

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 754

Introduced by Avery, 28.

Read first time January 04, 2012

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 49-1401, 49-1403,
3 49-1467, and 49-1469, Reissue Revised Statutes of
4 Nebraska; to define a term; to require reporting
5 regarding electioneering communication; to harmonize
6 provisions; and to repeal the original sections.

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

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

3 49-1401 Sections 49-1401 to 49-14,141 and section 3 of
4 this 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
7 Nebraska, is amended to read:

8 49-1403 For purposes of the Nebraska Political
9 Accountability and Disclosure Act, unless the context otherwise
10 requires, the definitions found in sections 49-1404 to 49-1444 and
11 section 3 of this act shall be used.

12 Sec. 3. (1) Electioneering communication means any
13 communication which:

14 (a) Refers to a clearly identified candidate;

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

18 (c) Is directed to the electorate of the office sought by
19 the 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
23 station, newspaper, magazine, or other periodical or publication for
24 any news story, commentary, or editorial in support of or opposition
25 to a candidate for elective office;

1 (c) A candidate debate or forum or a communication which
2 gives notice of a candidate debate or forum;

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

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

7 (f) A communication by a membership organization to one
8 or more of the recognized members of the membership organization if
9 any one or more of the following applies:

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

12 (ii) The member has submitted a written letter or other
13 written statement to the membership organization indicating an intent
14 to be a member; or

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

17 (3) For purposes of this section:

18 (a) Clearly identified candidate means the candidate
19 whose name, nickname, photograph, or drawing appears in the
20 communication or whose identity is otherwise apparent in the
21 communication through an unambiguous reference or through an
22 unambiguous reference to the candidate's status as a candidate; and

23 (b) Voter guide means a document or other compilation of
24 the responses of candidates to a survey or questionnaire if all known
25 candidates seeking election to the same office are given the

1 opportunity to respond to the survey or questionnaire, all responses
2 received from candidates seeking election to the same office by the
3 deadline designated in or with the survey or questionnaire are
4 included in the document or compilation, and the document or other
5 compilation does not express support for or opposition to the
6 election of any candidate.

7 Sec. 4. Section 49-1467, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 49-1467 (1) Any person, other than a committee, who makes
10 an independent expenditure advocating the election of a candidate or
11 the defeat of a candidate's opponents or the qualification, passage,
12 or defeat of a ballot question or who makes an electioneering
13 communication, which is in an amount of more than two hundred fifty
14 dollars, shall file a report of the independent expenditure or
15 electioneering communication, within ten days, with the commission.

16 (2) The report shall be made on an independent
17 expenditure or electioneering communication report form provided by
18 the commission and shall include the date of the expenditure or
19 electioneering communication, a brief description of the nature of
20 the expenditure or electioneering communication, the amount of the
21 expenditure or the amount disbursed for the electioneering
22 communication, the name and address of the person to whom it was
23 paid, the name and address of the person filing the report, and the
24 name, address, occupation, employer, and principal place of business
25 of each person who contributed more than two hundred fifty dollars to

1 the expenditure or electioneering communication.

2 (3) The commission shall make all independent expenditure
3 or electioneering communication reports available to the public on
4 its web site as soon as practicable. An independent expenditure or
5 electioneering communication report shall be available on the web
6 site for the duration of the election period for which the report is
7 filed and for an additional six months thereafter.

8 (4) Any person who fails to file a report of an
9 independent expenditure or electioneering communication with the
10 commission shall pay to the commission a late filing fee of twenty-
11 five dollars for each day the statement remains not filed in
12 violation of this section not to exceed seven hundred fifty dollars.

13 (5) Any person who violates this section shall be guilty
14 of a Class IV misdemeanor.

15 Sec. 5. Section 49-1469, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 49-1469 (1) A corporation, labor organization, or
18 industry, trade, or professional association, which is organized
19 under the laws of the State of Nebraska or doing business in this
20 state and which is not a committee, may:

21 (a) Make an expenditure;

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

23 (c) Provide personal services; and -

24 (d) Make an electioneering communication.

25 (2) Such a corporation, labor organization, or industry,

1 trade, or professional association shall not be required to file
2 reports of independent expenditures or electioneering communications
3 pursuant to section 49-1467, but if it makes a contribution, ~~or~~
4 expenditure, or electioneering communication, or provides personal
5 services, with a value of more than two hundred fifty dollars, it
6 shall file a report with the commission within ten days after the end
7 of the calendar month in which the contribution, ~~or~~ expenditure, or
8 electioneering communication is made or the personal services are
9 provided. The report shall include:

10 (a) The nature, date, and value of the contribution or
11 expenditure and the name of the candidate or committee or a
12 description of the ballot question to or for which the contribution
13 or expenditure was made; ~~and~~

14 (b) The nature, date, and value of the electioneering
15 communication and the name of the candidate identified in the
16 electioneering communication; and

17 ~~(b)~~ (c) A description of any personal services provided,
18 the date the services were provided, and the name of the candidate or
19 committee or a description of the ballot question to or for which the
20 personal services were provided.

21 (3) A corporation, labor organization, or industry,
22 trade, or professional association may not receive contributions
23 unless it establishes and administers a separate segregated political
24 fund which shall be utilized only in the manner set forth in sections
25 49-1469.05 and 49-1469.06.

1 Sec. 6. Original sections 49-1401, 49-1403, 49-1467, and
2 49-1469, Reissue Revised Statutes of Nebraska, are repealed.