

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB85

Hearing Date: Wednesday January 18, 2017
Committee On: Government, Military and Veterans Affairs
Introducer: Blood
One Liner: Provide a requirement for persons seeking appointive or elective office as prescribed and to provide a duty for the Nebraska Accountability and Disclosure Commission

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Blood, Brewer, Briese, Craighead, Hilgers, Lowe, Murante, Wayne
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:
Senator Carol Blood
Gavin Geis
Lynn Rex
Frank Daley
William O'Donnell

Representing:
Introducer
Common Cause Nebraska
League of Nebraska Municipalities
Nebraska Accountability and Disclosure Commission
Self

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 85 has three provisions.

First, it amends section 32-602 to make an individual who has any outstanding late filing fees, civil penalties, and interest imposed pursuant to the Nebraska Political Accountability and Disclosure Act ineligible to file for office.

Second, it prevents an individual who has any outstanding late filing fees, civil penalties, and interest imposed pursuant to the Nebraska Political Accountability and Disclosure Act from being appointed to an elective or appointive office.

Third, it amends section 49-14,123 to require the Accountability and Disclosure Commission to provide a monthly list of persons owing any aforementioned sum to each filing officer.

Explanation of amendments:

The committee amendment to LB 85 replaces the bill, but only differs from the original bill in the following ways.

First, it limits the monies owed to the NADC for which an individual can be prevented from filing for office or being appointed to office to civil penalties, rather than civil penalties and late fees.

Second, it allows an individual that has an outstanding civil penalty to file for office if they have appealed the penalty and filed a surety bond in favor of the state pending the appeal.

Third, it shifts the burden of determining whether a candidate is prevented from filing for office under the bill from local election administrators to the candidates. Candidates must certify on their filing form that they have complied with this section. Candidates who are found to have lied on the filing form would have the same penalties that exist under current law, which includes being removed from the ballot.

Finally, it requires the NADC to provide a list of all individuals with outstanding civil penalties to filing officers prior to December 1st of a year preceding a statewide general election. The NADC must continually update the information through March 1st prior to a statewide primary election, and at other times upon the request of a filing officer.

John Murante, Chairperson