

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 839**

Introduced by Crawford, 45.

Read first time January 04, 2018

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Nebraska Political Accountability and  
2 Disclosure Act; to amend section 49-1403, Reissue Revised Statutes  
3 of Nebraska, section 49-1463.01, Revised Statutes Cumulative  
4 Supplement, 2016, and section 49-1401, Revised Statutes Supplement,  
5 2017; to define a term; to require reporting regarding  
6 electioneering communications; to provide for late filing fees; to  
7 provide a penalty; to harmonize provisions; and to repeal the  
8 original sections.  
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 49-1401, Revised Statutes Supplement, 2017, is  
2 amended to read:

3 49-1401 Sections 49-1401 to 49-14,142 and sections 3 and 5 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 sixty 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;

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; or

10       (g) An advertisement which is for the sole purpose of the marketing  
11 or sale of goods or services, which includes a reference to a candidate  
12 with the permission of the candidate, and which does not reference the  
13 candidacy of the candidate.

14       (3) For purposes of this section:

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

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

28       Sec. 4. Section 49-1463.01, Revised Statutes Cumulative Supplement,  
29 2016, is amended to read:

30       49-1463.01 (1) A person required to pay a late filing fee imposed  
31 under section 49-1449, 49-1458, 49-1463, 49-1467, 49-1469.08, 49-1478.01,

1 or 49-1479.01 or section 5 of this act may apply to the commission for  
2 relief. The commission by order may reduce the amount of a late filing  
3 fee imposed and waive any or all of the interest due on the fee upon a  
4 showing by such person that (a) the circumstances indicate no intent to  
5 file late, (b) the person has not been required to pay late filing fees  
6 for two years prior to the time the filing was due, (c) the late filing  
7 shows that less than five thousand dollars was raised, received, or  
8 expended during the reporting period, and (d) a reduction of the late  
9 fees and waiver of interest would not frustrate the purposes of the  
10 Nebraska Political Accountability and Disclosure Act.

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

17 Sec. 5. (1) Any person who makes an electioneering communication in  
18 an amount of more than two hundred fifty dollars shall, within two days,  
19 file a report of the electioneering communication with the commission.

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

22 (a) The date of the electioneering communication;

23 (b) A brief description of the nature of the electioneering  
24 communication and the means of communication;

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

26 (d) The name and address of the person to whom such amount was paid;

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

28 (f) The name of the candidate who is the subject of the  
29 electioneering communication.

30 (3) Any person who fails to file a report of an electioneering  
31 communication with the commission shall pay to the commission a late

1 filing fee of twenty-five dollars for each day the statement remains not  
2 filed in violation of this section, not to exceed seven hundred fifty  
3 dollars.

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

6 Sec. 6. Original section 49-1403, Reissue Revised Statutes of  
7 Nebraska, section 49-1463.01, Revised Statutes Cumulative Supplement,  
8 2016, and section 49-1401, Revised Statutes Supplement, 2017, are  
9 repealed.