

NEBRASKA ADMINISTRATIVE CODE

TITLE 434

ELECTRONIC FILING OF BUSINESS ENTITY DOCUMENTS

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Chapter 1 – Definitions

001. For purposes of this title, and unless the context expressly indicates otherwise:

01. Document(s) means the document(s) which are required or permitted to be filed in the Office of the Secretary of State by the Business Corporation Act, the Nebraska Benefit Corporation Act, the Nebraska Uniform Limited Liability Company Act, the Nebraska Limited Cooperative Association Act, the Nebraska Nonprofit Corporation Act, the Nebraska Professional Corporation Act, the Nebraska Uniform Limited Partnership Act, the Nonstock Cooperative Marketing Act, the Uniform Partnership Act of 1998, and the Trademark Registration Act and any filing provisions of sections 21-1301 to 21-1306, 21-1333 to 21-1339, and 87-208 to 87-219.01.
02. Electronic Filing means the transmission of documents to the Secretary of State, and from the Secretary of State, through the Secretary of State-authorized service provider.
03. Electronic Filing System means the system approved by the Secretary of State for filing documents via the Internet through the Secretary of State-authorized service provider.
04. Filer means the person who delivers the document(s) to the Secretary of State for filing using the Electronic Filing System.

Chapter 2 - Electronic Filing System

01. Electronic Filing is authorized for certain documents for which the Secretary of State has the capability of receiving via the Electronic Filing System.
02. Documents submitted to the Secretary of State via facsimile or electronic mail will not be accepted.

Chapter 3 - Filing Requirements

01. All statutory filing requirements shall apply to electronically filed documents except that the electronic filing of a document from which printed copies can be made shall be deemed compliant with filing requirements to supply an exact or conformed copy of the document.
02. Documents transmitted to the Secretary of State through the Electronic Filing System must be in the same form as prescribed by the Secretary of State for paper filings under the appropriate act and must be converted to a Portable Document Format (PDF).
03. Payment shall be remitted at the time of filing.

Chapter 4 - Time of Filing

01. All documents electronically received by the Secretary of State shall be processed in the normal and customary fashion. The filing date and time of the document will be so indicated on the filed document.
02. The Secretary of State may use the Electronic Filing System to distribute the acknowledgment of receipt of the filing fee and to make the file stamped copy of the document available for filers or to distribute his or her reason for refusing to file the document.

Chapter 5 - Transmission Problems

01. Any errors in the transmission of a document through the Electronic Filing System authorized service provider shall be reported to the filer in a timely manner.
02. The Secretary of State may suspend all or part of the Electronic Filing System for technical difficulties.
03. A copy of an electronically filed document shall be maintained by the filer either in paper form or in electronic form for a period of 1 year. The filer shall make a copy of an electronically filed document available for inspection by the Secretary of State upon request.