

Title 4 - Nebraska Accountability and Disclosure Commission

Chapter 10 - Rules and Regulations governing campaign practices under the Nebraska Political Accountability and Disclosure Act ~~and the Campaign Finance Limitation Act~~ (Adopted October 27, 2006 Amended 2013)

Statutory Authority

This rule is adopted pursuant to the provisions of §49-14,123(1) of the Nebraska Political Accountability and Disclosure Act ~~and §32-1608.01 of the Campaign Finance Limitation Act.~~

001. **Scope and Application.** This rule interprets the provisions of the Nebraska Political Accountability and Disclosure Act ~~and the Campaign Finance Limitation Act~~ as ~~they pertain~~ it pertains to the campaign practices of candidates, political committees and corporations, labor organizations, limited liability companies, limited partnerships and industry, trade, or professional associations.

002. **Definitions.** For purposes of this rule, unless the context otherwise requires, the definitions found in the following subsections shall be used.

01. Contribution shall mean a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, donation, pledge or promise of money or anything of ascertainable monetary value to a person, made for the purpose of influencing the nomination or election of a candidate, or for the qualification, passage, or defeat of a ballot question. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected or returned. (§49-1415(1))

01A. Contribution shall include the purchase of tickets or payment of an attendance fee for events such as dinners, luncheons, rallies, testimonials, and similar fundraising events; an individual's own money or property other than the individual's homestead used on behalf of that individual's candidacy; and the granting of discounts or rebates by broadcast media and newspapers not extended on an equal basis to all candidates for the same office. (§49-1415(2))

01B. Contribution shall not include: (a) volunteer personal services provided without compensation, or payments of costs incurred of ~~less than~~ less than two hundred fifty dollars (\$250) or less in a calendar year by an individual for personal travel expenses if the costs are voluntarily incurred without any

understanding or agreement that the costs shall be, directly or indirectly, repaid; (b) amounts received pursuant to a pledge or promise to the extent that the amounts were previously reported as a contribution; or (c) food and beverages, not to exceed fifty dollars (\$50) in value during a calendar year, which are donated by an individual and for which reimbursement is not given. (§49-1415(3))

02. Election shall mean a primary, general, special, or other election held in this state or a convention or caucus of a political party held in this state to nominate a candidate. Election shall include a vote on a ballot question. (§49-1416)

~~03. Election period means (a) the period beginning January 1 of the calendar year prior to the year of the election in which the candidate is seeking office through the end of the calendar year of such election for candidates for covered elective offices listed in subdivision (1)(a) of §32-1603 and (b) the period beginning July 1 of the calendar year prior to the year of the election in which the candidate is seeking office through the end of the calendar year of such election for covered elective offices listed in subdivision (1)(b) of §32-1603. Election period for all non-covered elective offices means the calendar year of the election. (§32-1603(2))~~ (§49-1455(2))

04. Primary election period means the period beginning with the first day of the election period through the thirty-fifth day following the primary election. (~~§32-1603(5))~~)

05. General election period means the period beginning with the day following the end of the primary election period through the end of the election period. (~~§32-1603(4))~~)

06. Expenditure shall mean a payment, donation, loan, pledge, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. An offer or tender of an expenditure is not an expenditure if expressly or unconditionally rejected or returned. (§49-1419(1))

06A. Expenditure shall include a contribution or a transfer of anything of ascertainable monetary value for the purposes of influencing the nomination or election of any candidate or the qualification, passage, or defeat of a ballot question. (§49-1419(2))

06Ai. The use by an individual of paid union leave for the purpose of supporting or opposing the nomination or election of a candidate or for the

purpose of supporting or opposing the qualification, passage or defeat of a ballot question is an expenditure by the union.

06B. Expenditure shall not include: (a) An amount paid pursuant to a pledge or promise to the extent the amount was previously reported as an expenditure; (b) An expenditure for communication by a person strictly with person's paid members or shareholders; (c) An expenditure for communication on a subject or issue if the communication does not support or oppose a ballot issue or candidate by name or clear inference; (d) An expenditure by a broadcasting station, newspaper, magazine, or other periodical or publication for any news story, commentary, or editorial in support of or opposition to a candidate for elective office or a ballot question in the regular course of publication or broadcasting; or (e) An expenditure for nonpartisan voter registration activities. This subdivision shall not apply if a candidate or a group of candidates sponsors, finances, or is identified by name with the activity. This subdivision shall apply to an activity performed pursuant to the Election Act by an election commissioner or other registration official who is identified by name with the activity. (§49-1419(3))

06Bi. An expenditure for communication strictly with the person's paid members or shareholders includes a) communications not advocating or opposing the nomination or election of a candidate or the qualification, passage or defeat of a ballot issue; and b) information about a candidate or ballot issue which may include the person's expressions of support or opposition.

06Bii. A person acting as the distributor of campaign materials of a candidate, a candidate committee, or a ballot question committee to the person's paid members or shareholders is not making an expenditure for communications. The distribution is a communication from the candidate, a candidate committee, or a ballot question committee to the person's paid members or shareholders.

~~07. Expenditure, as it relates to the expenditure of public funds, means (a) the purchase for campaign activities of (i) services from a communications medium, including production costs; (ii) printing, photography, graphic arts, or advertising services; (iii) office supplies; (iv) postage and other commercial delivery services; (v) meals, lodging, and travel expenses; and (vi) staff salaries and (b) repayment of loans to the candidate committee made in accordance with subsection (2) of section 32-1608.03 for any of the purposes listed in subdivision (a) of this subdivision. (§32-1603(3))~~

~~08. 07 Independent expenditure shall mean an expenditure as defined in §49-1419 by a person if the expenditure is not made at the direction~~

of, under the control of, or with the cooperation of another person and if the expenditure is not a contribution to a committee. (§49-1428)

~~08A.~~ 07A. Any expenditure which is made as a result of a request or explicit suggestion of the candidate, the committee treasurer, or anyone acting on behalf of either, shall be considered an in-kind contribution and not an independent expenditure.

~~08Ai.~~ 07Ai. The term "anyone acting on behalf of either" means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or any person who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities he or she may authorize expenditures.

~~08B.~~ 07B. Any expenditure to distribute or republish campaign material (print or broadcast) produced or prepared by a candidate's campaign is an in-kind contribution or an independent expenditure reportable as required by law.

~~09.~~ 08. In-kind contribution or expenditure shall mean a contribution as defined in §49-1415 or expenditure as defined in subsections (1), (2), and (3) of §49-1419, other than money. (§49-1430)

~~10.~~ 09. Late contribution means a contribution as defined in section 49-1415 and 002.01 of one thousand dollars (\$1,000.00) or more received after the closing date for campaign statements as provided in subdivision (1)(b) of section 49-1459. (§49-1458(5))

~~11.~~ 10. Late independent expenditure means an independent expenditure as defined in section 49-1428 of one thousand dollars (\$1,000.00) or more made after the closing date for campaign statements as provided in subdivision (1)(b) of section 49-1459. (§49-1478.01(3))

~~12.~~ 11. Loan shall mean a transfer of money, property, or anything of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or part. (§49-1432)

~~13.~~ 12. Political party committee shall mean a state central, district, or county committee of a political party which is a committee. (§49-1441)

~~14.~~ ~~Unrestricted spending means expenditures or transfers of funds by a candidate committee authorized under subdivision (6), (8) or (9) of §49-1446.03. (§32-1603(6))~~

~~14A. Unrestricted spending includes expenditures for gifts of acknowledgement, including flowers and charitable contributions, except that gifts to any one natural person shall not exceed fifty dollars (\$50) in any one calendar year. (§49-1446.03(6))~~

~~14B. Unrestricted spending includes expenditures for conference fees, meals, lodging, and travel by an officeholder and his or her staff when involved in activities related to the duties of his or her public office. (§49-1446.03(8))~~

~~14Bi. The primary purpose of an expense determines whether the expense is unrestricted spending.~~

~~14C. Unrestricted spending includes, in the case of the candidate committee for the Governor, conference fees, meals, lodging, and travel by the Governor, his or her staff, and his or her immediate family, when involved in activities related to the duties of the Governor. (§49-1446.03(9))~~

~~03. **Expenditure Limits.** Any candidate for a covered elective office desiring to receive public funds pursuant to the provisions of the Campaign Finance Limitation Act and this rule shall limit his or her spending, excluding unrestricted spending, for the election period to the amount established and from time to time adjusted pursuant to §32-1604.~~

~~Such candidates shall limit their spending, excluding unrestricted spending, for the primary election period to fifty percent (50%) of the limits provided in this section for the election period. Funds unspent for the Primary Election may be spent for the General Election up to the established total limit. (§32-1604(3)(a))~~

003 Time and Place of Filing Reports and Statements Pursuant to §49-1445 through §49-1479.02

01. Reports and statements required pursuant to §49-1445 through §49-1479.02 shall be filed with the Nebraska Accountability and Disclosure Commission.

02. Reports and statements may be filed by hand delivery, delivery by the United States Postal Service, other delivery service, email, or facsimile transmission. Reports and statements may be filed by any electronic filing system provided by the Nebraska Accountability and

Disclosure Commission after the filer has been issued electronic filing credentials by the Commission.

03. A report or statement is considered timely filed if it is received by the Commission on or before the due date or if it is postmarked by the United States Postal Service on or before the due date.
04. A report or statement is considered timely filed if it is received at the Commission office at or before 11:59 p.m. Central Time on the date due and the filing is made in a manner that permits the Commission to determine the time of receipt.
05. The Commission's office hours for receiving hand deliveries of reports and statements are 8:00 a.m. to 5:00 p.m. Central Time, Monday through Friday, State holidays excepted.

004. ~~Candidate's Affidavits to Abide or Not to Abide with Spending Limits.~~

~~01. Each candidate for a covered elective office listed in subdivision (1)(a) of §32-1603 shall file either an affidavit to abide under subsection (4) of §32-1604 or an affidavit not to abide and an affidavit stating a reasonable estimate of his or her maximum expenditures under subdivision (5)(a) of §32-1604 with the Nebraska Accountability and Disclosure Commission within ten (10) days after a candidate committee is required to be formed pursuant to §§49-1413, 49-1445, and 49-1449 and on or before the first day of each election period thereafter unless the candidate has not filed and will not file to seek election or reelection or has withdrawn his or her filing to seek election or reelection. (§32-1604.01)~~

~~01A. The Legislature is the covered elective office listed in subdivision (1)(a) of §32-1603.~~

~~01B. If a candidate with an existing committee for a covered elective office listed in subdivision (1)(a) of 32-1603 and in 004.01A has not filed or will not file to seek election or reelection, the candidate shall file with the Nebraska Accountability and Disclosure Commission a written statement stating that he or she has not and will not seek election or reelection to a covered elective office. Such candidate shall not be required to file an affidavit to abide by spending limits or an affidavit not to abide by spending limits. No statement is required of a candidate who cannot seek reelection by virtue of term limits.~~

~~01C. If a candidate for a covered elective office listed in subdivision~~

~~(1)(a) of §32-1603 withdraws his or her filing to seek election or reelection, the candidate shall file with the Nebraska Accountability and Disclosure Commission a written statement stating that he or she has withdrawn his or her filing to seek election or reelection.~~

~~02. Each candidate for a covered elective office listed in subdivision (1)(b) of §32-1603 shall file either an affidavit to abide under subsection (4) of §32-1604 or an affidavit not to abide and a affidavit stating a reasonable estimate of his or her maximum expenditures under subdivision (5)(a) of §32-1604 with the Nebraska Accountability and Disclosure Commission within ten (10) days after a candidate committee is required to be formed pursuant to §§49-1413, 49-1445, and 49-1449 or within ten (10) days after the office is designated as a covered elective office under §32-1611, whichever is later, unless the candidate has not filed and will not file to seek election or reelection or has withdrawn his or her filing to seek election or reelection. (§32-1604.01)~~

~~02A. The covered elective offices listed in subdivision (1)(b) of §32-1603 are Governor, State Treasurer, Secretary of State, Attorney General, Auditor of Public Accounts, Public Service Commission, the Board of Regents of the University of Nebraska, and the State Board of Education.~~

~~02B. If a candidate with an existing committee for a covered elective office listed in subdivision (1)(b) of 32-1603 and in 004.02A has not filed or will not file to seek election or reelection, the candidate shall file with the Nebraska Accountability and Disclosure Commission a written statement stating that he or she has not and will not seek election or reelection to a covered elective office. Such candidate shall not be required to file an affidavit to abide by spending limits or an affidavit not to abide by spending limits. No statement is required of a candidate who cannot seek reelection by virtue of term limits.~~

~~02C. If a candidate for a covered elective office listed in subdivision (1)(b) of §32-1603 withdraws his or her filing to seek election or reelection, the candidate shall file with the Nebraska Accountability and Disclosure Commission a written statement stating that he or she has withdrawn his or her filing to seek election or reelection.~~

~~02D. A candidate for an elective office listed in §32-1603(1)(b) and in section 004.02A herein shall not be subject to the provisions of sections 003, 004, 005, 006, 007, 008, 009, 010, 011, 014 or 021 of this rule unless the Commission has designated the office sought by the candidate as a covered elective office pursuant to §32-1611.~~

~~03. If a candidate is not required to form a candidate committee, the~~

candidate is not required to file an affidavit under §32-1604.

~~04. The filing of a Candidate's Affidavit to Abide by Spending Limits is a written declaration by the candidate that a) he or she will abide by the spending limitations for the office sought; b) he or she agrees to personally act as guarantor for the lawful use of any public funds received; and c) he or she agrees to be held personally liable to the State of Nebraska for any public funds not repaid to the state as required by law.~~

~~05. The filing of a Candidate's Affidavit Not to Abide by Spending Limits is a written declaration by the candidate that he or she will not abide by the spending limitations for the office sought.~~

~~05A. The Candidate's Affidavit Not to Abide by Spending Limits filed prior to the primary election period or during that part of the primary election period prior to the date of the primary election, shall include a reasonable estimate of the candidate's maximum expenditures for the primary election period as defined in §32-1603(5) and §002.04 of this rule.~~

~~05Ai. The estimate of the maximum expenditures for the primary election period may be amended up to thirty (30) days prior to the Primary Election by filing a subsequent affidavit. (§32-1604(5)(a))~~

~~05B. A candidate nominated in the Primary Election who is not abiding by the expenditure limits shall file an estimate of the candidate's maximum expenditures for the general election period on or before the fortieth day following the Primary Election. (§32-1604(5)(a))~~

~~05Bi. The estimate of maximum expenditures for the general election period may be amended up to sixty (60) days prior to the General Election by filing a subsequent affidavit.~~

~~06. A Candidate's Affidavits to Abide or Not to Abide by Spending Limits shall be filed on forms prescribed by the Nebraska Accountability and Disclosure Commission. (§32-1604.01(2))~~

~~07. A candidate's estimate of maximum expenditures for the primary election, estimate of maximum expenditure for the general election, and any amendment thereto, shall be filed on forms prescribed by the Commission. (§32-1604.01(2))~~

~~08. Any affidavit required pursuant to this section may be filed by hand, fax, express delivery or any other written means of communication. If filing is made by a means which does not include an original signature, a hard copy~~

~~with the original signature shall be filed within fourteen (14) after the initial filing. (§32-1608.01(2))~~

~~09. In addition to the campaign statements required according to the schedule in §49-1459, a candidate who files an affidavit not to abide shall file a third preelection campaign statement with the Commission so that it is received by the Commission not later than the sixth day before the election. The closing date for the campaign statement shall be the eighth day before the election. (Laws 2006, LB 188, section 7)~~

~~09A. The campaign statement shall include that information required by Laws 2006, LB 188, section 7(2).~~

~~09B. All information in a campaign statement filed pursuant to 004.09 shall also be included in the postelection campaign statement filed under subdivision (1)(c) of §49-1459.~~

~~09C. Any person who fails to file a campaign statement with the Commission pursuant to 004.09 shall pay to the Commission a late filing fee of twenty-five dollars for each day the statement remains not filed, not to exceed seven hundred and fifty dollars. In addition, if a candidate fails to file a statement required by 004.09 within the prescribed time resulting in any abiding candidate not receiving public funds as described in subsection (6) of §32-1604 or resulting in a delay in the receipt of such funds, the Commission shall assess a civil penalty of not less than \$2,000 and not more than three times (i) the amount of public funds the candidate received after the delay or (ii) the amount of public funds the candidate would have received if the campaign statement had been filed within the prescribed time.~~

~~10. A candidate who fails to file an affidavit as required by section 004.01 shall pay to the Commission a late filing fee of twenty-five dollars (\$25) for each day the affidavit remains not filed in violation of this section, not to exceed seven hundred and fifty dollars (\$750). (§32-1604.01(3))~~

005. Forty Percent Affidavit

~~01. A candidate for a covered elective office who files a Candidate's Affidavit Not to Abide By Spending Limits shall file an affidavit with the Commission when his or her expenditures equal or exceed forty percent (40%) of the spending limitation for the primary election period. (§32-1604(5)(b))~~

~~02. The candidate shall file a second affidavit with the Commission when his or her expenditures equal or exceed forty percent of the spending limitation for the general election period. (§32-1604(5)(b))~~

~~03. Each affidavit shall be filed no later than two (2) days after the forty percent (40%) has been expended. (§32-1604(5)(b))~~

~~04. A candidate who fails to file an affidavit a required by subdivisions 01 and 02 of this section shall pay to the Commission a late filing fee of twenty-five dollars for each day the affidavit remains not filed in violation of this section and §32-1604(5)(b), not to exceed seven hundred and fifty dollars. In addition, if the candidate fails to file an affidavit as required within the prescribed time resulting in an abiding candidate not receiving public funds or resulting in a delay in the receipt of public funds, the Commission shall assess a civil penalty of not less than two thousand dollars and not more than three times (a) the amount of public funds the abiding candidate received after the delay or (b) the amount of public funds the abiding candidate would have received if the affidavit would have been filed with the prescribed time. (§32-1604(5)(b))~~

~~006. **Qualifying for Public Funds.** Candidates must raise an amount equal to twenty-five percent (25%) of the applicable spending limitation for the election period as defined by section 32-1603(2) and section 002.03 from Nebraska residents in order to qualify for public funds for that same period. At least sixty-five percent (65%) of this amount must be from individuals who are residents of Nebraska. Contributions received prior to the filing of a Candidate's Affidavit to Abide by Spending Limitations or prior to the election period as defined in section 32-1603(2) and 002.03 shall not be counted towards the qualifying amount. Candidates must spend at least twenty-five percent (25%) of the applicable spending limitation for the election period as defined by section 32-1603(2) and 002.03 for which public funds are sought. Expenditures made prior to the election period as defined by section 32-1603(2) and 002.03 shall not be counted towards the qualifying amount. Unrestricted spending, as defined, shall not be counted towards the qualifying amount. (§32-1604(4))~~

~~01. If an affidavit disclosing the expenditure of forty percent (40%) of the spending limit as required by §005 of this rule and §32-1604(5)(b) is not filed, no public funds shall be distributed to the candidates for such office who have qualified for public funds for the election period unless preelection campaign statements filed pursuant to subdivisions (1) and (2) of §49-1459, or Laws 2006, LB 188, section 7, or audits by the Commission conducted pursuant to §49-14,122 reveal that a candidate has made expenditures requiring the filing of an affidavit showing the expenditure of forty percent (40%) of the spending limit. (§32-1604(6))~~

~~02. Applications for public funds for Primary Election campaigns may be~~

~~filed at any time after the applicant has raised and spent the qualifying amounts specified in this section, but must be filed with the Nebraska Accountability and Disclosure Commission not later than two (2) business days after the 30th day prior to the Primary Election. Applications for public funds for General Election campaigns may be filed at any time after the candidate has raised and spent the qualifying amounts specified in this section, but must be filed not later than two (2) business days after the 60th day prior to the General Election.~~

~~03. An individual is deemed to be a resident of Nebraska if he or she maintains a place of residence within the State of Nebraska.~~

~~04. A business, corporation, partnership, limited liability company, or association shall be deemed to be a resident of Nebraska if it has an office in Nebraska and transacts business in Nebraska. (§32-1604(4))~~

~~05. A political committee registered with the Nebraska Accountability and Disclosure Commission shall be deemed to be a resident of Nebraska provided the committee is in compliance with the provisions of the Nebraska Political Accountability and Disclosure Act requiring the committee's funds to be deposited in a financial institution in Nebraska and that the committee treasurer is a qualified elector of this State.~~

~~06. Except as provided in this section, qualifying contributions shall mean contributions as defined in §49-1415 of the Nebraska Political Accountability and Disclosure Act.~~

~~06A. Unpaid pledges do not qualify as contributions for purposes of the requirement that the candidate raise an amount equal to twenty-five percent (25%) of the spending limitation.~~

~~06B. Loans received do not qualify as contributions for purposes of the requirement that the candidate raise an amount equal to twenty-five percent (25%) of the spending limitation.~~

~~06C. Cash contributions of fifty dollars (\$50) or less received pursuant to the provisions of §§49-1472(2) and 49-1422 do not qualify as contributions for purposes of the requirement that the candidate raise an amount equal to twenty-five percent (25%) of the spending limitation, except in instances where written documentation of the contribution has been obtained. Such documentation shall be signed by the contributor and include the name and address of the contributor, the date the contribution was made, and the amount of the contribution. Documentation need not be maintained for cash contributions of fifty dollars (\$50) or less which total one thousand eight~~

~~hundred dollars (\$1,800) or less.~~

~~06D. Contributions by the candidate, other than loans or the use of the candidate's homestead for the individual's candidacy, are considered funds raised for purposes of determining qualifying contributions and expenditures.~~

~~07. Except as provided in this section, qualifying expenditures shall mean expenditures as defined in §49-1419 of the Nebraska Political Accountability and Disclosure Act~~

~~07A. A transfer of funds made pursuant to the provisions of subdivisions (1) through (9) of §49-1446.03 or subsections (2) or (3) of §49-1446.01 is not a qualifying expenditure for purposes of determining eligibility for public funds.~~

~~07B. Accounts payable or other expenses incurred but not paid shall not be considered qualifying expenditures for purposes of determining eligibility for public funds.~~

~~007. **Distribution of Public Funds.** Public funds will be disbursed to qualifying Primary Election candidates no earlier than the last date to amend an affidavit stating a reasonable estimate of expenditures for the Primary Election and no later than fourteen days after the election. Public funds will be disbursed to qualifying General Election candidates no earlier than the last date to amend an affidavit stating a reasonable estimate of expenditures for the General Election and no later than fourteen days after the election. The Commission shall compute the amount of any payment to be made to a candidate based upon the greater of (a) the difference between the spending limitations and the highest estimate of maximum expenditures filed by any of the candidate's opponents or (b) the difference between the spending limitation and the highest amount of expenditures reported in preelection campaign statements filed pursuant to subdivision (1)(a) or (b) of §49-1459 or Laws 2006, LB 188, section 7 filed by any of the candidate's opponents. For purposes of the distribution of funds, the spending limitation for the Primary Election shall be fifty percent (50%) of the spending limitation for the election period and the spending limitation for the General Election shall be fifty percent (50%) of the spending limitation for the election period. (§32-1606(2))~~

~~01. If an affidavit required under section 32-1604(5)(b) is not filed, no public funds shall be distributed to the candidates for such office who have qualified for public funds for the election period unless preelection campaign statements filed pursuant to subdivisions (1)(a) and (b) of section 49-1459, or Laws 2006, LB 188, section 7, or audits by the Commission conducted pursuant to section 49-14,122 reveal that a candidate has made expenditures~~

~~requiring the filing of an affidavit under subdivision (5)(b) of section 32-1604. In such event, the Commission shall distribute public funds to a qualified candidate as set forth in section 007 if a) the candidate has otherwise qualified to receive public funds and (b) has timely filed an application for public funds.~~

~~02.— If the expenditures of a non-abiding candidate do not reach forty percent of the spending limitation for the election until on or after the day of the election, no public funds shall be distributed.~~

~~03.— Before distributing public funds, the Commission shall conduct a review of the records of the committee of the candidate applying for public funds.~~

~~04.— A candidate applying for public funds shall keep detailed records of the receipts and expenditures used to qualify for public funds and shall make those records available to the Commission upon the request of the Commission.~~

~~05.— Candidates receiving public funds shall establish and maintain a separate account in a financial institution in this State which shall be used as the sole depository for such public funds. A candidate may deposit a minimal amount of nonpublic funds into the account for the sole purpose of opening the account. All expenditures of public funds shall be made from such account and shall only be used for expenditures as defined in §32-1603(3) and as provided in §008 of this rule.~~

~~06.— Candidates receiving public funds shall return unexpended public funds as provided by §32-1606 and §§009 and 010 of this rule.~~

~~06A.— Candidates shall be personally liable for the return of such unexpended funds and the unlawful expenditure of any public funds.~~

~~07.— Expenditures of public funds shall not be counted against the spending limits established by §32-1604.~~

~~08.— Applications for public funds will be processed in the order of receipt by the Nebraska Accountability and Disclosure Commission. Available funds will be distributed to qualifying candidates in the order of the completion of processing and review of the applications by the Nebraska Accountability and Disclosure Commission.~~

~~09.— Candidate's opponent means all candidates seeking nomination in the Primary Election or election in the General Election to the same office. As to candidates for offices elected by district, only those seeking nomination or~~

~~election for the same district shall be considered opponents.~~

~~09A. In a partisan Primary Election, candidate's opponent means all candidates of the same political party seeking nomination to the same office.~~

~~09B. In a nonpartisan Primary Election, candidate's opponent means all candidates seeking the same office.~~

~~09C. In the General Election, candidate's opponent means all candidates seeking election to the same office.~~

~~008. **Use of Public Funds.** Public funds received by a candidate or committee must be kept in a separate account in a financial institution in this State. All expenditures of public funds shall be made from such account. Public funds received for the Primary Election must be expended during the primary election period as defined in §32-1603(5) and §002.04 of this rule. Public funds received for the General Election must be expended during the general election period as defined in §32-1603(4) and §002.05 of this rule.~~

~~Public funds may only be used to make expenditures for (a) the purchase for campaign activities of i) services from a communications medium, including production costs; ii) printing, photography, graphic arts, or advertising services; iii) office supplies; iv) postage and other commercial delivery services; v) meals, lodging, and travel expenses; and vi) staff salaries and (b) repayment of loans to the candidate committee made in accordance with §32-1608.03 for any of the purposes listed in subdivision (a) of this section. (§32-1603(3))~~

~~01. Services from a communications medium includes, but is not limited to, payments to newspapers, other periodicals, television stations, and radio stations for time or space for campaign advertising. It also includes the purchase of space for billboard or other campaign advertising. The term production costs includes, but is not limited to, the cost of producing campaign advertising for newspapers, periodicals, television, radio, billboards, and other locations.~~

~~02. Printing, photography, graphic arts, or advertising services includes, but is not limited to, the cost of photocopying and printing campaign material, the costs of taking and developing photographs to be used in campaign advertising and campaign materials, and payments to persons who secure or arrange for campaign advertising time or space on behalf of the candidate's committee.~~

~~03. Office supplies include, but are not limited to, pens, pencils, paper,~~

stationery, envelopes, staplers, and like items.

~~03A. The term office supplies does not include the purchase of office equipment or furniture such as computers, printers, photocopy machines, answering machines, facsimile machines, tables, chairs, or desks, but may include the lease or rental payment of such items.~~

~~04. Meals, lodging, and travel expenses means the meals, lodging, and travel expenses of the candidate, the candidate's immediate family, the candidate's campaign staff, or the candidate's campaign volunteers when the expenses do not include any expense incurred for personal purposes or purposes primarily associated with the holding of public office.~~

~~05. Staff salaries means the salary of an employee of the candidate's committee who actually performed duties on behalf of the committee and payments to an independent contractor who performed services on behalf of the candidate's committee.~~

~~05A. The term staff salaries does not include payment to persons for performing duties related to the holding of a public office by the candidate nor to any payment made to the candidate.~~

~~06. Repayment of loans to the candidate committee in accordance with §32-1608.03 for any of the purposes listed in 01, 02, 03, 04, or 05 of §008 of this rule.~~

~~009. **Reporting Expenditures of Public Funds.** Candidates receiving public funds shall file Reports of Expenditures of Public Funds with the Nebraska Accountability and Disclosure Commission. Reports shall be made on forms prescribed by the Commission. (§32-1606(4))~~

~~01. Any candidate receiving public funds for the Primary Election shall file a Report of Expenditures of Public Funds on or before the 40th day after the Primary Election. The Report of Expenditures for the Primary Election shall include any and all expenditures of public funds received for the Primary Election up through and including the 35th day following the Primary Election. Any funds received which are unexpended as of the end of the 35th day following the Primary Election shall be returned to the State of Nebraska. The Report of Expenditures for the Primary Election shall be accompanied by a check or money order in payment of any unexpended funds.~~

~~02. Any candidate receiving public funds for the General Election shall file Reports of Expenditures of Public Funds on or before the 10th day prior to the General Election and on or before December 31 of the election year. The~~

~~Report of Expenditures due on or before the 10th day prior to the General Election shall include any and all expenditures of public funds received for the General Election up through and including the 15th day prior to the General Election. The Report of Expenditures required to be filed on or before December 31 shall include any and all expenditures of public funds from the 14th day prior to the General Election through December 31 of the election year. The Report of Expenditures required to be filed on or before December 31 shall be accompanied by a check or money order in payment of any unexpended funds.~~

~~03. A Report of Expenditures of Public Funds shall include: a) the filing candidate and committee's name, address, and telephone number and the full name, residential and business addresses, and telephone numbers of the candidate and the committee treasurer; b) the total amount of public funds received, the total amount of expenditures made from public funds, the total amount of any interest earned on public funds, and the balance of public funds on hand as of the end of the period covered by the report; c) the full name of each person to whom expenditures were made, together with the date and amount of each separate expenditure to each such person during the period covered by the report; d) the purpose of the expenditure; and e) the full name and street address of the person providing the consideration for which any expenditure was made if different from the payee.~~

~~010. **Unused Public Funds After an Election.** Unused public funds held by a candidate, a candidate committee, or the treasurer of a candidate committee shall be returned to the Commission as provided by §32-1606 and §009 of this rule.~~

~~01. Unused public funds shall be returned in the form of a check, money order, or other written instrument made payable to State of Nebraska. The unused public funds shall be mailed to the Nebraska Accountability and Disclosure Commission at Post Office Box 95086, Lincoln, Nebraska 68509, or otherwise delivered to the Commission office in Lincoln, Nebraska.~~

~~02. Any interest income earned on public funds which remains unexpended shall be returned to the State of Nebraska as provided in §009 of this rule.~~

~~03. The Commission may allow for unused public funds remaining at the end of the primary election period to be used to offset any public funds for which the candidate is eligible to receive for the General Election.~~

~~011. **Aggregate Contribution Limits.** During the election period, no candidate~~

~~for a covered elective office shall accept contributions from independent committees, businesses (including corporations, unions, industry, trade, or professional associations), and political parties which, when aggregated, are in excess of fifty percent of the spending limitation established by §32-1604 applicable to the office sought. (§32-1608)~~

~~01. Independent committee includes separate segregated political funds. Independent committees are commonly referred to as political action committees or PACs.~~

~~02. Business includes any corporation, partnership, limited liability company, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity, or entity. (§49-1407)~~

~~03. Only contributions from individuals are not considered for the purpose of determining if the aggregate contribution limits have been reached or exceeded.~~

~~04. Aggregate contribution limits apply to all candidates for a covered elective office including those who abide by the spending limits established by §32-1604(3) and those who do not abide by the spending limits.~~

~~012. 004. **Limitations on Loans and Interest, All Committees.** A candidate committee shall not accept more than fifteen thousand dollars (\$15,000) in loans prior to or during the first thirty (30) days after formation of his or her candidate committee. On and after the 31st day after a candidate committee is required to be formed pursuant to the provisions of §49-1413, the committee shall not accept loans, other than loans allowed under subsection (2) of §32-1608.03, in an aggregate amount of more than fifty percent (50%) of contributions of money received which are other than the proceeds of loans. Any loans which have been repaid as of such date shall not be taken into account for the purposes of the aggregate loan limit. (§49-1446.04)~~

01. The restriction on loans received on and after the 31st day after a candidate committee is required to be formed pursuant to the provisions of §49-1413 continues until the end of the term of the office to which the candidate sought nomination or election, regardless of whether the candidate is elected to office.

02. The provisions of this section are applicable to loans from any source, including loans by the candidate to his or her committee.

03. A committee shall be considered *formed* upon raising, receiving, or

spending ~~more than~~ five thousand dollars (\$5,000) or more in a calendar year.
(§49-1413)

04. A candidate committee shall not pay interest on a loan made to the committee by the candidate, a member of the immediate family of the candidate, or a business with which the candidate is associated. (§49-1446.04(1))

04A. Immediate family means a child residing in a candidate's household, a spouse of the candidate, or an individual claimed by the candidate or the candidate's spouse as a dependent for federal income tax purposes. (§49-1425)

04B. Business with which the candidate is associated means a business 1) in which the candidate is a partner, limited liability company member, director, or officer; or 2) in which the candidate or a member of the candidate's immediate family is a stockholder of closed corporation stock worth one thousand dollars (\$1,000) or more at fair market value or which represents more than a five percent (5%) equity interest, or is a stockholder of publicly traded stock worth ten thousand dollars (\$10,000) or more at fair market value or which represents more than a ten percent (10%) equity interest. (§49-1408)

~~013.~~ 005. **Petty Cash Funds, All Committees.** A committee may maintain a petty cash fund out of which it may make expenditures not in excess of fifty dollars (\$50) to any person in connection with a single purchase or transaction.

01. A written record of petty cash disbursements must be kept if a petty cash fund is maintained including the date and amount of payment, the name and address of the payee, and the purpose of the disbursement.

02. No check shall be made payable to cash except to replenish a petty cash fund, and such check shall be drawn only upon the official committee depository.

03. ~~02A.~~ Contributions, loans, and other funds received in cash or by written instrument or from the disposition of in-kind contributions may not be used for petty cash. Such cash, checks, written instruments and proceeds must be deposited directly into a committee's designated depository.

~~02B.~~ ~~Any public funds received pursuant to the provisions of the Campaign Finance Limitation Act and the provisions of this rule shall not be used for petty cash.~~

~~04.~~ ~~03.~~ Receipts and invoices shall be obtained in connection with any purchase or transaction from a petty cash fund. Such receipts and invoices shall be preserved for five (5) years and shall be made available for inspection as authorized by the Commission.

~~014.~~ **Record Keeping Requirements, Public Funds.** A candidate receiving public funds shall maintain detailed records as to the receipt and expenditure of all public funds. All public funds received must be deposited in a separate account in a financial institution in Nebraska, and all expenditures of public funds must be made from such account. Public funds shall not be commingled with any funds of the candidate, the candidate's committee, the treasurer of the committee or any other person except as provided in ~~007.05~~ of this rule.

~~01.~~ The separate account established for public funds may be an interest-bearing account in a Nebraska financial institution. In such case, records must be maintained with respect to any and all interest earned.

~~02.~~ Any candidate receiving public funds shall be required to maintain bank statements issued by the financial institution as to the public funds account and cancelled checks and shall otherwise comply with all the requirements of ~~§015~~ of this rule pertaining to record keeping, except those provisions applicable to contributions.

~~03.~~ All records pertaining to public funds shall be maintained by the candidate for a period of five (5) years after the election for which the public funds are awarded.

~~015.~~ 006. **Record Keeping Requirements, All Committees.** Except for funds received as provided in the Campaign Finance Limitation Act, each Each committee shall designate one account in a financial institution in Nebraska as the official depository for the purpose of depositing all contributions which it receives in the form of or which are converted to money, checks, or other negotiable instruments and for the purpose of making all expenditures. No expenditure shall be made by a committee without the authorization of the treasurer or the assistant treasurer. The contributions received or expenditures made by a candidate or an agent of a candidate shall be considered received or made by the candidate committee. (Ref. §49-1446)

The treasurer of each committee shall maintain detailed records of all contributions or other receipts and all expenditures, including all bank statements, deposit slips, cancelled checks, receipts, bills, invoices, and other written records to document the following:

01. The name and address of each contributor, the amount of each contribution, the date of receipt of each contribution, and the cumulative amount contributed by each contributor for the election period or annual reporting period. Contributions received from a political committee must include the full name of the committee's treasurer.

01A. Cash contributions of fifty dollars (\$50) or less received as the result of a fund raising event pursuant to the provisions of §49-1472(2) need not include the name and address of the contributor.

~~01Ai. A committee intending to use contributions of fifty dollars (\$50) or less received in currency pursuant to §49-1472(2) for the purpose of qualifying for public funds shall, to the extent such contributions exceed one thousand eight hundred dollars (\$1,800), maintain a written record of the name and address of the contributor as well as the amount of the contribution and the date of receipt. A card or document containing the information required by this subsection shall be signed by the contributor.~~

~~01Aii. Except as provided in section 015.01Ai ~~06.0Ai~~, no contribution for which the treasurer has not maintained a record of the name and address of the contributor and for which the treasurer has not maintained the amount of the contribution and the date of its receipt shall be used for the purpose of qualifying for public funds.~~

01B. Contributions received by an individual acting in behalf of the committee shall be reported promptly to the committee's treasurer not later than five (5) days before the closing date of any Campaign Statement required to be filed by the committee. (§49-1446(5))

01Bi. If the contribution is received less than five (5) days before the closing date, the contribution shall be reported to the committee treasurer immediately. (§49-1446(5))

01Bii. A contribution shall be considered received by a committee when the contribution is received by the committee treasurer or a designated agent of the committee treasurer notwithstanding the fact that the contribution is not deposited in the official depository by the reporting deadline. (§49-1446(6))

01Biii. Contributions received by a committee shall not be commingled with any funds of an agent of the committee or any other person except for funds received or disbursed by a separate segregated political fund for the purpose of supporting or opposing candidates and committees in elections in states other than Nebraska and candidates for federal office as

provided in §49-1469.06. (§49-1446(7))

01C. Contributions which are in-kind must include the value and a description of the thing of value provided.

01D. Earmarked contributions received pursuant to the provisions of §49-1479.01 must include the full name and address of the actual contributor of the funds and of the intermediary or agent.

01E. Pledges must include and the name and address of the person making the pledge, the date the pledge was made, the amount of the pledge, and the date the pledge is expected to be paid.

02. The name and address of each person making a loan to the committee, the date and the amount of the loan, and the name and address of any guarantor of the loan.

02A. Records shall be maintained by the treasurer as to the repayment of the loan, including the amount and date of each payment on the loan.

02B. The treasurer shall maintain a copy of the check, money order or other written instrument by which any loan repayment is made.

03. The full name and street address of each payee, the date of each expenditure, and a description of the goods or services for which the expenditure was made.

03A. If the person providing the consideration for which any expenditure is made is other than the payee, the full name and street address of that person shall also be recorded.

03B. If expenditures are made to an agent or independent contractor and the agent or contractor makes expenditures on behalf of the committee, a detailed record of such expenditures shall be obtained and kept with other committee records.

03C. Records maintained of expenditures shall include all bank statements issued by the financial institution in which the account is located and all cancelled checks.

03Ci. In the event that the financial institution normally provides only photocopies of cancelled checks, the photocopies of the cancelled checks shall be maintained by the treasurer.

03Cii. In the event that the financial institution does not normally provide either cancelled checks or photocopies of cancelled checks except on request and/or for a charge, the treasurer need not maintain copies of the checks, but shall secure copies of the checks at the committee's own expense if so requested by the Commission.

03Ciii. A check register, log, or ledger of the checks issued on the official depository shall be maintained by the treasurer.

03Civ. A ledger or other record of the name and address of each payee from the official depository, including the amount paid, the date paid, and a description of the goods or services provided, shall be maintained by the treasurer.

03Cv. Invoices, bills and cash register receipts shall be maintained by the treasurer for all expenditures.

05. All committee records shall be kept for a period of five (5) years after dissolution of the committee.

~~016~~ 007. **Late Contributions; §49-1458**

01. A late contribution means a contribution of one thousand dollars or more received after the closing date for campaign statements as provided in subdivision (1)(b) of §49-1459.

02. A committee which receives a late contribution shall report the contribution to the Commission within two days after the date of the its receipt.

03. The report shall include the full name, street address, occupation, employer, and principal place of business of the contributor. The report shall also include the amount of the contribution and the date of receipt.

~~04. A report of late contribution may be filed by hand delivery, facsimile transmission, telegraph, express delivery service, or any other written means of communication.~~

05. A report of late contribution may be filed electronically if the filer has been issued an identification number filing credentials by the Commission.

~~06. A report of late contribution which is filed electronically or by facsimile transmission is considered timely filed if it is received at the Commission office by midnight Central Time on the date due.~~

047 008. **Late Independent Expenditures; §49-1478.01**

01. An independent committee, including a separate segregated political fund, which makes a late independent expenditure shall report the expenditure to the Commission within two days after the date of the expenditure.

02. The report shall include the committee's full name, street address, the amount of the expenditure and the date of the expenditure. The report shall also include the full name and street address of the recipient of the expenditure. For the purposes of this section, the recipient of the expenditure is the person or persons who provide the goods or services as consideration for the late independent expenditure.

03. The report shall include the name and office sought of the candidate whose nomination or election is supported or opposed by the expenditure and the identification of the ballot question, the qualification, passage, or defeat of which is supported or opposed by the expenditure.

04. A late independent expenditure means an independent expenditure as defined in §49-1428 of one thousand dollars or more made after the closing date for campaign statements as provided in subdivision (1)(b) of §49-1459.

~~05. A report of late independent expenditure may be filed by hand delivery, facsimile transmission, telegraph, express delivery service, or any other written means of communication.~~

06. A report of late independent expenditure may be filed electronically if the Commission has issued an identification number filing credentials to the filer.

~~.06 A report of late independent expenditure which is filed electronically or by facsimile transmission is considered timely filed if it is received at the Commission office by midnight Central Time on the date due.~~

048 009. **Late Fees and Civil Penalties; Responsibility of Candidates and Committee Treasurers; §49-1447**

01. For any committee other than a candidate committee, the committee treasurer shall be responsible for filing all statements and reports of the committee under the Nebraska Political Accountability and Disclosure Act. The committee treasurer shall be personally liable, subject to ~~§020~~ §011, for any late filing fees, civil penalties, and interest that may be due under the

Nebraska Political Accountability and Disclosure Act as a result of a failure to make such filings.

02. For candidate committees, the candidate shall be responsible for filing all statements and reports required to be filed his or her candidate committee under the Nebraska Political Accountability and Disclosure Act ~~or the Campaign Finance Limitation Act~~. The candidate shall be personally liable for any late filing fees, civil penalties, and interest that may be due under either act as a result of a failure to make such filings and may use funds of the candidate committee to pay such fees, penalties, and interest.

~~03. Any penalty assessed by the Commission in the enforcement of the Nebraska Political Accountability and Disclosure Act and the Campaign Finance limitation Act shall not be considered compensatory, but is intended to deter and punish for violation of the laws which serve a governmental aim and is therefore not subject to discharge under the provisions of the current or future provisions of the Federal bankruptcy law or rule.~~

~~019~~ 010. **Interest on Late Filing Fees and Civil Penalties; Section 49-1463.02**

01. Interest shall accrue on all late filing fees and civil penalties imposed under the Nebraska Political Accountability and Disclosure Act at the rate specified in section 45-104.02, as such rate may from time to time be adjusted.

02. The interest shall begin to accrue thirty days after the Commission sends notice to the person of the assessment of the late filing fee or civil penalty.

03. A written request filed with the Commission for relief from late filing fees shall stay the accrual of interest on a late filing fee until such time as the Commission grants or denies the relief.

04. Interest on an unpaid late filing fee and civil penalty shall be simple interest.

04A. The daily accrual of interest shall be calculated by dividing the amount of the annual interest by 365.

04B. At the time of payment interest may be rounded down to the nearest dollar.

04C. When the interest rate changes in accordance with the provisions of §45-104.02, the new interest rate shall thereafter be applied to

any unpaid late filing fees and civil penalties including those late fees and civil penalties previously assessed.

.05 Payment of late filing fees, civil penalties and interest shall be applied first to the interest and then to the principal of the late filing fees and civil penalties.

020 **011. Ballot Question Committees; Posting of Bonds to Guaranty Payment of Late Filing Fees, Civil Penalties and Interest. §49-1461.01.**

01. A ballot question committee shall file with the Commission a surety bond running in favor of the State of Nebraska with surety by a corporate bonding company authorized to do business in this state and conditioned upon the payment of all fees, penalties, and interest which may be imposed under the Nebraska Political Accountability and Disclosure Act.

02. A bond in the amount of five thousand dollars shall be filed with the Commission within thirty days after the committee receives contributions or makes expenditures ~~in excess~~ of one hundred thousand dollars or more in a calendar year. The amount of the bond shall be increased by five thousand dollars for each additional five hundred thousand dollars received or expended in a calendar year.

03. Proof of any required increase in the amount of the bond shall be filed with the Commission within thirty days after each additional five hundred thousand dollars is received or expended.

04. Upon any failure to pay late filing fees, civil penalties, or interest due under the ~~the~~ Nebraska Political Accountability and Disclosure Act, the Commission shall first attempt to recover from the proceeds of the bond prior to proceeding to recovering from the treasurer of the committee.

012. Ballot Question Committees; Release of Bond

01. A ballot question committee which has posted a bond to guarantee the payment of any late filing fee or civil penalty may apply to the Commission for leave to terminate the bond.

02. The Commission shall grant leave to terminate the bond upon a finding that the ballot question committee: a) has no outstanding late filing fees or civil penalties; b) has filed all campaign statements related to the ballot question election or the ballot question qualification process; and c) is not currently supporting or opposing the qualification, passage or defeat of a ballot question.

~~021. Prohibited acts; violations; penalties; Campaign Finance Limitation Act. §32-1607~~

~~01. Any candidate who receives public funds pursuant to §32-1606 and fails to comply with the spending limitations prescribed in §32-1604 shall repay the amount expended in excess of the spending limitations to the state within six (6) months after the receipt of the public funds by the candidate. (§32-1607(1))~~

~~02. Any candidate who receives public funds pursuant to §32-1606 and exceeds the spending limitations prescribed in §32-1604 by five percent (5%) or more shall, within six (6) months, repay the entire amount of public funds received with interest at the rate specified in §45-104.02, as such rate may from time to time be adjusted, from the date the limitation was exceeded by five percent (5%) or more. (§32-1607(2))~~

~~03. Any candidate described in subsection .01 of this section or the treasurer of any such candidate committee who exceeds the spending limitation by five percent (5%) or more shall be deemed to be in willful and knowing violation of §32-1604. Any person willfully and knowingly violating such section shall be guilty of a Class II misdemeanor. (§32-1607(3))~~

~~04. If a person makes a false statement in an affidavit filed pursuant to subdivision (5)(a) of §32-1604 and he or she does not believe the statement to be true, he or she shall be guilty of a Class IV felony. (§32-1607(4))~~

~~05. It shall be a violation of the Campaign Finance Limitation Act for a candidate for a covered elective office who has filed an affidavit to abide under subsection (4) of §32-1604 to exceed the spending limitation prescribed in §32-1604. (§32-1604.01(4))~~

~~06. A candidate who intentionally fails to file the affidavit required by §32-1604(5)(b) within the two-day period shall be guilty of a Class II misdemeanor. (§32-1604(5)(b))~~

~~07. The Commission shall assess any person that it finds to have violated subsection (4) of §32-1607 a civil penalty of two thousand dollars (\$2,000) or an amount equal to ten percent (10%) of the amount by which the estimate was exceeded, whichever is greater, for each violation. (section 32-1612(1))~~

~~08. Unless a specific penalty is otherwise provided, the Commission shall assess any person that it finds to have violated any other provision of the Campaign Finance limitation Act a civil penalty of not more than two thousand dollars (\$2,000) for each violation. (§32-1612(3))~~

~~09. The expenditure of public funds received pursuant to §32-1606 shall not be a violation of the spending limitation. (§32-1607(6))~~

~~022. Forms.~~

~~01. The affidavit to abide by the spending limits required pursuant to §§004.01 and 004.02 of this rule shall be made on a form entitled *Candidate's Affidavit to Abide by Spending Limits*, a copy of which is marked Attachment A, attached hereto, and incorporated herein by reference.~~

~~02. The affidavit not to abide by the spending limits required pursuant to §§004.01 and 004.02 of this rule shall be made on a form entitled *Candidates Affidavit Not to Abide by Spending Limits*, a copy of which is marked Attachment B, attached hereto, and incorporated herein by reference.~~

~~03. The statement to be filed by a candidate pursuant to §004.01B or §004.2B of this rule stating that the candidate has a candidate committee for a covered elective office, but that the candidate has not and will not file for election or reelection to a covered elective office shall be made on a form entitled *CFLA Candidate Exemption Statement*, a copy of which is marked Attachment C, attached hereto, and incorporated herein by reference.~~

~~04. The estimate of expenditures for the primary election required to be filed pursuant to §004.05A of this rule shall be made on a form entitled *Estimate of Expenditures for the Primary Election*, a copy of which is marked Attachment D, attached hereto, and incorporated herein by reference.~~

~~05. The estimate of expenditures for the general election required to be filed pursuant to §004.05B of this rule shall be filed on a form entitled *Estimate of Expenditures for the General Election*, a copy of which is marked Attachment E, attached hereto, and incorporated herein by reference.~~

~~06. The amended estimate of expenditures for the primary election or the general election which may be filed pursuant to §§004.05Ai or 004.05Bi of this rule shall be made on a form entitled *Amended Estimate of Expenditures*, a copy of which is marked Attachment F, attached hereto, and incorporated herein by reference.~~

~~07. The affidavit stating that forty percent (40%) of the spending limit has been spent which is required pursuant to §005 of this rule shall be made on a form entitled *Candidate's Forty Percent Expenditure Affidavit*, a copy of which is marked Attachment G, attached hereto, and incorporated herein by reference.~~

~~08. The application for public funds which may be made pursuant to §006.02 of this rule shall be made on a form entitled *Application for Public Funds*, a copy of which is marked Attachment H, attached hereto, and incorporated herein by reference.~~

~~09. The report on the use of public funds required pursuant to §009 of this rule shall be made on a form entitled *Report of Expenditure of Public Funds*, a copy of which is marked Attachment I, attached hereto, and incorporated herein by reference.~~

NEBRASKA
 ACCOUNTABILITY AND
 DISCLOSURE COMMISSION
 14th Floor, State Capitol
 P.O. Box 95086
 Lincoln, NE 68509
 (402) 471-2522

**Candidate's Affidavit to Abide
 by Spending Limits**

NADC Form CFLA-1

POSTMARK —DATE	
MICROFILM NUMBER	
OFFICE USE ONLY	

- Must be completed by candidates who will abide by the spending limits of the Campaign Finance Limitation Act.
- A candidate who is not required to form a candidate committee does not have to file a Candidate's Affidavit to Abide by Spending Limits.
- Candidates with existing committees must file with the Commission this Affidavit or a Candidate's Affidavit Not to Abide by Spending Limits for the 20__ Elections on or before January , 20__.
- Candidates who exceed the \$5,000 threshold requiring formation of a committee must, within ten days, file with the Commission this Affidavit or a Candidate's Affidavit Not to Abide by Spending Limits. See Candidate Brochure for ____ for other filing requirements.
- The applicable expenditure limits for a legislative candidate is \$_____ for the Primary Election Period and \$_____ for the Election Period in "other than unrestricted spending." (See Section 32-1603(6) for definition of unrestricted spending.)
- The 20__ Primary Election Period covers January 1, 20__ through June __, 20__.
- The 20__ Election Period covers January 1, 20__ to December 31, 20__.
- Late filing fee for filing this affidavit after the date it is due is \$25 for each day the affidavit remains unfiled, not to exceed \$750.

Affidavit to Abide by Spending Limits.

Election Year: 20__ Office Sought: _____ District: _____

State of Nebraska }
)
 County of _____)ss

I, _____ hereby swear or affirm that I will abide by the spending limit of \$_____ for the
 _____ Name of Candidate (Print)

Election Period (January 1, 20__ through December 31, 20__) for the office to which I am seeking nomination or election. I swear or affirm that I will limit my Primary Election spending to \$_____. I further declare that I will personally act as the guarantor for the lawful use of any public funds I or my candidate committee may receive from the Campaign Finance Limitation Act Cash Fund, and I agree to be held personally liable to the State of Nebraska for the repayment of any such funds which are unlawfully spent or otherwise required by law to be repaid to the State of Nebraska.

I understand that public funds will only be made available to me if one or more of my opponents files a Candidate's Affidavit Not to Abide by Spending Limits, estimates his or her maximum expenditures for the election(s) to be in excess of the spending limits, and spends 40% of the spending limit. I understand I must also meet the qualifications established by law for the distribution of any public funds of the State of Nebraska.

 (Signature of Candidate)

 (Printed Name of Committee)

Subscribed and sworn to before me on this _____ day of _____ 20 _____

Seal

 (Notary Public)

ATTACHMENT A

NEBRASKA
 ACCOUNTABILITY AND
 DISCLOSURE COMMISSION
 14th Floor, State Capitol
 P.O. Box 95086
 Lincoln, NE 68509
 (402) 471-2522

**Candidate's Affidavit Not to
 Abide by Spending Limits**

NADC Form CFLA-2

POSTMARK —DATE	
MICROFILM NUMBER	
OFFICE USE ONLY	

- *Must be completed by candidates who will not abide by the spending limits of the Campaign Finance Limitation Act.*
- A candidate who is not required to form a candidate committee does not have to file a Candidate's Affidavit Not to Abide by Spending Limits.
- Candidates with existing committees must file with the Commission this Affidavit or a Candidate's Affidavit to Abide by Spending Limits for the 20__ Elections on or before January __, 20__.
- Candidates who exceed the \$5,000 threshold requiring formation of a committee must, within ten days, file with the Commission this Affidavit or a Candidate's Affidavit to Abide by Spending Limits. See Candidate Brochure for 20__ for other filing requirements.
- The applicable expenditure limits for a candidate are \$_____ for the Primary Election Period and \$_____ for the Election Period in "other than unrestricted spending." (See Section 32-1603(6) for definition of unrestricted spending.)
- A candidate not abiding by spending limits shall include a reasonable estimate of his or her maximum expenditures for the Primary and General Election Periods. The estimate must accompany this affidavit (NADC Form CFLA-4).
- The 20__ Primary Election Period covers January 1, 20__ through June __, 20__.
- The 20__ Election Period covers January 1, 2007 to December 31, 2008.
- Late filing fee for filing this affidavit after the date it is due is \$25 for each day the affidavit remains unfilled, not to exceed \$750.

Affidavit Not to Abide by Spending Limits.

Election Year: 2008 Office Sought: _____ District: _____

State of Nebraska)
)
 County of _____)

I, _____ upon oath or affirmation, swear or affirm my intent not to abide by the spending
 _____ Name of Candidate (Print)
 Limit of \$_____ for the Election Period (January 1, 20__ through December 31, 20__) for the office to which I am seeking
 nomination or election.

I understand that I must also file an Estimate of Expenditures for the Primary Election (NADC Form CFLA-4) in conjunction with this
 affidavit and also file an Estimate of Expenditures for the General Election (NADC Form CFLA-5) on or before June __, 20__ if I am
 nominated in the Primary. I understand that falsifying any material element of this statement or any subsequent amendment thereto
 may subject me to criminal prosecution.

 (Signature of Candidate)

 (Printed Name of Committee)

Subscribed and sworn to before me on this _____ day of _____ 20 _____

(SEAL) _____ (Notary Public)

ATTACHMENT B

NEBRASKA
ACCOUNTABILITY AND
DISCLOSURE COMMISSION
14th Floor, State Capitol
P.O. Box 95086
Lincoln, NE 68509
(402) 471-2522

Candidate's Exemption Statement

NADC Form CFLA-3

POSTMARK

—DATE

MICROFILM

—NUMBER

OFFICE USE ONLY

- A CFLA Candidate's Exemption Statement should be filed by a candidate with an existing candidate committee for a covered elective office under the Campaign Finance Limitation Act (CFLA) who has not and will not file to seek election or reelection to a covered elective office. Contact the Commission about forming a committee and about candidates subject to the CFLA.
- This statement must be filed on or before the first day of the election period for the covered elective office.

Item 1

Name and Address of Candidate

Election Year: _____ Office: _____ District: _____

Candidate Name (Print): _____ Telephone: _____

Candidate Address: _____

Item 2

Statement of Exempt Status

I certify that I have a candidate committee for the covered elective office noted above. I have not filed and I will not file for election or reelection to said covered elective office and I am therefore exempt from filing an Affidavit to Abide by Spending Limits, an Affidavit Not to Abide by spending Limits and an Estimate of Expenditures in connection with said office.

(Signature of Candidate)

(Date)

ATTACHMENT C

NEBRASKA
 ACCOUNTABILITY AND
 DISCLOSURE COMMISSION
 14th Floor, State Capitol
 P.O. Box 95086
 Lincoln, NE 68509
 (402) 471-2522

**ESTIMATE OF
 EXPENDITURES FOR
 THE GENERAL
 ELECTION**

NADC Form CFLA-5

POSTMARK —DATE	
MICROFILM —NUMBER	

OFFICE USE ONLY

- Candidates who file a Candidate's Affidavit Not to Abide by Spending Limits and are advancing to the General Election must file with the Commission an Estimate of Expenditures for the General Election on or before June __, 20__.
- The General Election period commences on June __, 20__ and continues through December 31, 20__.
- Amended estimates of expenditures for the General Election period may be filed on or before September __, 20__.
- A non-abiding candidate shall file an affidavit with the Commission when his or her expenditures in the General Election equal or exceed forty percent of the spending limitation for the General Election period. Forty percent of the spending limitation is \$____. Use NADC Form CFLA-7.
- A candidate who files a false estimate of expenditures is subject to criminal prosecution.

Item 1 Name and Address of Candidate

Office Sought: _____ District # _____

Candidate: _____ Telephone No. _____

Home Address: _____

Business Address: _____ Business Telephone No. _____

Item 2 Name of Candidate Committee and Treasurer

Committee Name: _____ Telephone No. _____

Treasurer: _____

Item 3 Estimated Expenditures for the General Election Period

State of Nebraska)
) _____ ss
 County of _____)

I, _____, _____ Upon oath or affirmation, swear that _____
 Name of Candidate (Print) (Amount of expenditures in words)

Dollars (\$ _____) is a reasonable estimate of the maximum campaign
 (amount of expenditures in numbers)

Expenditures to be made by me and my candidate committee during the General Election period. I understand that this estimate of General Election Expenditures may be amended up to September __, 20__. I also understand that I must file a Forty Percent Affidavit when my campaign spending equals or exceeds \$____. I understand that if I make a false statement in this affidavit that I do not believe to be true, I may be subject to criminal prosecution.

 (Signature of Candidate)

Subscribed and sworn to before me on this _____ day of _____ 20 ____.

(SEAL)

 (Notary Public)

NEBRASKA
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CANDIDATE'S FORTY PERCENT AFFIDAVIT

NADC Form CFLA-7

POSTMARK —DATE	_____
MICROFILM —NUMBER	_____
OFFICE USE ONLY	

- A Candidate's Forty Percent Affidavit must be filed by a non-abiding CFLA candidate when his or her expenditures equal or exceed 40% of the spending limitation for the primary or general election period. Forty percent of the spending limit is \$_____.
- A Candidate's Forty Percent Expenditure Affidavit must be filed with the Commission no later than 2 days after the candidate's expenditures equal or exceed forty percent of the spending limitation for the primary or general election period.
- A candidate who fails to file a Candidate's Forty Percent Expenditure Affidavit is subject to criminal prosecution and civil penalties.

Item 1 Name and Address of Candidate

Office Sought: _____ District # _____

Candidate: _____ Telephone No. _____

Home Address: _____

Item 2 Name of Candidate Committee and Treasurer

Committee Name: _____ Telephone No. _____

Committee Address: _____

Treasurer: _____

Item 3 Election for which a Candidate's Forty Percent Affidavit is being filed: _____

State of Nebraska)
) ss
 County of _____)

I, _____, _____ Upon oath or affirmation, swear or affirm that on _____
 Name of Candidate (Print) (Date)

I have spent forty percent of the spending limitation for the _____ election period.
 (Primary or General)

 (Signature of Candidate)

Subscribed and sworn to before me on this _____ day of _____, 20____.

(SEAL) _____
 (Notary Public)

NEBRASKA
 ACCOUNTABILITY AND
 DISCLOSURE COMMISSION
 14th Floor, State Capitol
 P.O. Box 95086
 Lincoln, NE 68509
 (402) 471-2522

Application for Public Funds

NADC Form CFLA-8

POSTMARK

—DATE

MICROFILM

—NUMBER

OFFICE USE ONLY

- Application for Public Funds may only be filed by a candidate who filed a Candidate's Affidavit to Abide by Spending Limits.
- Applications for Public Funds for the Primary must be filed on or before _____, 20___. Applications for the General Election must be filed by _____, 20__.
- Contributions received prior to _____, 20__ should not be listed on this application.
- Contributions received prior to the date the candidate filed his or her Candidate's Affidavit to Abide by Spending Limits should not be listed on this application.
- Expenditures made prior to _____, 20__ should not be listed on this application.

Item 1 Name and Address of Candidate

Office Sought: _____ District # _____

Candidate: _____ Telephone No. _____

Home Address: _____

Business Address: _____ Business Telephone No. _____

Item 2 Name of Candidate Committee and Treasurer

Committee Name: _____ Telephone No. _____

Treasurer: _____

Item 3 Election for Which Application is Submitted

Date of Election for which application is submitted: _____

General Information - Qualifying Contributions

Candidates must raise an amount equal to twenty-five percent (25%) of the applicable spending limitation to qualify for public funds. A candidate for _____ must raise at least \$ _____ from Nebraska residents. At least 65% of the total amount of qualifying contributions must be from individuals.

- Do not include contributions received prior to _____, 20__.
- Do not include contributions received prior to the date that the Candidate's Affidavit to Abide by Spending Limits was filed.

Schedule A - Contributions From Individuals

This Schedule must include contributions from individuals who are residents of Nebraska. This schedule must include total contributions of at least \$ _____. Contributions from sources who are residents of Nebraska other than individuals must be listed on Schedule B.

Name, Street Address or Rural Route, City and State of Each Individual	Date of Each Contribution	Amount of Cash Contributions	Amount of In-kind Contributions	Total Contributions from Individuals
--	---------------------------	------------------------------	---------------------------------	--------------------------------------

Note: In-Kind contributions must be described in the first column or in the space provided on page 5.

_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	\$0.00
Total Contributions From Individuals				\$0.00

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Schedule C - Disbursements

Candidates must spend an amount equal to twenty-five percent of the spending limitation to qualify for public funds. A candidate for _____ must spend at least \$ _____ to qualify for public funds.

Do not include expenditures made prior to _____, 20__ or unrestricted spending. For definition of unrestricted spending see the Campaign Finance Limitation Act Brochure.

Name, Street Address or Rural Route, City and State of Each Payee	Purpose of Each Expenditure (include a brief description)	Date of Each Expenditure	Amount of Cash Expenditures	Amount of In-kind Expenditures	Total Cash and In-Kind Expenditures
_____	_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	_____	\$0.00
_____	_____	_____	_____	_____	\$0.00
Total Cash and In-Kind Expenditures					\$0.00

This space is provided for information continued from other schedules

Candidate's Verification (This item must be completed before filing will be accepted)

State of Nebraska)
)ss
County of _____)

I, _____, upon oath or affirmation, swear or affirm that I have used all reasonable
(NAME OF CANDIDATE)

Diligence in the preparation of this Application for Public Funds and to my knowledge the information contained herein is true, correct and complete. I hereby agree to place any public funds distributed to me in a separate account in a financial institution in the State of Nebraska. I agree that I will act as guarantor for the lawful use of public funds and to be held personally liable for the return of any unexpended funds. I will return any unexpended public funds to the State of Nebraska in accordance with rules and regulations and in no event later than December 31st of the election year.

(Signature of Candidate)

Subscribed and sworn to me on this _____ day of _____, 20 _____.

(Seal)

(Notary Public)

NEBRASKA
ACCOUNTABILITY AND
DISCLOSURE COMMISSION
11th Floor, State Capitol
P.O. Box 95086
Lincoln, NE 68509
(402) 471-2522

**REPORT of
EXPENDITURES
of PUBLIC FUNDS
NADC FORM CFLA-9**

POSTMARK
DATE
MICROFILM
NUMBER

OFFICE USE ONLY

- A Report of Expenditures of Public Funds for the Primary Election must be filed on or before June __, 20__.
- A Report of Expenditures of Public Funds for the General Election must be filed on or before October __, 20__.
- A final Report of Expenditures of Public Funds for the General Election must be filed on or before December 31 of the election year.
- Public funds may only be used to make an expenditure as provided in §32-1603(3) of the Nebraska Statutes. (See definition on page 4).

ITEM 1 NAME AND ADDRESS OF CANDIDATE

Candidate _____ Telephone No. _____
Address _____
STREET ADDRESS OR RURAL ROUTE City STATE ZIP CODE
Business Address _____ Business Telephone No. _____
STREET ADDRESS OR RURAL ROUTE

ITEM 2 NAME AND ADDRESS OF CANDIDATE COMMITTEE AND TREASURER

Committee Name _____ Telephone No. _____
Address _____
STREET ADDRESS OR RURAL ROUTE City STATE ZIP CODE
Treasurer Name _____
Home Address _____ Home Telephone No. _____
STREET ADDRESS OR RURAL ROUTE
Business Address _____ Business Telephone No. _____
STREET ADDRESS OR RURAL ROUTE

ITEM 3 OFFICE SOUGHT _____

(Include District Number Where Applicable)

ITEM 4 ELECTION FOR WHICH REPORT OF EXPENDITURES OF PUBLIC FUNDS IS FILED:

Primary Pro-General Final

ITEM 5 REPORTING PERIOD (See instructions on page 2.)

This report covers a period from _____ to _____
Month Day Year Month Day Year

ITEM 6 NAME AND ADDRESS OF FINANCIAL INSTITUTION WHERE PUBLIC FUNDS ARE KEPT

Name of Financial Institution _____
Address of Financial Institution _____

ATTACHMENT I

SUMMARY OF PUBLIC FUNDS RECEIVED AND EXPENDITURES MADE

List below all public funds received and expended during the reporting period as indicated in item 5 on page 1.

1) Public funds on hand at beginning of period.....	\$	_____
2) Public funds received this period	\$	_____
3) Interest income received this period	\$	_____
4) Expenditures of public funds this period.....	\$	_____
5) Balance of public funds at close of period.....	\$	_____

INSTRUCTIONS

~~Line 1 — If this is your first Report of Expenditures of Public Funds, this line should be zero.~~

~~If you are filing your first Report of Expenditures of Public Funds for the General Election and you did not receive public funds for your Primary Election campaign, this line should be zero.~~

~~If you filed a previous Report of Expenditures of Public Funds for the Primary Election, and you received approval by the Commission to retain unused public funds for the General Election, this line should be the amount of the unused public funds from the Primary Election you were authorized to retain.~~

~~If you are filing your final Report of Expenditures of Public Funds for the General Election, this line should be the "Balance of Public Funds at Close of Period" (line 5) of your Report of Expenditures of Public Funds for the General Election.~~

~~Line 2 — This line should be the total amount of any public funds you received during the period covered by this report.~~

~~Line 4 — This line should be the total amount of expenditures of public funds during the period covered by this report.~~

~~Line 5 — This line should be the balance of public funds on hand as of the close of the period covered by this report.~~

~~If you are filing a Report of Expenditures of Public Funds for the Primary Election and you have a balance of public funds, your report must be accompanied by a check or money order in payment of the balance of unused public funds. Checks or money orders should be made payable to the State of Nebraska.~~

~~**Note:** If you are qualified to receive public funds for the General Election in an amount which is equal to or greater than the balance of unused public funds you received for your Primary Election campaign, you may request approval from the Commission to retain the balance of unused public funds.~~

~~If you are filing a final Report of Expenditures of Public Funds for the General Election and you have a balance of public funds, your report must be accompanied by a check or money order in payment of the balance of unused public funds. Checks or money orders should be made payable to the State of Nebraska.~~

~~**Period Covered by Report**~~

~~**Report of Expenditures for the Primary Election:** A report of Expenditures for the Primary Election is required to cover a period beginning with the date of receipt of public funds continuing through and including June __, 20__.~~

~~**Reports of Expenditures for the General Election:** If public funds were received for the Primary Election, the first Report of Expenditures for the General Election is required to cover a period beginning with June __, 20__ continuing through and including October __, 20__.~~

~~If public funds were not received for the Primary Election, the first Report of Expenditures for the General Election is required to cover a period beginning with the date of receipt of public funds continuing through and including October __, 20__.~~

~~The final Report of Expenditures for the General Election is required to cover a period beginning with October __, 20__ continuing through and including December 31, 20__.~~

EXPENDITURES OF PUBLIC FUNDS THIS PERIOD

List all expenditures of public funds this period. If more than one payment was made during the reporting period to the same payee, list the amount of each separate expenditure and the total amount of the payments during the reporting period. If the person providing the consideration for which any expenditures is made is different from the payee, also include the name and street address of the person or vendor providing the consideration.

Name, Street Address, City and State of Each Payee	Purpose of Each Expenditure (Include a brief description)	Date of Each Expenditure	Amount of Expenditure
Total Amount of Expenditures (Page 2, Line 4)			\$

DEFINITIONS

For the 20__ elections, Primary Election Period means the period commencing January 1, 20__ (for legislative candidates) or _____, 20__ (for all other CFLA candidates) through June __, 20__.

For the 20__ elections, General Election Period means the period commencing June __, 20__ through December 31, 20__.

Use of Public Funds. Public funds received by a candidate or committee must be kept in a separate account in a financial institution in this State. All expenditures of public funds shall be made from such account. Public funds received for the Primary Election must be expended during the Primary Election period as defined in §32-1603(5). Public funds received for the General Election must be expended during the General Election period as defined in §32-1603(4) of the Nebraska Statutes.

Public funds may only be used to make expenditures for the purchase for campaign activities of a) services from a communications medium, including production costs; b) printing photography, graphic arts, or advertising services; c) office supplies; d) postage and other commercial delivery services; e) meals, lodging, and travel expenses; f) staff salaries; and g) repayment of loans when used for purposes in a) through f) of this paragraph. §32-1603(3) and §32-1608.03 of the Nebraska Statutes).

Services from a communications medium includes, but is not limited to, payments to newspapers, other periodicals, television stations, and radio stations for time or space for campaign advertising. It also includes the purchase of space for billboard or other campaign advertising. The term production costs includes, but is not limited to, the cost of producing campaign advertising for newspapers, periodicals, television, radio billboards, and other locations.

Printing, photography, graphic arts, or advertising services includes, but is not limited to, the cost of photocopying and printing campaign material, the costs of taking and developing photographs to be used in campaign advertising and campaign materials, and payments to persons who secure or arrange for campaign advertising time or space on behalf of the candidate's committee.

Office supplies include, but are not limited to, pens, pencils, paper, stationery, envelopes, staplers, and like items.

The term office supplies does not include office equipment or furniture such as computers, printers, photocopy machines, answering machines, facsimile machines, tables, chairs, or desks.

Meals, lodging, and travel expenses means the meals, lodging, and travel expenses of the candidate, the candidate's immediate family, the candidate's campaign staff, or the candidate's campaign volunteers when the expenses do not include any expense incurred for personal purposes or purposes primarily associated with the holding of public office.

Staff salary means the salary of an employee of the candidate's committee who actually performed duties on behalf of the committee and payments to an independent contractor who performed services on behalf of the candidate's committee.

The term staff salaries does not include payment to persons for performing duties related to the holding of a public office by the candidate nor to any payment made to the candidate.

Repayment of loans may be made only in accordance with §32-1608.03. Contact Commission for information.