

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1134

Introduced by Morfeld, 46.

Read first time January 19, 2022

Committee:

- 1 A BILL FOR AN ACT relating to political accountability and disclosure; to
- 2 amend section 49-14,101.02, Reissue Revised Statutes of Nebraska; to
- 3 prohibit use of public resources by a member of a board of directors
- 4 or an employee of certain corporations as prescribed; and to repeal
- 5 the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 49-14,101.02, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 49-14,101.02 (1) For purposes of this section, public resources
4 means personnel, property, resources, or funds under the official care
5 and control of (a) a public official or public employee or (b) a member
6 of a board of directors or an employee of a corporation organized under
7 the Electric Cooperative Corporation Act.

8 (2) Except as otherwise provided in this section, a public official
9 or public employee or a person described in subdivision (1)(b) of this
10 section shall not use or authorize the use of public resources for the
11 purpose of campaigning for or against the nomination or election of a
12 candidate or the qualification, passage, or defeat of a ballot question.

13 (3) This section does not prohibit a public official or public
14 employee from making government facilities available to a person for
15 campaign purposes if the identity of the candidate or the support for or
16 opposition to the ballot question is not a factor in making the
17 government facility available or a factor in determining the cost or
18 conditions of use.

19 (4) This section does not prohibit a governing body from discussing
20 and voting upon a resolution supporting or opposing a ballot question or
21 a public corporation organized under Chapter 70 from otherwise supporting
22 or opposing a ballot question concerning the sale or purchase of its
23 assets.

24 (5) This section does not prohibit a public official or a public
25 employee under the direct supervision of a public official from
26 responding to specific inquiries by the press or the public as to his or
27 her opinion regarding a ballot question or from providing information in
28 response to a request for information.

29 (6) This section does not prohibit a member of the Legislature from
30 making use of public resources in expressing his or her opinion regarding
31 a candidate or a ballot question or from communicating that opinion. A

1 member is not authorized by this section to utilize mass mailings or
2 other mass communications at public expense for the purpose of
3 campaigning for or against the nomination or election of a candidate. A
4 member is not authorized by this section to utilize mass mailings at
5 public expense for the purpose of qualifying, supporting, or opposing a
6 ballot question.

7 (7) This subsection applies to public officials other than members
8 of the Legislature provided for in subsection (6) of this section. This
9 section does not prohibit, in the normal course of his or her duties, a
10 public official or a public employee under the direct supervision of a
11 public official from using public resources to research and prepare
12 materials to assist the government body for which the individual is a
13 public official or public employee in determining the effect of the
14 ballot question on the government body. This section does not authorize
15 mass mailings, mass duplication, or other mass communications at public
16 expense for the purpose of qualifying, supporting, or opposing a ballot
17 question. Mass communications shall not include placing public records
18 demonstrating the consequences of the passage or defeat of a ballot
19 question affecting the government body for which the individual is a
20 public official or public employee on existing websites of such
21 government body.

22 (8) Nothing in this section prohibits a public official or a
23 director described in subdivision (1)(b) of this section from campaigning
24 for or against the qualification, passage, or defeat of a ballot question
25 or the nomination or election of a candidate when no public resources are
26 used.

27 (9) Nothing in this section prohibits a public employee or an
28 employee described in subdivision (1)(b) of this section from campaigning
29 for or against the qualification, passage, or defeat of a ballot question
30 or the nomination or election of a candidate when no public resources are
31 used. Except as otherwise provided in this section, a public employee

1 shall not engage in campaign activity for or against the qualification,
2 passage, or defeat of a ballot question or the nomination or election of
3 a candidate while on government work time or when otherwise engaged in
4 his or her official duties.

5 (10) This section does not prohibit an employee of the Legislature
6 from using public resources consistent with this section for the purpose
7 of researching or campaigning for or against the qualification, passage,
8 or defeat of a ballot question if the employee is under the direction and
9 supervision of a member of the Legislature.

10 (11) Nothing in this section prohibits a public official or public
11 employee from identifying himself or herself by his or her official
12 title.

13 Sec. 2. Original section 49-14,101.02, Reissue Revised Statutes of
14 Nebraska, is repealed.