

LEGISLATIVE BILL 480

Approved by the Governor May 29, 1987

Introduced by Withem, 14; Barrett, 39

AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1413, 49-1445, 49-1454, 49-1462, and 49-1479, Reissue Revised Statutes of Nebraska, 1943, and section 49-1401, Revised Statutes Supplement, 1986; to define and redefine terms; to change provisions relating to candidate committees and campaign statements; to provide duties for intermediaries and agents as prescribed; to provide a penalty; to provide relief from late filing fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Section 1. That section 49-1401, Revised Statutes Supplement, 1986, be amended to read as follows:

49-1401. Sections 49-1401 to 49-14,138 and sections 5 and 7 of this act shall be known and may be cited as the Nebraska Political Accountability and Disclosure Act. After July 17, 1986, any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07.

Sec. 2. That section 49-1413, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1413. Committee shall mean (1) any combination of two or more individuals which receives contributions or makes expenditures of over ~~one~~ two thousand dollars in a calendar year for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates; or the qualification, passage, or defeat of one or more ballot questions; or (2) a person, as defined in section 49-1438, whose primary purpose is to receive contributions or make expenditures and who receives or makes contributions or expenditures of over ~~one~~ two thousand dollars; in a calendar year for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or

election of one or more candidates, or the qualification, passage, or defeat of one or more ballot questions, except an individual, other than a candidate, shall not constitute a committee. Except as otherwise provided in section 49-1445, a committee shall be considered formed and subject to the provisions of sections 49-1401 to 49-14,138 Nebraska Political Accountability and Disclosure Act upon raising, receiving, or spending over the ~~one~~ two thousand dollars in a calendar year referred to in this section. A corporation, labor organization, or industry, trade, or professional association is not a committee if it makes expenditures or provides personal services or receives contributions pursuant to the provisions of section 49-1469.

Sec. 3. That section 49-1445, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1445. Each candidate shall, upon raising, receiving, or expending in excess of ~~one~~ two thousand dollars in a calendar year, other than the fee for filing for office, form a candidate committee which may be a one-person committee, that person being the candidate. A person who is a candidate for more than one office shall form a candidate committee for the office for which the person is a candidate upon raising, receiving, or expending in excess of ~~one~~ two thousand dollars in a calendar year for the campaign for that office.

Sec. 4. That section 49-1454, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1454. A committee shall file legibly printed or typed campaign statements pursuant to sections 49-1459 and 49-1461 starting with the campaign statement next due after it receives contributions or makes expenditures of over one thousand dollars to support or oppose one or more candidates or the qualification, passage, or defeat of one or more ballot questions. Any committee which supports or opposes a candidate or the qualification, passage, or defeat of a ballot question shall file a legibly printed or typed campaign statement pursuant to sections 49-1459 and 49-1461. The period covered by a campaign statement is the period beginning with the day after the closing date of the most recent campaign statement filed and ending with the closing date of the campaign statement due. If the committee filing the campaign statement has not previously filed a campaign statement, the period

covered shall begin on the date the person or persons forming the committee raised, received, or spent any money.

Sec. 5. (1) Any contribution by a person made on behalf of or to a candidate or committee, including contributions which are in any way earmarked or otherwise directed to the candidate or committee through an intermediary or agent, shall be considered to be a contribution from the person to the candidate or committee.

(2) For purposes of this section, earmarked shall mean a designation, instruction, or encumbrance, including those which are direct or indirect, express or implied, or oral or written, which results in any part of a contribution or expenditure, including any in-kind expenditure made in exchange for a contribution, being made to or expended on behalf of a candidate or a committee.

(3) Any intermediary or agent, other than a committee, which receives an earmarked contribution shall forward the earmarked contribution to the recipient candidate or committee within ten days of receipt of such contribution and shall disclose to the recipient of the contribution the name and address of the intermediary or agent and of the actual source of the contribution.

(4) Any intermediary or agent, other than a committee, shall file a report of the earmarked contribution with the commission and the election commissioner or, if there is no election commissioner, with the clerk of the county of residence of the candidate or the county of the headquarters of the committee within ten days of receipt of the contribution. Any committee which is an intermediary or agent shall file a report of the earmarked contribution by the date the next campaign statement is required to be filed. The report of the earmarked contribution filed pursuant to this section shall be on a form prescribed by the commission.

(5) Any person who knowingly violates the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 6. That section 49-1462, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1462. ~~(1)~~ Unless otherwise required to file a campaign statement as required by sections 49-1459 to 49-1463 in connection with an election held during the filing period designated in this section

during a calendar year or unless the committee does not receive or expend more than two thousand dollars during such calendar year, a committee shall file a campaign statement with a closing date of December 31 of such year not later than January 31 of the following year. The June 1 of each year, if the committee received or expended an amount in excess of one thousand dollars. The campaign statement shall have a closing date of May 1 of that year. If a campaign statement was filed in connection with an election held within six months before a period specified in this section, the period covered by the campaign statement filed pursuant to this section shall begin from the day after the closing date of the previous campaign statement filed.

(2) Subsection (1) of this section shall not apply to a candidate committee for an officeholder who is a judge or holds an elective office for which the salary is less than one hundred dollars a month and does not receive any contribution or make any expenditure during the time which would be otherwise covered in the statement.

Sec. 7. A person required to pay a late filing fee imposed under section 49-1449 or 49-1463 may apply to the commission for relief. The commission by order may reduce the amount of a late filing fee imposed upon a showing by such person that (1) the circumstances indicate no intent to file late, (2) the person has not been required to pay late filing fees for two years prior to the time the filing was due, (3) the late filing shows that less than five thousand dollars was raised, received, or expended during the reporting period, and (4) a reduction of the late fees would not frustrate the purposes of the Nebraska Political Accountability and Disclosure Act.

Sec. 8. That section 49-1479, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-1479. (1) A Except as provided by subsections (3) and (4) of section 5 of this act, a contribution shall not be made by a person to another person with the agreement or arrangement that the person receiving the contribution will then transfer that contribution to a particular candidate committee.

(2) A candidate committee shall not make a contribution to or an independent expenditure in behalf of another candidate committee, except that a candidate committee may make a contribution to another candidate committee for a fundraising event of such other candidate committee.

(3) Any person violating the provisions of subsection (1) or (2) of this section shall be guilty of a Class III misdemeanor.

Sec. 9. This act shall become operative on January 1, 1988.

Sec. 10. That original sections 49-1413, 49-1445, 49-1454, 49-1462, and 49-1479, Reissue Revised Statutes of Nebraska, 1943, and section 49-1401, Revised Statutes Supplement, 1986, are repealed.