

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 85**

Introduced by Blood, 3; Baker, 30; Crawford, 45; Hansen, 26; McDonnell,  
5; Morfeld, 46; Vargas, 7; Wayne, 13.

Read first time January 05, 2017

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to law; to amend sections 32-602 and 49-1401,
- 2 Reissue Revised Statutes of Nebraska, and section 49-14,123, Revised
- 3 Statutes Cumulative Supplement, 2016; to provide a requirement for
- 4 any person seeking appointive or elective office as prescribed; to
- 5 provide a duty for the Nebraska Accountability and Disclosure
- 6 Commission; to harmonize provisions; and to repeal the original
- 7 sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-602, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 32-602 (1) Any person seeking an elective office shall be a  
4 registered voter at the time of filing for the office pursuant to section  
5 32-606 or 32-611.

6 (2) Any person filing for office shall meet the constitutional and  
7 statutory requirements of the office for which he or she is filing. If a  
8 person is filing for a partisan office, he or she shall be a registered  
9 voter affiliated with the appropriate political party if required  
10 pursuant to section 32-702. If the person is required to sign a contract  
11 or comply with a bonding or equivalent commercial insurance policy  
12 requirement prior to holding such office, he or she shall be at least  
13 nineteen years of age at the time of filing for the office.

14 (3) A person shall not be eligible to file for an office if he or  
15 she holds the office and his or her term of office expires after the  
16 beginning of the term of office for which he or she would be filing. This  
17 subsection does not apply to filing for an office to represent a  
18 different district, ward, subdistrict, or subdivision of the same  
19 governmental entity as the office held at the time of filing.

20 (4) A person shall not be eligible to file for an office until he or  
21 she has paid any outstanding late filing fees, civil penalties, and  
22 interest imposed pursuant to the Nebraska Political Accountability and  
23 Disclosure Act. The filing officer shall determine such eligibility  
24 before accepting a filing by first consulting the Nebraska Accountability  
25 and Disclosure Commission or the most current list of such outstanding  
26 fees, penalties, and interest owed prepared pursuant to subdivision (13)  
27 of section 49-14,123.

28 (5) ~~(4)~~ The governing body of the political subdivision swearing in  
29 the officer shall determine whether the person meets all requirements  
30 prior to swearing in the officer.

31 Sec. 2. Section 49-1401, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 49-1401 Sections 49-1401 to 49-14,141 and section 3 of this act  
3 shall be known and may be cited as the Nebraska Political Accountability  
4 and Disclosure Act.

5 Sec. 3. No person shall be appointed to any elective or appointive  
6 office specified in section 49-1493 until he or she has first paid any  
7 outstanding late filing fees, civil penalties, and interest imposed  
8 pursuant to the Nebraska Political Accountability and Disclosure Act.

9 Sec. 4. Section 49-14,123, Revised Statutes Cumulative Supplement,  
10 2016, is amended to read:

11 49-14,123 In addition to any other duties prescribed by law, the  
12 commission shall:

13 (1) Adopt and promulgate rules and regulations to carry out the  
14 Nebraska Political Accountability and Disclosure Act pursuant to the  
15 Administrative Procedure Act;

16 (2) Prescribe forms for statements and reports required to be filed  
17 pursuant to the Nebraska Political Accountability and Disclosure Act and  
18 furnish such forms to persons required to file such statements and  
19 reports;

20 (3) Prepare and publish one or more manuals explaining the duties of  
21 all persons and other entities required to file statements and reports by  
22 the act and setting forth recommended uniform methods of accounting and  
23 reporting for such filings;

24 (4) Accept and file any reasonable amount of information voluntarily  
25 supplied that exceeds the requirements of the act;

26 (5) Make statements and reports filed with the commission available  
27 for public inspection and copying during regular office hours and make  
28 copying facilities available at a cost of not more than fifty cents per  
29 page;

30 (6) Compile and maintain an index of all reports and statements  
31 filed with the commission to facilitate public access to such reports and

1 statements;

2 (7) Prepare and publish summaries of statements and reports filed  
3 with the commission and special reports and technical studies to further  
4 the purposes of the act;

5 (8) Review all statements and reports filed with the commission in  
6 order to ascertain whether any person has failed to file a required  
7 statement or has filed a deficient statement;

8 (9) Preserve statements and reports filed with the commission for a  
9 period of not less than five years from the date of receipt;

10 (10) Issue and publish advisory opinions on the requirements of the  
11 act upon the request of a person or government body directly covered or  
12 affected by the act. Any such opinion rendered by the commission, until  
13 amended or revoked, shall be binding on the commission in any subsequent  
14 charges concerning the person or government body who requested the  
15 opinion and who acted in reliance on it in good faith unless material  
16 facts were omitted or misstated by the person or government body in the  
17 request for the opinion;

18 (11) Act as the primary civil enforcement agency for violations of  
19 the Nebraska Political Accountability and Disclosure Act and the rules or  
20 regulations adopted and promulgated thereunder;

21 (12) Receive all late filing fees, civil penalties, and interest  
22 imposed pursuant to the Nebraska Political Accountability and Disclosure  
23 Act and remit all such funds to the State Treasurer for credit to the  
24 Nebraska Accountability and Disclosure Commission Cash Fund; ~~and~~

25 (13) Provide a list of persons owing late filing fees, civil  
26 penalties, and interest to filing officers to determine compliance with  
27 subsection (4) of section 32-602. Such list shall be provided to each  
28 filing officer by the commission on an updated monthly basis; and

29 (14) ~~(13)~~ Prepare and distribute to the appropriate local officials  
30 statements of financial interest, campaign committee organization forms,  
31 filing instructions and forms, and such other forms as the commission may

1 deem appropriate.

2       Sec. 5.   Original sections 32-602 and 49-1401, Reissue Revised  
3 Statutes of Nebraska, and section 49-14,123, Revised Statutes Cumulative  
4 Supplement, 2016, are repealed.