

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 861

Introduced by Linehan, 39.

Read first time January 03, 2024

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to election petitions; to amend sections
2 32-632 and 32-1546, Reissue Revised Statutes of Nebraska, and
3 section 32-1305, Revised Statutes Cumulative Supplement, 2022; to
4 change procedures for removal of a name from a petition; to provide
5 a penalty; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-632, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-632 Any person may remove his or her name from a petition by
4 signing and delivering a written letter to the Secretary of State, an
5 ~~affidavit signed and sworn to by such person before the election~~
6 ~~commissioner, or the county clerk, or a notary public.~~ The letter
7 ~~affidavit~~ shall be delivered presented to and received by the Secretary
8 of State, election commissioner, or county clerk prior to or on the day
9 the petition is filed for verification with the election commissioner or
10 county clerk.

11 Sec. 2. Section 32-1305, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 32-1305 (1) The principal circulator or circulators shall file, as
14 one instrument, all petition papers comprising a recall petition for
15 signature verification with the filing clerk within thirty days after the
16 filing clerk issues the initial petition papers to the principal
17 circulator or circulators as provided in section 32-1303.

18 (2) If the filing clerk is the subject of a recall petition, the
19 signature verification process shall be conducted by two election
20 commissioners or county clerks appointed by the Secretary of State.
21 Mileage and expenses incurred by officials appointed pursuant to this
22 subsection shall be reimbursed by the political subdivision involved in
23 the recall.

24 (3) Within fifteen business days after the filing of the petition,
25 the filing clerk shall ascertain whether or not the petition is signed by
26 the requisite number of registered voters. No new signatures may be added
27 after the initial filing of the petition papers. Any person may remove
28 his or her name from a petition as provided in section 32-632. ~~No~~
29 ~~signatures may be removed unless the filing clerk receives an affidavit~~
30 ~~signed by the person requesting his or her signature be removed before~~
31 ~~the petitions are filed with the filing clerk for signature verification.~~

1 If the petition is found to be sufficient, the filing clerk shall attach
2 to the petition a certificate showing the result of such examination. If
3 the requisite number of signatures has not been gathered, the filing
4 clerk shall file the petition in his or her office without prejudice to
5 the filing of a new petition for the same purpose.

6 Sec. 3. Section 32-1546, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 32-1546 (1) Any person who is not, at the time of signing a
9 petition, a registered voter and qualified to sign the petition except as
10 provided for initiative and referendum petitions in section 32-1404 or
11 who signs any name other than his or her own to any petition shall be
12 guilty of a Class I misdemeanor.

13 (2) Any person who falsely swears to a circulator's affidavit on a
14 petition, who accepts money or other things of value for signing a
15 petition, or who offers money or other things of value in exchange for a
16 signature upon any petition shall be guilty of a Class IV felony.

17 (3) Any person who falsifies a letter submitted pursuant to section
18 32-632 or subsection (3) of section 32-1305 or who signs any name other
19 than his or her own to such letter shall be guilty of a Class IV felony.

20 Sec. 4. Original sections 32-632 and 32-1546, Reissue Revised
21 Statutes of Nebraska, and section 32-1305, Revised Statutes Cumulative
22 Supplement, 2022, are repealed.