances indicate no intent to

1 file late, (b) the person has not been required to pay late filing fees
2 for two years prior to the time the filing was due, (c) the late filing
3 shows that less than five thousand dollars was raised, received, or
4 expended during the reporting period, and (d) a reduction of the late
5 fees and waiver of interest would not frustrate the purposes of the
6 Nebraska Political Accountability and Disclosure Act.

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

13 Sec. 5. Section 49-1467, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 49-1467 (1) Any person, other than a committee, who makes an
16 independent expenditure advocating the election of a candidate or the
17 defeat of a candidate's opponents or the qualification, passage, or
18 defeat of a ballot question, which is in an amount of more than two
19 hundred fifty dollars, shall file a report of the independent
20 expenditure, within two ~~ten~~ days, with the commission.

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

23 (a) The ~~the~~ date of the expenditure; ~~τ~~

24 (b) A ~~a~~ brief description of the nature of the expenditure;

25 (c) The ~~τ~~ amount of the expenditure; ~~τ~~

26 (d) The ~~the~~ name and address of the person to whom it was paid; ~~τ~~

27 (e) The ~~the~~ name and address of the person filing the report; ~~τ~~

28 (f) The ~~and~~ name, address, occupation, employer, and principal
29 place of business of each person who contributed more than two hundred
30 fifty dollars to the expenditure; and ~~τ~~

31 (g) The name of the candidate or the ballot question that is the

1 subject of the independent expenditure.

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

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

8 Sec. 6. (1) Any person, other than a committee, who makes an
9 electioneering communication in an amount of more than two hundred fifty
10 dollars shall file a report of the electioneering communication, within
11 two days, with the commission.

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

14 (a) The date of the electioneering communication;

15 (b) A brief description of the nature of the electioneering
16 communication and the means of communication;

17 (c) The amount disbursed for the electioneering communication;

18 (d) The name and address of the person to whom it was paid;

19 (e) The name and address of the person filing the report;

20 (f) The name, address, occupation, employer, and principal place of
21 business of each person who contributed more than two hundred fifty
22 dollars to the electioneering communication; and

23 (g) The name of the candidate who is the subject of the
24 electioneering communication.

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

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

1 Sec. 7. Section 49-1469, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 49-1469 (1) A corporation, labor organization, industry, trade, or
4 professional association, limited liability company, or limited liability
5 partnership, which is organized under the laws of the State of Nebraska
6 or doing business in this state and which is not a committee, may:

7 (a) Make an expenditure;

8 (b) Make a contribution;~~and~~

9 (c) Provide personal services;and ~~or~~

10 (d) Make an electioneering communication.

11 (2) Any such entity shall not be required to file reports of
12 independent expenditures or electioneering communications pursuant to
13 section 49-1467 or section 6 of this act, but if it makes a contribution,
14 ~~or~~ expenditure, or electioneering communication, or provides personal
15 services, with a value of more than two hundred fifty dollars, it shall
16 file a report with the commission within ten days after the end of the
17 calendar month in which the contribution, ~~or~~ expenditure, or
18 electioneering communication is made or the personal services are
19 provided. The report shall include:

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

23 (b) The nature, date, and value of the electioneering communication
24 and the name of the candidate identified in the electioneering
25 communication; and

26 (c) ~~(b)~~ A description of any personal services provided, the date
27 the services were provided, and the name of the candidate or committee or
28 a description of the ballot question to or for which the personal
29 services were provided.

30 (3) Any entity specified in subsection (1) of this section may not
31 receive contributions unless it establishes and administers a separate

1 segregated political fund which shall be utilized only in the manner set
2 forth in sections 49-1469.05 and 49-1469.06.

3 Sec. 8. Original sections 49-1401 and 49-1403, Reissue Revised
4 Statutes of Nebraska, and sections 49-1463.01, 49-1467, and 49-1469,
5 Revised Statutes Cumulative Supplement, 2016, are repealed.