

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 246**

Introduced by Brewer, 43.

Read first time January 14, 2019

Committee:

1 A BILL FOR AN ACT relating to elections; to amend sections 23-202,  
2 23-293, 31-787, 31-793, 32-116, 32-202, 32-552, 32-631, 32-803,  
3 32-952, 32-956, 32-1002, 32-1008, 32-1121, 32-1306, 32-1309,  
4 32-1405, 32-1407, and 32-1409, Reissue Revised Statutes of Nebraska,  
5 and sections 18-2713, 32-330, 32-1007, and 32-1303, Revised Statutes  
6 Cumulative Supplement, 2018; to redefine a term; to change  
7 provisions relating to township organization, ballot questions,  
8 recall petitions and elections, voter registration records, petition  
9 signature verification, publication of sample ballots, special  
10 elections by mail, recounts, and initiative and referendum measures;  
11 to eliminate duties of the Secretary of State; to require the  
12 provision of an approved map to the election commissioner or county  
13 clerk for purposes of adjusting boundaries; to eliminate obsolete  
14 provisions; to harmonize provisions; and to repeal the original  
15 sections.

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

1 Section 1. Section 23-202, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 23-202 (1) In counties not under township organization, a registered  
4 voter may file a petition or petitions for the submission of the question  
5 of township organization. The petition or petitions shall be signed by  
6 registered voters equal in number to five percent of the voters  
7 registered in the county at the preceding statewide general election.

8 (2) The petition or petitions shall be filed in the office of the  
9 election commissioner or county clerk by September 1 of the year of the  
10 general election at which the petitioners wish to have the question  
11 submitted for a vote. If such petition or petitions are filed in  
12 conformance with this subsection ~~When the petition or petitions are filed~~  
13 ~~in the office of the county clerk or election commissioner,~~ the question  
14 shall be submitted to the registered voters at the next general election  
15 held ~~not less than seventy days~~ after the filing of the petition or  
16 petitions. The questions on the ballot shall be respectively: For  
17 changing to township organization with a seven-member county board of  
18 supervisors; or Against changing to township organization.

19 (3) Elections shall be conducted as provided in the Election Act.

20 Sec. 2. Section 23-293, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 23-293 (1) In counties under township organization, a registered  
23 voter may file a petition or petitions for submission of the question of  
24 the discontinuance of township organization to the registered voters of  
25 the county. The petition or petitions shall be signed by registered  
26 voters equal in number to five percent of the voters registered in the  
27 county at the preceding statewide general election. The petition or  
28 petitions shall be filed in the office of the election commissioner or  
29 county clerk by September 1 of the year of the general election at which  
30 the petitioners wish to have the question submitted for a vote. If such  
31 petition or petitions are filed in conformance with this subsection ~~When~~

1 ~~the petition or petitions are filed in the office of the county clerk or~~  
2 ~~election commissioner,~~ the question shall be submitted to the registered  
3 voters at the next general election held ~~not less than seventy days~~ after  
4 the filing of the petition or petitions.

5 (2) In counties under township organization, the county board may,  
6 by if a resolution supported by a majority of the county board, submit is  
7 ~~filed in the office of the county clerk or election commissioner for~~  
8 ~~submission of~~ the question of discontinuance of township organization to  
9 the registered voters of the county. If such resolution is filed in the  
10 office of the election commissioner or county clerk by September 1 of the  
11 year of the general election at which the board wishes to have the  
12 question submitted for a vote, the question shall be submitted to the  
13 registered voters at the next general election held ~~not less than seventy~~  
14 ~~days~~ after the filing of the resolution.

15 (3) A petition or county board resolution for discontinuance of  
16 township organization shall specify whether the county board of  
17 commissioners to be formed pursuant to section 23-151 will have five or  
18 seven members and that reorganization as a county board of commissioners  
19 will be effective at the expiration of the supervisors' terms of office  
20 in January of the third calendar year following the election to  
21 discontinue township organization.

22 Sec. 3. Section 18-2713, Revised Statutes Cumulative Supplement,  
23 2018, is amended to read:

24 18-2713 (1) Before adopting an economic development program, a city  
25 shall submit the question of its adoption to the registered voters at an  
26 election. The governing body of the city shall order the submission of  
27 the question by filing a certified copy of the resolution proposing the  
28 economic development program with the election commissioner or county  
29 clerk not later than fifty days prior to a special election or a  
30 municipal primary or general election which is not held at the statewide  
31 primary or general election or not later than March 1 prior to a

1 statewide primary election or September 1 prior to a statewide general  
2 election. The governing body of the city may determine not to submit the  
3 question at a particular election and order the removal of the question  
4 from the ballot by filing a certified copy of the resolution approving  
5 removing the question with the election commissioner or county clerk not  
6 later than March 1 prior to a statewide primary election or September 1  
7 prior to a statewide general election.

8 (2) The question on the ballot shall briefly set out the terms,  
9 conditions, and goals of the proposed economic development program,  
10 including the length of time during which the program will be in  
11 existence, the year or years within which the funds from local sources of  
12 revenue are to be collected, the source or sources from which the funds  
13 are to be collected, the total amount to be collected for the program  
14 from local sources of revenue, and whether the city proposes to issue  
15 bonds pursuant to the Local Option Municipal Economic Development Act to  
16 provide funds to carry out the economic development program. The ballot  
17 question shall also specify whether additional funds from other noncity  
18 sources will be sought beyond those derived from local sources of  
19 revenue. In addition to all other information, if the funds are to be  
20 derived from the city's property tax, the ballot question shall state the  
21 present annual cost of the economic development program per ten thousand  
22 dollars of assessed valuation based upon the most recent valuation of the  
23 city certified to the Property Tax Administrator pursuant to section  
24 77-1613.01. The ballot question shall state: "Shall the city of (name of  
25 the city) establish an economic development program as described here by  
26 appropriating annually from local sources of revenue \$..... for .....  
27 years?". If the only city revenue source for the proposed economic  
28 development program is a local option sales tax that has not yet been  
29 approved at an election, the ballot question specifications in this  
30 section may be repeated in the sales tax ballot question.

31 (3) If a majority of those voting on the issue vote in favor of the

1 question, the governing body may implement the proposed economic  
2 development program upon the terms set out in the resolution. If a  
3 majority of those voting on the economic development program vote in  
4 favor of the question when the only city revenue source is a proposed  
5 sales tax and a majority of those voting on the local option sales tax  
6 vote against the question, the governing body shall not implement the  
7 economic development program, and it shall become null and void. If a  
8 majority of those voting on the issue vote against the question, the  
9 governing body shall not implement the economic development program.

10 Sec. 4. Section 31-787, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 31-787 (1) A trustee of a sanitary and improvement district may be  
13 removed from office by recall pursuant to sections 31-786 to 31-793. A  
14 petition for an election to recall a trustee shall be sufficient if it  
15 complies with the requirements of this section.

16 (2) The signers of the petition shall be persons who were, on the  
17 date the initial petition papers are issued under subsection (7) of this  
18 section, eligible to vote in a district election as provided in section  
19 31-735. A person's eligibility to sign a petition shall be the same as  
20 the person's eligibility to cast one or more votes at a district election  
21 under section 31-735. Only one person shall be allowed to sign on behalf  
22 of joint owners of property in the district or on behalf of a public,  
23 private, or municipal corporation that owns property in the district. If  
24 the trustee whose recall is sought was elected by vote of resident owners  
25 only, then only resident owners shall be allowed to sign the petition. If  
26 the trustee whose recall is sought was elected by vote of all owners of  
27 property, then all owners shall be allowed to sign the petition. Resident  
28 owner means qualified resident voter. All owners means all qualified  
29 resident voters and all qualified property owning voters.

30 (3) The filing clerk shall assign to each signature a count equal to  
31 the number of votes that the signer was eligible to cast on the date he

1 or she signed. The number of votes that a signer was eligible to cast  
2 shall be based on section 31-735. If the signature was made by or for an  
3 owner of more than one parcel of property, the signature made by or on  
4 behalf of such owner shall be assigned a count equal to the total number  
5 of votes which the owner was eligible to cast.

6 (4) The filing clerk shall total the count assigned to the  
7 signatures on the petition. The petition shall be sufficient if the total  
8 is at least equal to thirty-five percent of the highest number of votes  
9 that were cast for a candidate at the previous district election for the  
10 trustee positions in the same category as the trustee whose recall is  
11 sought by the petition. The categories of trustees shall be the same as  
12 provided in section 31-735.

13 (5) The signatures shall be affixed to petition papers and shall be  
14 considered part of the petition.

15 (6) The petition papers shall be procured from the filing clerk.  
16 Prior to the issuance of such petition papers, a recall petition filing  
17 form ~~an affidavit~~ shall be signed and filed with the filing clerk by at  
18 least one qualified resident voter of the district, if the trustee whose  
19 recall is being sought was elected solely by qualified resident voters,  
20 or at least one qualified resident voter or qualified property owning  
21 voter, if the trustee whose recall is being sought was elected by other  
22 qualified resident voters and qualified property owning voters. Such  
23 voter or voters shall be deemed to be the principal circulator or  
24 circulators of the recall petition. The filing form ~~affidavit~~ shall state  
25 the name of the trustee sought to be removed and whether qualified  
26 property owning voters participated in the election of the trustee and  
27 shall request that the filing clerk issue initial petition papers to the  
28 principal circulator for circulation. The filing clerk shall notify the  
29 principal circulator or circulators that the necessary signatures must be  
30 gathered within thirty days after the date of issuing the petitions.

31 (7) The filing clerk, upon issuing the initial petition papers or

1 any subsequent petition papers, shall enter in a record, to be kept in  
2 his or her office, the name of the principal circulator or circulators to  
3 whom the papers were issued, the date of issuance, the number of papers  
4 issued, and whether qualified property owning voters may participate in  
5 signing the petitions. The filing clerk shall certify on the papers the  
6 name of the principal circulator or circulators to whom the papers were  
7 issued, the date they were issued, and whether qualified property owning  
8 voters may participate in signing the petitions. No petition paper shall  
9 be accepted as part of the petition unless it bears such certificate. The  
10 principal circulator or circulators who check out petitions from the  
11 filing clerk may distribute such petitions to persons who may act as  
12 circulators of such petitions.

13 Sec. 5. Section 31-793, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 31-793 No recall petition filing form shall be filed against a  
16 trustee under section 31-787 within twelve months after a recall election  
17 has failed to remove him or her from office or within six months after  
18 the beginning of his or her term of office or within six months prior to  
19 the incumbent filing deadline for the office.

20 Sec. 6. Section 32-116, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 32-116 Residence shall mean (1) that place in Nebraska in which a  
23 person is actually domiciled, which is the residence of an individual or  
24 family, with which a person has a settled connection for the  
25 determination of his or her civil status or other legal purposes because  
26 it is actually or legally his or her permanent and principal home, and to  
27 which, whenever he or she is absent, he or she has the intention of  
28 returning, (2) the place in Nebraska where a person has his or her family  
29 domiciled even if he or she does business in another place, and (3) if a  
30 person is homeless, the county in Nebraska in which the person is living.  
31 No person serving in the armed forces of the United States shall be

1 deemed to have a residence in Nebraska because of being stationed in  
2 Nebraska.

3 Sec. 7. Section 32-202, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 32-202 In addition to any other duties prescribed by law, the  
6 Secretary of State shall:

7 (1) Supervise the conduct of primary and general elections in this  
8 state;

9 (2) Provide training for election commissioners, county clerks, and  
10 other election officials in providing for registration of voters and the  
11 conduct of elections;

12 (3) Enforce the Election Act;

13 (4) With the assistance and advice of the Attorney General, make  
14 uniform interpretations of the act;

15 (5) Provide periodic training for the agencies and their agents and  
16 contractors in carrying out their duties under sections 32-308 to 32-310;

17 (6) Develop and print forms for use as required by sections 32-308,  
18 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;

19 (7) Contract with the Department of Administrative Services for  
20 storage and distribution of the forms;

21 (8) Require reporting to ensure compliance with sections 32-308 to  
22 32-310;

23 (9) Prepare and transmit reports as required by the National Voter  
24 Registration Act of 1993, 50 U.S.C. 20501 ~~42 U.S.C. 1973gg~~ et seq.;

25 (10) Develop and print a manual describing the requirements of the  
26 initiative and referendum process and distribute the manual to election  
27 commissioners and county clerks for distribution to the public upon  
28 request;

29 (11) Develop and print pamphlets described in section 32-1405.01;

30 (12) Adopt and promulgate rules and regulations as necessary for  
31 elections conducted under sections 32-952 to 32-959; and



1 (13) Establish a free access system, such as a toll-free telephone  
2 number or an Internet web site, that any voter who casts a provisional  
3 ballot may access to discover whether the vote of that voter was counted  
4 and, if the vote was not counted, the reason that the vote was not  
5 counted. The Secretary of State shall establish and maintain reasonable  
6 procedures necessary to protect the security, confidentiality, and  
7 integrity of personal information collected, stored, or otherwise used by  
8 the free access system. Access to information about an individual  
9 provisional ballot shall be restricted to the individual who cast the  
10 ballot.

11 Sec. 8. Section 32-330, Revised Statutes Cumulative Supplement,  
12 2018, is amended to read:

13 32-330 (1) Except as otherwise provided in subsection (3) of section  
14 32-301, the voter registration register shall be a public record. Any  
15 person may examine the register at the office of the election  
16 commissioner or county clerk, but no person other than the Secretary of  
17 State, the election commissioner, the county clerk, or law enforcement  
18 shall be allowed to make copies of the register. Copies of the register  
19 shall only be used for list maintenance as provided in section 32-329 or  
20 law enforcement purposes. The electronic records of the original voter  
21 registrations created pursuant to section 32-301 may constitute the voter  
22 registration register. The Secretary of State, election commissioner, or  
23 county clerk shall withhold information in the register designated as  
24 confidential under section 32-331. No portion of the register made  
25 available to the public and no list distributed pursuant to this section  
26 shall include the digital signature of any voter.

27 (2) The Secretary of State, election commissioner, or county clerk  
28 shall make available ~~for purchase~~ a list of registered voters that  
29 contains no more than the information authorized in subsection (3) of  
30 this section ~~required under section 32-312~~ and, if requested, a list that  
31 only contains such information for registered voters who have voted in an

1 election held more than thirty days prior to the request for the list.  
2 The Secretary of State, election commissioner, or county clerk shall  
3 establish the price of the lists at a rate that fairly covers the actual  
4 production cost of the lists, not to exceed three cents per name. Lists  
5 shall be used solely for purposes related to elections, political  
6 activities, voter registration, law enforcement, or jury selection. Lists  
7 shall not be used for commercial purposes.

8 (3)(a) The Secretary of State, election commissioner, or county  
9 clerk shall withhold from any list of registered voters distributed  
10 pursuant to subsection (2) of this section any information in the voter  
11 registration records which is designated as confidential under section  
12 32-331 or marked private on the voter registration application or voter  
13 registration record.

14 (b) Except as otherwise provided in subdivision (a) of this  
15 subsection, a list of registered voters distributed pursuant to  
16 subsection (2) of this section shall contain no more than the following  
17 information:

- 18 (i) The registrant's name;
- 19 (ii) The registrant's residential address;
- 20 (iii) The registrant's mailing address;
- 21 (iv) The registrant's telephone number;
- 22 (v) The registrant's voter registration status;
- 23 (vi) The registrant's voter identification number;
- 24 (vii) The registrant's date of birth;
- 25 (viii) The registrant's date of voter registration;
- 26 (ix) The registrant's voting precinct;
- 27 (x) The registrant's polling site;
- 28 (xi) The registrant's political party affiliation;
- 29 (xii) The political subdivisions in which the registrant resides;
- 30 and
- 31 (xiii) The registrant's voter history.

1           (4) ~~(3)~~ Any person who acquires a list of registered voters under  
2 subsection (2) of this section shall provide his or her name, address,  
3 telephone number, email address, and campaign committee name or  
4 organization name, if applicable, and the state of organization, if  
5 applicable, and shall take and subscribe to an oath in substantially the  
6 following form:

7           I hereby swear that I will use the list of registered voters  
8 of ..... County, Nebraska, (or the State of Nebraska) only for the  
9 purposes prescribed in section 32-330 and for no other purpose and that I  
10 will not permit the use or copying of such list for unauthorized  
11 purposes.

12           I hereby declare under the penalty of election falsification that  
13 the statements above are true to the best of my knowledge.

14           The penalty for election falsification is a Class IV felony.

15           (Signature of person acquiring list) .....

16           Subscribed and sworn to before me this .... day of ..... 20.. .

17           (Signature Name of officer) .....

18           (Name and Official title of officer) .....

19           (5) ~~(4)~~ The Secretary of State, election commissioner, or county  
20 clerk shall provide, upon request and free of charge, a complete and  
21 current listing of all registered voters and their addresses to the Clerk  
22 of the United States District Court for the District of Nebraska. Such  
23 list shall be provided no later than December 31 of each even-numbered  
24 year.

25           (6) ~~(5)~~ The Secretary of State, election commissioner, or county  
26 clerk shall provide, upon request and free of charge, a complete and  
27 current listing of all registered voters containing only the information  
28 authorized under subsection (3) of this section and their addresses to  
29 the state party headquarters of each political party and to the county  
30 chairperson of each political party. ~~Such list shall be provided no later~~  
31 ~~than thirty-five days prior to the statewide primary and statewide~~

1 ~~general elections.~~

2       Sec. 9. Section 32-552, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       32-552 (1) At least five months prior to an election, the governing  
5 board of any political subdivision requesting the adjustment of the  
6 boundaries of election districts shall provide ~~written notification~~ to  
7 the election commissioner or county clerk (a) written notice of the need  
8 and necessity of his or her office to perform such adjustments and (b) a  
9 revised election district boundary map that has been approved by the  
10 requesting political subdivision's governing board and subjected to all  
11 public review and challenge ordinances of the political subdivision.

12       (2) After the next federal decennial census, the election  
13 commissioner of the county in which the greater part of a Class IV school  
14 district is situated shall, subject to review by the school board, divide  
15 the school district into seven numbered districts, substantially equal in  
16 population as determined by the most recent federal decennial census. The  
17 election commissioner shall consider the location of schools within the  
18 district and their boundaries. The election commissioner shall adjust the  
19 boundaries of the election districts, subject to final review and  
20 adjustment by the school board, to conform to changes in the territory  
21 and population of the school district and also following each federal  
22 decennial census. Except when specific procedures are otherwise provided,  
23 section 32-553 shall apply to all Class IV school districts.

24       (3) For purposes of election of members to the board of education of  
25 a Class V school district:

26       (a)(i) The Legislature hereby divides such school district into nine  
27 numbered election districts of compact and contiguous territory and of as  
28 nearly equal population as may be practical. Each election district shall  
29 be entitled to one member on the board of education of such Class V  
30 school district. The Legislature adopts the official population figures  
31 and maps from the 2010 Census Redistricting (Public Law 94-171) TIGER/

1 Line Shapefiles published by the United States Department of Commerce,  
2 Bureau of the Census. The numbers and boundaries of the election  
3 districts are designated and established by a map identified and labeled  
4 as OPS-13-002, filed with the Clerk of the Legislature, and incorporated  
5 by reference as part of Laws 2013, LB125. Such districts are drawn using  
6 the boundaries of the Class V school district as they existed on February  
7 12, 2013; (ii) the Clerk of the Legislature shall transfer possession of  
8 the map referred to in subdivision (a)(i) of this subsection to the  
9 Secretary of State and the election commissioner of the county in which  
10 the greater part of the school district is situated on February 12, 2013;  
11 (iii) when questions of interpretation of such election district  
12 boundaries arise, the map referred to in subdivision (a)(i) of this  
13 subsection in possession of such election commissioner shall serve as the  
14 indication of the legislative intent in drawing the election district  
15 boundaries; (iv) the Secretary of State and such election commissioner  
16 shall also have available for viewing on his or her web site the map  
17 referred to in subdivision (a)(i) of this subsection identifying the  
18 boundaries for such election districts; and (v) the twelve numbered  
19 districts in existence on January 1, 2013, shall remain unchanged until  
20 the terms of members elected at the election in May 2013 begin; and

21 (b) After the next federal decennial census after February 12, 2013,  
22 the election commissioner of the county in which the greater part of a  
23 Class V school district is situated shall divide the school district into  
24 nine numbered districts of compact and contiguous territory and of as  
25 nearly equal population as may be practical. The election commissioner  
26 shall adjust the boundaries of such districts, subject to final review  
27 and adjustment by the school board, to conform to changes in the  
28 territory of the school district and also following each federal  
29 decennial census.

30 Sec. 10. Section 32-631, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           32-631 (1) All petitions that are filed with ~~presented~~ to the  
2 election commissioner or county clerk for signature verification shall be  
3 retained in the election office and shall be open to public inspection.  
4 Upon receipt of the pages of a petition, the election commissioner or  
5 county clerk shall issue a written receipt indicating the number of pages  
6 of the petition in his or her custody to the person filing ~~presenting~~ the  
7 petition for signature verification. Petitions may be destroyed twenty-  
8 two months after the election to which they apply.

9           (2) The election commissioner or county clerk shall determine the  
10 validity and sufficiency of such petition by comparing the names, dates  
11 of birth if applicable, and addresses of the signers with the voter  
12 registration records to determine if the signers were registered voters  
13 on the date of signing the petition. If it is determined that a signer  
14 has affixed his or her signature more than once to any petition and that  
15 only one person is registered by that name, the election commissioner or  
16 county clerk shall strike from the pages of the petition all but one such  
17 signature. Only one of the duplicate signatures shall be added to the  
18 total number of valid signatures. All signatures, dates of birth, and  
19 addresses shall be presumed to be valid if the election commissioner or  
20 county clerk has found the signers to be registered voters on or before  
21 the date on which the petition was signed. This presumption shall not be  
22 conclusive and may be rebutted by any credible evidence which the  
23 election commissioner or county clerk finds sufficient.

24           (3) If the election commissioner or county clerk verifies signatures  
25 in excess of one hundred ten percent of the number necessary for the  
26 issue to be placed on the ballot, the election commissioner or county  
27 clerk may cease verifying signatures and certify the number of signatures  
28 verified to the person who delivered the petitions for verification.

29           (4) If the number of signatures verified does not equal or exceed  
30 the number necessary to place the issue on the ballot upon completion of  
31 the comparison of names and addresses with the voter registration

1 records, the election commissioner or county clerk shall prepare in  
2 writing a certification under seal setting forth the name and address of  
3 each signer found not to be a registered voter and the petition page  
4 number and line number where the signature is found. If the signature or  
5 address is challenged for a reason other than the nonregistration of the  
6 signer, the election commissioner or county clerk shall set forth the  
7 reasons for the challenge of the signature.

8 Sec. 11. Section 32-803, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 32-803 (1) A sample of the official ballot shall be printed in one  
11 or more newspapers of general circulation in the county, city, or village  
12 as designated by the election commissioner, county clerk, city council,  
13 or village board. The sample shall be printed in English and in any other  
14 language required pursuant to the Voting Rights Language Assistance Act  
15 of 1992.

16 (2) Except for elections conducted in accordance with section  
17 32-960, such ~~Such~~ publication shall be made not more than fifteen nor  
18 less than two days before the day of election, and the same shall appear  
19 in only one regular issue of each paper. For elections conducted in  
20 accordance with section 32-960, such publication shall be made not less  
21 than thirty days before the election.

22 (3) The form of the ballot so published shall conform in all  
23 respects to the form prescribed for official ballots as set forth in  
24 sections 32-806, 32-809, and 32-812, but larger or smaller type may be  
25 used. When paper ballots are not being used, a reduced-size facsimile of  
26 the official ballot shall be published as it appears on the voting  
27 system. Such publication shall include suitable instructions to the  
28 voters for casting their ballots using the voting system being used at  
29 the election.

30 (4) The rate charged by the newspapers and paid by the county board  
31 for the publication of such sample ballot shall not exceed the rate

1 regularly charged for display advertising in such newspaper in which the  
2 publication is made.

3 Sec. 12. Section 32-952, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 32-952 If a political subdivision decides to place a candidate or an  
6 issue on the ballot at a special election, the election commissioner or  
7 county clerk may conduct the special election by mail as provided in  
8 section 32-953 or conduct the special election as otherwise authorized in  
9 the Election Act. In making a determination as to whether to conduct the  
10 election by mail, the election commissioner or county clerk shall  
11 consider whether all of the following conditions are met:

12 (1) All registered voters of the political subdivision or a district  
13 or ward of the political subdivision are eligible to vote on all  
14 candidates and issues submitted to the voters;

15 (2) Only registered voters of the political subdivision or the  
16 district or ward of the political subdivision are eligible to vote on all  
17 candidates and issues submitted to the voters;

18 (3) A review has been conducted of the costs and the expected voter  
19 turnout which may result from holding the election by mail;

20 (4) The election commissioner or county clerk has determined a date  
21 for the election which is not the same date as another election in which  
22 the registered voters of the political subdivision are eligible to vote;  
23 and

24 (5) The election commissioner or county clerk has submitted a  
25 written plan to the Secretary of State within five business days after  
26 receiving the resolution from the political subdivision to hold the  
27 election; and

28 (6) {5} The Secretary of State has approved a written plan for the  
29 conduct of the election, including a written timetable for the conduct of  
30 the election, submitted by the election commissioner or county clerk. The  
31 written plan shall include provisions for the notice of election to be



1 published and for the application for ballots for early voting  
2 notwithstanding other statutory provisions regarding the content and  
3 publication of a notice of election or the application for ballots for  
4 early voting.

5 Sec. 13. Section 32-956, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 32-956 If a ballot is destroyed, spoiled, lost, or not received by  
8 the registered voter, the voter may obtain a replacement ballot from the  
9 election commissioner or county clerk by signing a statement verified on  
10 oath or affirmation on a form prescribed by the Secretary of State that  
11 the ballot was destroyed, spoiled, lost, or not received and delivering  
12 the statement to the election commissioner or county clerk by 5 p.m. on  
13 the date set for the election. If the voter mails the statement, the  
14 election commissioner or county clerk shall not deliver a replacement  
15 ballot to the voter unless the statement is received prior to the close  
16 of business on the second Friday preceding ~~fourth business day before the~~  
17 ~~date set for~~ the election. If the election commissioner or county clerk  
18 receives a statement meeting the requirements of this section, he or she  
19 shall deliver a replacement ballot to the voter if the voter is present  
20 in the office or shall mail a replacement ballot to the voter at the  
21 address shown on the statement. The election commissioner or county clerk  
22 shall keep a record of all replacement ballots issued under this section.

23 Sec. 14. Section 32-1002, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 32-1002 (1) As the ballots are removed from the ballot box pursuant  
26 to sections 32-1012 to 32-1018, the receiving board shall separate the  
27 envelopes containing the provisional ballots from the rest of the ballots  
28 and deliver them to the election commissioner or county clerk.

29 (2) Upon receipt of a provisional ballot, the election commissioner  
30 or county clerk shall verify that the certificate on the front of the  
31 envelope or the form attached to the envelope is in proper form and that

1 the certification has been signed by the voter.

2 (3) The election commissioner or county clerk shall also (a) verify  
3 that such person has not voted anywhere else in the county or been issued  
4 a ballot for early voting, (b) investigate whether any credible evidence  
5 exists that the person was properly registered to vote in the county  
6 before the deadline for registration for the election, (c) investigate  
7 whether any information has been received pursuant to section 32-308,  
8 32-309, 32-310, or 32-324 that the person has resided, registered, or  
9 voted in any other county or state since registering to vote in the  
10 county, and (d) upon determining that credible evidence exists that the  
11 person was properly registered to vote in the county, make the  
12 appropriate changes to the voter registration register by entering the  
13 information contained in the registration application completed by the  
14 voter at the time of voting a provisional ballot.

15 (4) A provisional ballot cast by a voter pursuant to section 32-915  
16 shall be counted if:

17 (a) Credible evidence exists that the voter was properly registered  
18 in the county before the deadline for registration for the election;

19 (b) The voter has resided in the county continuously since  
20 registering to vote in the county;

21 (c) The voter has not voted anywhere else in the county or has not  
22 otherwise voted early using a ballot for early voting;

23 (d) The voter has completed a registration application prior to  
24 voting as prescribed in subsection (6) of this section and:

25 (i) The residence address provided on the registration application  
26 completed pursuant to subdivision (1)(e) of section 32-915 is located  
27 within the precinct in which the person voted; and

28 (ii) If the voter is voting in a primary election, the party  
29 affiliation provided on the registration application completed prior to  
30 voting the provisional ballot is the same party affiliation that appears  
31 on the voter's voter registration record based on his or her previous

1 registration application; and

2 (e) The certification on the front of the envelope or form attached  
3 to the envelope is in the proper form and signed by the voter.

4 (5) A provisional ballot cast by a voter pursuant to section 32-915  
5 shall not be counted if:

6 (a) The voter was not properly registered in the county before the  
7 deadline for registration for the election;

8 (b) Information has been received pursuant to section 32-308,  
9 32-309, 32-310, or 32-324 that the voter has resided, registered, or  
10 voted in any other county or state since registering to vote in the  
11 county in which he or she cast the provisional ballot;

12 (c) Credible evidence exists that the voter has voted elsewhere or  
13 has otherwise voted early;

14 (d) The voter failed to complete and sign a registration application  
15 pursuant to subsection (6) of this section and subdivision (1)(e) of  
16 section 32-915;

17 (e) The residence address provided on the registration application  
18 completed pursuant to subdivision (1)(e) of section 32-915 is in a  
19 different county or in a different precinct than the county or precinct  
20 in which the voter voted;

21 (f) If the voter is voting in a primary election, the party  
22 affiliation on the registration application completed prior to voting the  
23 provisional ballot is different than the party affiliation that appears  
24 on the voter's voter registration record based on his or her previous  
25 registration application; or

26 (g) The voter failed to complete and sign the certification on the  
27 envelope or form attached to the envelope pursuant to subsection (3) of  
28 section 32-915.

29 (6) An error or omission of information on the registration  
30 application or the certification required under section 32-915 shall not  
31 result in the provisional ballot not being counted if:

1 (a)(i) The errant or omitted information is contained elsewhere on  
2 the registration application or certification; or

3 (ii) The information is not necessary to determine the eligibility  
4 of the voter to cast a ballot; and

5 (b) Both the registration application and the certification are  
6 signed by the voter.

7 (7) Upon determining that the voter's provisional ballot is eligible  
8 to be counted, the election commissioner or county clerk shall remove the  
9 ballot from the envelope without exposing the marks on the ballot and  
10 shall place the ballot with the ballots to be counted by the county  
11 canvassing board.

12 (8) The election commissioner or county clerk shall notify the  
13 system administrator of the system created pursuant to section 32-202 as  
14 to whether the ballot was counted and, if not, the reason the ballot was  
15 not counted.

16 (9) The verification and investigation shall be completed within  
17 seven business days after the election.

18 Sec. 15. Section 32-1007, Revised Statutes Cumulative Supplement,  
19 2018, is amended to read:

20 ~~32-1007 For members of a village board of trustees or township~~  
21 ~~officers, if a first or generally recognized name and last name of a~~  
22 ~~person is filled in on a line provided for that purpose and the square or~~  
23 ~~oval opposite such line has been marked with a cross or other clear,~~  
24 ~~intelligible mark, the vote shall be valid and the ballot shall be~~  
25 ~~counted.~~ If only the last name of a person is in the write-in space on  
26 the ballot and there is more than one person in the county having the  
27 same last name, the counting board shall reject the ballot for that  
28 office unless the last name is reasonably close to the proper spelling of  
29 the last name of a candidate engaged in or pursuing a write-in campaign  
30 pursuant to section 32-615. The counting board shall make the following  
31 notation on the rejected ballot: Rejected for the office of .....,

1 no first or generally recognized name.

2 Sec. 16. Section 32-1008, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 32-1008 If the write-in vote in the county ~~for any particular office~~  
5 ~~referred to in section 32-1007~~ or for a person pursuing a write-in  
6 campaign pursuant to section 32-615 or 32-633 totals less than five  
7 percent of the vote for such office in the county and the election  
8 commissioner or county clerk believes that such vote will not impact the  
9 outcome of the election, the number of write-in votes for that office may  
10 be counted and listed together as one total.

11 Sec. 17. Section 32-1121, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 32-1121 If any candidate failed to be nominated or elected by more  
14 than the margin provided in section 32-1119, the losing candidate may  
15 submit a certified written request for a recount at his or her expense.  
16 The request shall be filed with the filing officer with whom the  
17 candidate filed for election not later than the tenth day after the  
18 county canvassing board or the board of state canvassers concludes  
19 ~~convenes~~. The recount shall be conducted as provided in section 32-1119.  
20 Prior to conducting the recount, the cost of the recount shall be  
21 determined by the election commissioner or county clerk and the  
22 requesting candidate shall be so notified. The candidate requesting the  
23 recount shall pay the estimated cost of the recount before the recount is  
24 scheduled to be conducted. If the recount involves more than one county,  
25 the election commissioner or county clerk shall certify the cost to the  
26 Secretary of State. The Secretary of State shall then notify the  
27 candidate of the determined cost, and the cost shall be paid before any  
28 recount is scheduled to be conducted. The candidate shall pay the cost on  
29 demand to the county treasurer of each county involved, and such sums  
30 shall be placed in the county general fund to help defray the cost of the  
31 recount. If the actual expense is less than the determined cost, the

1 candidate may file a claim with the county board for overpayment of the  
2 recount. If the recount determines the candidate to be the winner, all  
3 costs which he or she paid shall be refunded. Refunds shall be made from  
4 the county general fund.

5 Sec. 18. Section 32-1303, Revised Statutes Cumulative Supplement,  
6 2018, is amended to read:

7 32-1303 (1) A petition demanding that the question of removing an  
8 elected official or member of a governing body listed in section 32-1302  
9 be submitted to the registered voters shall be signed by registered  
10 voters equal in number to at least thirty-five percent of the total vote  
11 cast for that office in the last general election, except that (a) for an  
12 office for which more than one candidate is chosen, the petition shall be  
13 signed by registered voters equal in number to at least thirty-five  
14 percent of the number of votes cast for the person receiving the most  
15 votes for such office in the last general election and (b) for a member  
16 of a governing body of a village, the petition shall be signed by  
17 registered voters of the village equal in number to at least forty-five  
18 percent of the total vote cast for the person receiving the most votes  
19 for that office in the last general election. The signatures shall be  
20 affixed to petition papers and shall be considered part of the petition.

21 (2) Petition circulators shall conform to the requirements of  
22 sections 32-629 and 32-630.

23 (3) The petition papers shall be procured from the filing clerk.  
24 Prior to the issuance of such petition papers, a recall petition filing  
25 form ~~an affidavit~~ shall be signed and filed with the filing clerk by at  
26 least one registered voter who resides in the district of the official  
27 whose recall is sought. Such voter or voters shall be deemed to be the  
28 principal circulator or circulators of the recall petition. The filing  
29 form ~~affidavit~~ shall state the name and office of the official sought to  
30 be removed, shall include ~~in typewritten form~~ in concise language of  
31 sixty words or less the reason or reasons for which recall is sought, and

1 shall request that the filing clerk issue initial petition papers to the  
2 principal circulator for circulation. The filing clerk shall notify the  
3 official sought to be removed by any method specified in section  
4 25-505.01 or, if notification cannot be made with reasonable diligence by  
5 any of the methods specified in section 25-505.01, by leaving a copy of  
6 the filing form affidavit at the official's usual place of residence and  
7 mailing a copy by first-class mail to the official's last-known address.  
8 If the official chooses, he or she may submit a defense statement ~~in~~  
9 ~~typewritten form~~ in concise language of sixty words or less for inclusion  
10 on the petition. Any such defense statement shall be submitted to the  
11 filing clerk within twenty days after the official receives the copy of  
12 the filing form affidavit. The filing clerk shall prepare the petition  
13 papers within five business days after receipt of the defense statement.  
14 The principal circulator or circulators shall gather the petition papers  
15 within twenty days after being notified by the filing clerk that the  
16 petition papers are available ~~the receipt of the official's defense~~  
17 ~~statement~~. The filing clerk shall notify the principal circulator or  
18 circulators that the necessary signatures must be gathered within thirty  
19 days from the date of issuing the petitions.

20 (4) The filing clerk, upon issuing the initial petition papers or  
21 any subsequent petition papers, shall enter in a record, to be kept in  
22 his or her office, the name of the principal circulator or circulators to  
23 whom the papers were issued, the date of issuance, and the number of  
24 papers issued. The filing clerk shall certify on the papers the name of  
25 the principal circulator or circulators to whom the papers were issued  
26 and the date they were issued. No petition paper shall be accepted as  
27 part of the petition unless it bears such certificate. The principal  
28 circulator or circulators who check out petitions from the filing clerk  
29 may distribute such petitions to persons who may act as circulators of  
30 such petitions.

31 (5) Petition signers shall conform to the requirements of sections

1 32-629 and 32-630. Each signer of a recall petition shall be a registered  
2 voter and qualified by his or her place of residence to vote for the  
3 office in question.

4 Sec. 19. Section 32-1306, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 32-1306 (1) If the recall petition is found to be sufficient, the  
7 filing clerk shall notify the official whose removal is sought and the  
8 governing body of the affected political subdivision that sufficient  
9 signatures have been gathered. Notification of the official sought to be  
10 removed may be by any method specified in section 25-505.01 or, if  
11 notification cannot be made with reasonable diligence by any of the  
12 methods specified in section 25-505.01, by leaving such notice at the  
13 official's usual place of residence and mailing a copy by first-class  
14 mail to the official's last-known address.

15 (2) The governing body of the political subdivision shall order an  
16 election to be held not less than fifty ~~thirty~~ nor more than eighty  
17 ~~seventy-five~~ days after the notification of the official whose removal is  
18 sought under subsection (1) of this section, except that if any other  
19 election is to be held in that political subdivision within ninety days  
20 after such notification, the governing body of the political subdivision  
21 shall provide for the holding of the recall election on the same day. All  
22 resignations shall be tendered as provided in section 32-562. If the  
23 official whose removal is sought resigns before the recall election is  
24 held, the governing body may cancel the recall election if the governing  
25 body notifies the election commissioner or county clerk of the  
26 cancellation at least twenty-four ~~sixteen~~ days prior to the election,  
27 otherwise the recall election shall be held as scheduled.

28 (3) If the governing body of the political subdivision fails or  
29 refuses to order a recall election within the time required, the election  
30 may be ordered by the district court having jurisdiction over a county in  
31 which the elected official serves. If a filing clerk is subject to a



1 recall election, the Secretary of State shall conduct the recall  
2 election.

3 Sec. 20. Section 32-1309, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 32-1309 No recall petition filing form shall be filed against an  
6 elected official within twelve months after a recall election has failed  
7 to remove him or her from office or within six months after the beginning  
8 of his or her term of office or within six months prior to the incumbent  
9 filing deadline for the office.

10 Sec. 21. Section 32-1405, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 32-1405 (1) Prior to obtaining any signatures on an initiative or  
13 referendum petition, a statement of the object of the petition and the  
14 text of the measure shall be filed with the Secretary of State together  
15 with a sworn statement containing the names and street addresses of every  
16 person, corporation, or association sponsoring the petition.

17 (2) Upon receipt of the filing, the Secretary of State shall  
18 transmit the text of the proposed measure to the Revisor of Statutes. The  
19 Revisor of Statutes shall review the proposed measure and suggest changes  
20 as to form and draftsmanship. The revisor shall complete the review  
21 within ten days after receipt from the Secretary of State. The Secretary  
22 of State shall provide the results of the review and suggested changes to  
23 the sponsor but shall otherwise keep the proposed measure and the review  
24 ~~them~~ confidential for five days after receipt of the review by the  
25 sponsor. The Secretary of State shall then maintain the proposed measure  
26 and the opinion as public information and as a part of the official  
27 record of the initiative. The suggested changes may be accepted or  
28 rejected by the sponsor.

29 (3) The Secretary of State shall prepare five camera-ready copies of  
30 the petition from the information filed by the sponsor and any changes  
31 accepted by the sponsor and shall provide the copies to the sponsor

1 within five days after receipt of the review required in subsection (2)  
2 of this section. The sponsor shall print the petitions to be circulated  
3 from the forms provided. Prior to circulation, the sponsor shall file a  
4 final blank copy of the petition to be circulated with the Secretary of  
5 State.

6 ~~(4) The changes made to this section by Laws 1995, LB 337 shall~~  
7 ~~apply to initiative and referendum petitions filed on or after September~~  
8 ~~9, 1995.~~

9 Sec. 22. Section 32-1407, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 32-1407 (1) Initiative petitions shall be filed in the office of the  
12 Secretary of State at least four months prior to the general election at  
13 which the proposal would be submitted to the voters.

14 (2) When a copy of the form of any initiative petition is filed with  
15 the Secretary of State prior to obtaining signatures, the issue presented  
16 by such petition shall be placed before the voters at the next general  
17 election occurring at least four months after the date that such copy is  
18 filed if the signed petitions are found to be valid and sufficient. All  
19 signed initiative petitions shall become invalid on the date of the first  
20 general election occurring at least four months after the date on which  
21 the copy of the form is filed with the Secretary of State.

22 (3) Petitions invoking a referendum shall be filed in the office of  
23 the Secretary of State within ninety days after the Legislature at which  
24 the act sought to be referred was passed has adjourned sine die or has  
25 adjourned for more than ninety days.

26 (4) At the time of filing the signed petitions, at least one sponsor  
27 shall sign an affidavit certifying that the petitions contain a  
28 sufficient number of signatures to place the issue on the ballot if such  
29 number of signatures were found to be valid.

30 Sec. 23. Section 32-1409, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           32-1409 (1) Upon the receipt of the petitions, the Secretary of  
2 State, with the aid and assistance of the election commissioner or county  
3 clerk, shall determine the validity and sufficiency of signatures on the  
4 pages of the filed petition. The Secretary of State shall deliver the  
5 various pages of the filed petition to the election commissioner or  
6 county clerk by hand carrier, by use of law enforcement officials, or by  
7 certified mail, return receipt requested. Upon receipt of the pages of  
8 the petition, the election commissioner or county clerk shall issue to  
9 the Secretary of State a written receipt that the pages of the petition  
10 are in the custody of the election commissioner or county clerk. The  
11 election commissioner or county clerk shall determine if each signer was  
12 a registered voter on or before the date on which the petition was  
13 required to be filed with the Secretary of State. The election  
14 commissioner or county clerk shall compare the signer's signature,  
15 printed name, date of birth, street name and number or voting precinct,  
16 and city, village, or post office address with the voter registration  
17 records to determine whether the signer was a registered voter. The  
18 determination of the election commissioner or county clerk may be  
19 rebutted by any credible evidence which the election commissioner or  
20 county clerk finds sufficient. The express purpose of the comparison of  
21 names and addresses with the voter registration records, in addition to  
22 helping to determine the validity of such petition, the sufficiency of  
23 such petition, and the qualifications of the signer, shall be to prevent  
24 fraud, deception, and misrepresentation in the petition process. If the  
25 Secretary of State receives reports from a sufficient number of the  
26 counties that signatures in excess of one hundred ten percent of the  
27 number necessary to place the issue on the ballot have been verified, the  
28 Secretary of State may instruct the election commissioners and county  
29 clerks in all counties to stop verifying signatures and certify the  
30 number of signatures verified as of receipt of the instruction from the  
31 Secretary of State.

1           (2) Upon completion of the determination of registration, the  
2 election commissioner or county clerk shall prepare in writing a  
3 certification under seal setting forth the name and address of each  
4 signer found not to be a registered voter and the petition page number  
5 and line number where the name is found, and if the reason for the  
6 invalidity of the signature or address is other than the nonregistration  
7 of the signer, the election commissioner or county clerk shall set forth  
8 the reason for the invalidity of the signature. If the election  
9 commissioner or county clerk determines that a signer has affixed his or  
10 her signature more than once to any page or pages of the petition and  
11 that only one person is registered by that name, the election  
12 commissioner or county clerk shall prepare in writing a certification  
13 under seal setting forth the name of the duplicate signature and shall  
14 count only the earliest dated signature. The election commissioner or  
15 county clerk shall deliver all pages of the petition and the  
16 certifications to the Secretary of State within forty days after the  
17 receipt of such pages from the Secretary of State. The delivery shall be  
18 by hand carrier, by use of law enforcement officials, or by certified  
19 mail, return receipt requested. The Secretary of State may grant to the  
20 election commissioner or county clerk an additional ten days to return  
21 all pages of the petition in extraordinary circumstances.

22           (3) Upon receipt of the pages of the petition, the Secretary of  
23 State shall issue a written receipt indicating the number of pages of the  
24 petition that are in his or her custody. When all the petitions and  
25 certifications have been received by the Secretary of State, he or she  
26 shall strike from the pages of the petition all but the earliest dated  
27 signature of any duplicate signatures and such stricken signatures shall  
28 not be added to the total number of valid signatures. Not more than  
29 twenty signatures on one sheet shall be counted. All signatures secured  
30 in a manner contrary to sections 32-1401 to 32-1416 shall not be counted.  
31 Clerical and technical errors in a petition shall be disregarded if the

1 forms prescribed in sections 32-1401 to 32-1403 are substantially  
2 followed. The Secretary of State shall total the valid signatures and  
3 determine if constitutional and statutory requirements have been met. The  
4 Secretary of State shall immediately serve a copy of such determination  
5 by certified or registered mail upon the person filing the initiative or  
6 referendum petition. If the petition is found to be valid and sufficient,  
7 the Secretary of State shall proceed to place the measure on the general  
8 election ballot.

9 (4) The Secretary of State may adopt and promulgate rules and  
10 regulations for the issuance of all necessary forms and procedural  
11 instructions to carry out this section.

12 Sec. 24. Original sections 23-202, 23-293, 31-787, 31-793, 32-116,  
13 32-202, 32-552, 32-631, 32-803, 32-952, 32-956, 32-1002, 32-1008,  
14 32-1121, 32-1306, 32-1309, 32-1405, 32-1407, and 32-1409, Reissue Revised  
15 Statutes of Nebraska, and sections 18-2713, 32-330, 32-1007, and 32-1303,  
16 Revised Statutes Cumulative Supplement, 2018, are repealed.