

**Important Information for 2012 Election Candidates
About the Campaign Finance Limitation Act**

Issued August 30, 2011

If you are a candidate in 2012 for the offices of Legislature, State Board of Education, Public Service Commission or Board of Regents of the University of Nebraska, please take note.

The Nebraska Accountability and Disclosure Commission will not implement, administer or enforce the Campaign Finance Limitation Act (the CFLA) in connection with the 2012 elections.

Explanation: In June of 2011 the United States Supreme Court issued an opinion in the case of Arizona Free Enterprise Club's Freedom PAC v. Bennett. The Court found that part of the Arizona public financing law for campaigns was unconstitutional. Specifically, the Court stated that the Arizona law by which the spending of a candidate not participating in the public funding program triggered additional public funds to the participating candidate placed an unconstitutional burden on the non-participating candidate. In Nebraska under the CFLA, the spending of a candidate who has not agreed to abide by the spending limits can trigger the distribution of public funds to an abiding candidate.

The Commission requested an Attorney General's Opinion on the constitutionality of the CFLA in light of the Arizona decision. On August 17th, the Attorney General issued Opinion #11003 in which the distribution provisions of the CFLA were found to be unconstitutional. In reliance on this opinion, the Commission decided on August 26, 2011 that it would not implement, administer or enforce the CFLA. **Public funds under the CFLA will not be available to candidates who have agreed to abide by the voluntary spending limits.** The full text of the Attorney General's Opinion #11003 may be found at http://www.ago.ne.gov/ag_opinion_view?oid=4162.

Q & A

1. If I am a candidate for an office covered by the CFLA in 2012 and I have already filed an Affidavit to Abide by Spending Limits, am I still bound by those spending limits? **Response:** No. You are not bound by the

- spending limits. You may spend as much as you wish in connection with your election campaign.
2. If I am a candidate for an office covered by the CFLA in 2012 and have met all requirements under the CFLA, may I still apply for and receive public funds? **Response:** No. Public funds will not be available in connection with the 2012 elections.
 3. If I am a candidate for an office covered by the CFLA in 2012, am I bound by the aggregate contribution limits of the CFLA? **Response:** No. The limitation on contributions which, in the aggregate, may be accepted by candidates from entities other than individuals will not be enforced.
 4. If I am a non-abiding candidate who has filed an estimate of expenditures for the primary election and I plan to spend more than my estimate, am I still required to file an amended estimate? **Response:** No.
 5. If I am a non-abiding candidate who advances to the general election, am I still required to file an Estimate of Expenditures for the General Election? **Response:** No.
 6. If I am a non-abiding candidate, am I still required to file a special pre-election campaign statement (Form B-1A) six days before the election? **Response:** No.
 7. If I plan to be a candidate for a CFLA office in 2012, when I form my candidate committee do I still need to file an Affidavit to Abide by Spending Limits or an Affidavit Not to Abide/Estimate of Expenditures? **Response:** No.
 8. Am I still required to file campaign statements disclosing my committee receipts and expenditures? **Response:** Yes. Campaign statements and all other filings required under the Nebraska Political Accountability and Disclosure Act are must still be filed.
 9. Will the Commission continue to administer and enforce the Nebraska Political Accountability and Disclosure Act? **Response:** Yes. It is the public funding provisions of the CFLA which the Attorney General believes are unconstitutional. The disclosure provisions of the NPADA are not affected.

If you have questions, please contact the Nebraska Accountability and Disclosure Commission.