

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB412

Hearing Date: Tuesday February 03, 2009
Committee On: Urban Affairs
Introducer: Giese
One Liner: Change provisions relating to sanitary and improvement district elections

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Coash, Cook, Friend, Lathrop, Rogert, White
Nay:
Absent: 1 Senator McGill
Present Not Voting:

Proponents: Senator Giese Larry Dix	Representing: Introducer NACO
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Opponents:	Representing:
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Neutral:	Representing:
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Summary of purpose and/or changes:

This bill relates to Sanitary and Improvement Districts (SIDs) proposing to change the date and time for the deadline by which time mail ballots must be received. It is applicable to all sanitary and improvement districts.

This legislation would amend the statute governing the procedure for elections in sanitary and improvements district (Sec. 31-735). SID elections are not conducted pursuant to the general election statutes. All elections are conducted by mail ballot and in years determined by the initial date of formation of the SID (by means of a judgment by the district court).

The initial election of the board of trustees of an SID takes place on the first Tuesday after the second Monday in September at least fifteen months after the judgment forming the SID. Subsequent elections are held on the first Tuesday after the second Monday in September and every two years thereafter. The elections are called by the board of trustees of the SID.

Under current law, the mail-in ballots must be received (returned) to the election commissioner/county clerk no later than "10:00 AM of the first Thursday following the election" (see the last few lines on page seven of the bill).

In LB 412, this is stricken and the new language provides that the ballots must be received "no later than the hour of the closing of the polls on the day of the election established in section 32-908."

Section 32-908 (part of the general election code) provides (in relevant part) that "all elections in the area of this state lying within the Mountain Standard or Mountain Daylight time zone, the polls shall "close at 7 p.m. of the same day, and in the area lying within the Central Standard or Central Daylight time zone, the polls shall "close at 8 p.m. of the same day."

Explanation of amendments:

Since SID elections do not occur on the same day as general elections, the language of the bill raises some questions, simply because reference is made to the general election statutes (which do not govern SID elections). This proposal, as written, would also require election offices to remain open significantly past the end of business and the time when mail deliveries generally occur.

The committee amendment would resolve these concerns by establishing that the ballots must be returned no later than five PM on the date set for the election.

Mike Friend, Chairperson