

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 449

Final Reading

Introduced by Nelson, 6; Lautenbaugh, 18.

Read first time January 14, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Election Act; to amend sections 32-208,
2 32-305, 32-312, 32-615, 32-616, 32-811, 32-903, 32-947,
3 32-948, 32-1203, 32-1303, and 32-1306, Reissue Revised
4 Statutes of Nebraska, and section 32-606, Revised
5 Statutes Cumulative Supplement, 2010; to change
6 provisions relating to election commissioners, deputy
7 registrars, voter registration, filing for office,
8 nominations without opposition, creation of precincts,
9 procedures for voting early, payment of costs of
10 elections, recall petitions, and recall elections; and to
11 repeal the original sections.

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

1 Section 1. Section 32-208, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-208 The election commissioner in counties having a
4 population of more than one hundred thousand inhabitants shall be a
5 registered voter, a resident of such county for at least one year,
6 and of good moral character and integrity and capacity. No person who
7 is a candidate for any elective office or is a deputy, clerk, or
8 employee of any person who is a candidate for any elective office
9 shall be eligible for the office of election commissioner. The
10 election commissioner shall not hold any other elective office ~~and~~
11 ~~shall not be eligible to any elective office or to or become~~ a
12 candidate for an elective office during his or her term of office or
13 within six months after leaving office. An election commissioner may
14 be appointed to an elective office during his or her term of office
15 as election commissioner, and acceptance of such appointment shall be
16 deemed to be his or her resignation from the office of election
17 commissioner.

18 Sec. 2. Section 32-305, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-305 (1) Any registered voter may apply to the election
21 commissioner or county clerk to be appointed as a deputy registrar
22 for the purpose of registering voters. The application form shall be
23 prescribed by the election commissioner, county clerk, or Secretary
24 of State. The election commissioner or county clerk shall make
25 training available for deputy registrars in the county he or she

1 serves. The deputy registrar shall notify the election commissioner
2 or county clerk of the location and time of proposed voter
3 registration and the names and party affiliations of the deputy
4 registrars. ~~at least seventy-two hours prior to required publication~~
5 ~~deadlines.~~ The election commissioner or county clerk, at his or her
6 discretion, may approve or disapprove the deputy registrar's plans
7 for voter registration and shall notify the deputy registrar of such
8 decision.

9 (2) Any person appointed as a deputy registrar shall
10 attend a training session conducted by an election commissioner or
11 county clerk. A person who attends and successfully completes a
12 training session after January 1, 1995, shall be qualified as a
13 deputy registrar for any county in the state and shall receive a
14 certificate verifying successful completion of the training and
15 indicating his or her qualification as a deputy registrar to conduct
16 registration in any county in the state.

17 (3) Before entering upon his or her duties, the deputy
18 registrar shall take and subscribe to the following oath:

19 You do solemnly swear that you will support the
20 Constitution of the United States and the Constitution of Nebraska
21 and will faithfully and impartially perform the duties of the office
22 of deputy registrar according to law and to the best of your ability.

23 (4) ~~Deputy registrars trained after January 1, 1995,~~
24 ~~shall not be required to attend another training session.~~ In order to
25 remain qualified to conduct voter registration as a deputy registrar

1 in any county in this state, a deputy registrar shall complete a
2 training session at least once every three years unless the Secretary
3 of State determines that substantial changes have occurred in the
4 voter registration process requiring additional training. The
5 training session may vary in length but shall not exceed four hours.
6 The Secretary of State shall inspect and review all training
7 programs, procedures, and practices to assure that they relate to the
8 position of a deputy registrar and his or her duties.

9 (5) Any deputy registrar who violates any registration
10 procedure, rule, regulation, or guideline may have his or her status
11 as a deputy registrar revoked by the election commissioner, county
12 clerk, or Secretary of State.

13 Sec. 3. Section 32-312, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 32-312 The registration application prescribed by the
16 Secretary of State pursuant to section 32-311.01 shall provide the
17 instructional statements and request the information from the
18 applicant as provided in this section.

19 CITIZENSHIP—"Are you a citizen of the United States of
20 America?" with boxes to check to indicate whether the applicant is or
21 is not a citizen of the United States.

22 AGE—"Are you at least eighteen years of age or will you
23 be eighteen years of age on or before the first Tuesday following the
24 first Monday of November of this year?" with boxes to check to
25 indicate whether or not the applicant will be eighteen years of age

1 or older on election day.

2 WARNING—"If you checked 'no' in response to either of
3 these questions, do not complete this application."

4 NAME—the name of the applicant giving the first and last
5 name in full, the middle name in full or the middle initial, and the
6 maiden name of the applicant, if applicable.

7 RESIDENCE—the name and number of the street, avenue, or
8 other location of the dwelling where the applicant resides if there
9 is a number. If the registrant resides in a hotel, apartment,
10 tenement house, or institution, such additional information shall be
11 included as will give the exact location of such registrant's place
12 of residence. If the registrant lives in an incorporated or
13 unincorporated area not identified by the use of roads, road names,
14 or house numbers, the registrant shall state the section, township,
15 and range of his or her residence and the corporate name of the
16 school district as described in section 79-405 in which he or she is
17 located.

18 POSTAL ADDRESS—the address at which the applicant
19 receives mail if different from the residence address.

20 ADDRESS OF LAST REGISTRATION—the name and number of the
21 street, avenue, or other location of the dwelling from which the
22 applicant last registered.

23 TELEPHONE NUMBERS—the telephone number of the applicant
24 at work and at home. At the request of the applicant, a designation
25 shall be made that the telephone number is an unlisted number, and

1 such designation shall preclude the listing of the applicant's
2 telephone number on any list of voter registrations.

3 EMAIL ADDRESS—an email address of the applicant. At the
4 request of the applicant, a designation shall be made that the email
5 address is private, and such designation shall preclude the listing
6 of the applicant's email address on any list of voter registrations.

7 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL
8 SECURITY NUMBER—if the applicant has a Nebraska driver's license, the
9 license number, and if the applicant does not have a Nebraska
10 driver's license, the last four digits of the applicant's social
11 security number.

12 DATE OF APPLICATION FOR REGISTRATION—the month, day, and
13 year when the applicant presented himself or herself for registration
14 or when the applicant completed and signed the registration
15 application if the application was submitted by mail or delivered to
16 the election official by the applicant's personal messenger or
17 personal agent.

18 PLACE OF BIRTH—show the state, country, kingdom, empire,
19 or dominion where the applicant was born.

20 DATE OF BIRTH—show the date of the applicant's birth. The
21 applicant shall be at least eighteen years of age or attain eighteen
22 years of age on or before the first Tuesday after the first Monday in
23 November to have the right to register and vote in any election in
24 the present calendar year.

25 REGISTRATION TAKEN BY—show the signature of the

1 authorized official or staff member accepting the application
2 pursuant to section 32-309 or 32-310 or at least one of the deputy
3 registrars taking the application pursuant to section 32-306, if
4 applicable.

5 PARTY AFFILIATION—show the party affiliation of the
6 applicant as Democrat, Republican, or Other or show no party
7 affiliation as Nonpartisan. (Note: If you wish to vote in both
8 partisan and nonpartisan primary elections for state and local
9 offices, you must indicate a political party affiliation on the
10 registration application. If you register without a political party
11 affiliation (nonpartisan), you will receive only the nonpartisan
12 ballots for state and local offices at primary elections. If you
13 register without a political party affiliation, you may vote in
14 partisan primary elections for congressional offices.)

15 OTHER—information the Secretary of State determines will
16 assist in the proper and accurate registration of the voter.

17 Immediately following the spaces for inserting
18 information as provided in this section, the following statement
19 shall be printed:

20 To the best of my knowledge and belief, I declare under
21 penalty of election falsification that:

22 (1) I live in the State of Nebraska at the address
23 provided in this application;

24 (2) I have not been convicted of a felony or, if
25 convicted, it has been at least two years since I completed my

1 sentence for the felony, including any parole term;

2 (3) I have not been officially found to be non compos
3 mentis (mentally incompetent); and

4 (4) I am a citizen of the United States.

5 Any registrant who signs this application knowing that
6 any of the information in the application is false shall be guilty of
7 a Class IV felony under section 32-1502 of the statutes of Nebraska.
8 The penalty for a Class IV felony is up to five years imprisonment, a
9 fine of up to ten thousand dollars, or both.

10 APPLICANT'S SIGNATURE—require the applicant to affix his
11 or her signature to the application.

12 Sec. 4. Section 32-606, Revised Statutes Cumulative
13 Supplement, 2010, is amended to read:

14 32-606 (1) Any candidate may place his or her name on the
15 primary election ballot by filing a candidate filing form prescribed
16 by the Secretary of State as provided in section 32-607. If a
17 candidate for an elective office is an incumbent, the ~~deadline filing~~
18 period for filing the candidate filing form shall be between December
19 1 and February 15 prior to the date of the primary election. No
20 incumbent who resigns from elective office prior to the expiration of
21 his or her term shall file for any office after February 15 of that
22 election year. All other candidates shall file for office ~~by~~ between
23 December 1 and March 1 prior to the date of the primary election. A
24 candidate filing form may be transmitted by facsimile for the offices
25 listed in subdivision (1) of section 32-607 if (a) the transmission

1 is received in the office of the filing officer by the filing
2 deadline and (b) the original filing form is mailed to the filing
3 officer with a legible postmark bearing a date on or prior to the
4 filing deadline and is in the office of the filing officer no later
5 than seven days after the filing deadline.

6 (2) Any candidate for a township office in a county under
7 township organization, the board of trustees of a village, the board
8 of directors of a reclamation district, the county weed district
9 board, the board of directors of a public power district receiving
10 annual gross revenue of less than forty million dollars, the school
11 board of a Class II school district, or the board of an educational
12 service unit may place his or her name on the general election ballot
13 by filing a candidate filing form prescribed by the Secretary of
14 State as provided in section 32-607. If a candidate for an elective
15 office is an incumbent, the ~~deadline~~filing period for filing the
16 candidate filing form shall be between December 1 and July 15 prior
17 to the date of the general election. No incumbent who resigns from
18 elective office prior to the expiration of his or her term shall file
19 for any office after July 15 of that election year. All other
20 candidates shall file for office ~~by~~between December 1 and August 1
21 prior to the date of the general election. A candidate filing form
22 may be transmitted by facsimile for the offices listed in subdivision
23 (1) of section 32-607 if (a) the transmission is received in the
24 office of the filing officer by the filing deadline and (b) the
25 original filing form is mailed to the filing officer with a legible

1 postmark bearing a date on or prior to the filing deadline and is in
2 the office of the filing officer no later than seven days after the
3 filing deadline.

4 (3) Any city having a home rule charter may provide for
5 filing deadlines for any person desiring to be a candidate for the
6 office of council member or mayor.

7 Sec. 5. Section 32-615, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 32-615 Any candidate engaged in or pursuing a write-in
10 campaign shall file a notarized affidavit of his or her intent
11 together with the receipt for any filing fee with the filing officer
12 as provided in section 32-608 no earlier than December 1 and no later
13 than ten days prior to the election. A candidate who has been
14 defeated as a candidate in the primary election or defeated as a
15 write-in candidate in the primary election shall not be eligible as a
16 write-in candidate for the same office in the general election unless
17 a vacancy on the ballot exists pursuant to section 32-625. A
18 candidate who files a notarized affidavit shall be entitled to all
19 write-in votes for the candidate even if only the last name of the
20 candidate has been written if such last name is reasonably close to
21 the proper spelling.

22 Sec. 6. Section 32-616, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 32-616 (1) Any registered voter who was not a candidate
25 in the primary election and who was not registered to vote with a

1 party affiliation on or before March 1 in the calendar year of the
2 general election may have his or her name placed on the general
3 election ballot for a partisan office by filing petitions as
4 prescribed in sections 32-617 to 32-621 or by nomination by political
5 party convention or committee.

6 (2) Any candidate who was defeated in the primary
7 election and any registered voter who was not a candidate in the
8 primary election may have his or her name placed on the general
9 election ballot if a vacancy exists on the ballot under subsection
10 (2) of section 32-625 and the candidate files for the office by
11 petition as prescribed in sections 32-617 and 32-618 or files as a
12 write-in candidate as prescribed in section 32-615.

13 Sec. 7. Section 32-811, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 32-811 (1) If the names of candidates properly filed for
16 nomination at the primary election for directors of natural resources
17 districts, directors of public power districts, directors of
18 reclamation districts, members of the boards of governors of
19 community college areas, members of the boards of Class III or Class
20 V school districts which nominate candidates at a primary election,
21 and officers of cities of the first or second class and cities having
22 a city manager plan of government do not exceed two candidates for
23 each position to be filled, any such candidates shall be declared
24 nominated and their names shall not appear on any primary election
25 ballots. The official abstract of votes kept by the county or state

1 shall show the names of such candidates with the statement Nominated
2 Without Opposition. The election commissioner or county clerk shall
3 place the names of such automatically nominated candidates on the
4 general election ballot as provided in section 32-814.

5 (2) Candidates shall not appear on the ballot in the
6 primary election for the board of directors in public power districts
7 receiving annual gross revenue of less than forty million dollars,
8 for county weed district boards, and for the board of trustees in
9 villages.

10 (3) If the number of candidates for delegates to a county
11 or national political party convention are the same in number or less
12 than the number of candidates to be elected, the names shall not
13 appear on the primary election ballot and those so filed shall
14 receive a certificate of election.

15 Sec. 8. Section 32-903, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 32-903 (1) The election commissioner or county clerk
18 shall create precincts composed of compact and contiguous territory
19 within the boundary lines of legislative districts. The precincts
20 shall contain not less than seventy-five nor more than one thousand
21 seven hundred fifty registered voters based on the number of voters
22 voting at the last statewide general election, except that a precinct
23 may contain less than seventy-five registered voters if in the
24 judgment of the election commissioner or county clerk it is necessary
25 to avoid creating an undue hardship on the registered voters in the

1 precinct. The election commissioner or county clerk shall create
2 precincts based on the number of votes cast at the immediately
3 preceding presidential election or the current list of registered
4 voters for the precinct. The election commissioner or county clerk
5 shall revise and rearrange the precincts and increase or decrease
6 them at such times as may be necessary to make the precincts contain
7 as nearly as practicable not less than seventy-five nor more than one
8 thousand seven hundred fifty registered voters voting at the last
9 statewide general election. The election commissioner or county clerk
10 shall, when necessary and possible, readjust precinct boundaries to
11 coincide with the boundaries of cities, villages, and school
12 districts which are divided into districts or wards for election
13 purposes. The election commissioner or county clerk shall not make
14 any precinct changes in precinct boundaries or divide precincts into
15 two or more parts between the statewide primary and general elections
16 unless he or she has been authorized to do so by the Secretary of
17 State. If changes are authorized, the election commissioner or county
18 clerk shall notify each state and local candidate affected by the
19 change.

20 (2) The election commissioner or county clerk may alter
21 and divide the existing precincts, except that when any city of the
22 first class by ordinance divides any ward of such city into two or
23 more voting districts or polling places, the election commissioner or
24 county clerk shall establish precincts or polling places in
25 conformity with such ordinance. No such alteration or division shall

1 take place between the statewide primary and general elections except
2 as provided in subsection (1) of this section.

3 (3) All precincts and polling places may be consolidated
4 for the use of electronic voting systems into fewer and larger
5 precincts as deemed necessary and advisable by the election
6 commissioner or county clerk. Such precincts, consolidated for
7 electronic voting systems only, may have as many registered voters
8 therein as deemed advisable in the interest of economy and
9 efficiency. At least one electronic voting device shall be provided
10 for every five hundred registered voters voting in the consolidated
11 precinct or polling place at the immediately preceding general
12 election.

13 Sec. 9. Section 32-947, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 32-947 (1) Upon receipt of an application or other
16 request for a ballot to vote early, the election commissioner or
17 county clerk shall determine whether the applicant is a registered
18 voter and is entitled to vote as requested. If the election
19 commissioner or county clerk determines that the applicant is a
20 registered voter entitled to vote early and the application was
21 received at or before 4 p.m. on the Wednesday preceding the election,
22 the election commissioner or county clerk shall deliver a ballot to
23 the applicant in person or by mail, postage paid. The election
24 commissioner or county clerk or any employee of the election
25 commissioner or county clerk shall write or cause to be affixed his

1 or her customary signature or initials on the ballot.

2 (2) An unsealed identification envelope shall be
3 delivered with the ballot, and upon the back of the envelope shall be
4 printed a form substantially as follows:

5 VOTER'S OATH

6 I, the undersigned voter, declare that the enclosed
7 ballot or ballots contained no voting marks of any kind when I
8 received them, and I caused the ballot or ballots to be marked,
9 enclosed in the identification envelope, and sealed in such envelope.

10 To the best of my knowledge and belief, I declare under
11 penalty of election falsification that:

12 (a) I, _____, am a registered voter
13 in _____ County;

14 (b) I reside in the State of Nebraska at ~~the address~~
15 ~~printed below;~~ _____;

16 (c) I have voted the enclosed ballot and am returning it
17 in compliance with Nebraska law; and

18 (d) I have not voted and will not vote in this election
19 except by this ballot.

20 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE
21 INFORMATION IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION
22 FALSIFICATION, A CLASS IV FELONY UNDER SECTION 32-1502 OF THE
23 STATUTES OF NEBRASKA. THE PENALTY FOR ELECTION FALSIFICATION IS
24 IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN
25 THOUSAND DOLLARS, OR BOTH.

1 I also understand that failure to ~~complete~~ the
2 ~~information~~ sign below will invalidate my ballot.

3 Signature

4 ~~Printed Name~~

5 ~~Residence Address~~

6 The primary election ballot, if any, within this envelope
7 is a primary election ballot of the party.

8 Ballots contained in this envelope are for the
9 (primary, general, or special) election to be held on the day
10 of 20.. .

11 (3) If the ballot and identification envelope will be
12 returned by mail or by someone other than the voter, the election
13 commissioner or county clerk shall include with the ballot an
14 identification envelope upon the face of which shall be printed the
15 official title and post office address of the election commissioner
16 or county clerk.

17 (4) The election commissioner or county clerk shall also
18 enclose with the ballot materials:

19 (a) A registration application, if the election
20 commissioner or county clerk has determined that the applicant is not
21 a registered voter pursuant to section 32-945, with instructions that
22 failure to return the completed and signed application indicating the
23 residence address as it appears on the voter's request for a ballot
24 to the election commissioner or county clerk by the close of the
25 polls on election day will result in the ballot not being counted;

1 (b) A registration application and the oath pursuant to
2 section 32-946, if the voter is without a residence address, with
3 instructions that the residence address of the voter shall be deemed
4 that of the office of the election commissioner or county clerk of
5 the county of the voter's prior residence and that failure to return
6 the completed and signed application and oath to the election
7 commissioner or county clerk by the close of the polls on election
8 day will result in the ballot not being counted; or

9 (c) Written instructions directing the voter to submit a
10 copy of an identification document pursuant to section 32-318.01 if
11 the voter is required to present identification under such section
12 and advising the voter that failure to submit identification to the
13 election commissioner or county clerk by the close of the polls on
14 election day will result in the ballot not being counted.

15 (5) The election commissioner or county clerk may enclose
16 with the ballot materials a separate return envelope for the voter's
17 use in returning his or her identification envelope containing the
18 voted ballot, registration application, and other materials that may
19 be required.

20 Sec. 10. Section 32-948, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-948 (1) Upon receipt of an application or request for
23 a ballot to vote early, the election commissioner or county clerk
24 shall enter in the record of early voters the applicant's name,
25 residence address, precinct, and subdivision of the precinct, if any,

1 the mailing address to which the ballots are to be sent if different
2 from the residence address, and the date on which the application was
3 received. The election commissioner or county clerk shall also record
4 other information in the record of early voters as may be necessary
5 to aid in the processing or verification of ballots, including such
6 information as the date ballots and related materials were sent to
7 the voter or picked up in person, the date on which the ballots were
8 voted in person or returned or received by mail, or information as to
9 the reason why a ballot could not be issued or sent.

10 (2) ~~Applications—The record of early voters and~~
11 applications for such ballots shall be open to public inspection
12 prior to the election. ~~The record of early voters and all~~
13 ~~applications for such ballots shall be open to public inspection upon~~
14 ~~completion of the election.~~ The election commissioner or county clerk
15 shall make an entry in the voter's registration record indicating
16 that the voter has voted early in the election.

17 Sec. 11. Section 32-1203, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 32-1203 (1) Each city, village, school district, public
20 power district, sanitary and improvement district, metropolitan
21 utilities district, fire district, natural resources district,
22 community college area, learning community coordinating council,
23 educational service unit, hospital district, reclamation district,
24 and library board shall pay for the costs of nominating and electing
25 its officers as provided in subsection (2), (3), or (4) of this

1 section. If a special issue is placed on the ballot at the time of
2 the statewide primary or general election by any political
3 subdivision, the political subdivision shall pay for the costs of the
4 election as provided in subsection (2), (3), or (4) of this section.
5 The districts listed in this subsection shall furnish to the
6 Secretary of State and election commissioner or county clerk any maps
7 and additional information which the election commissioner or county
8 clerk may require in the proper performance of their duties in the
9 conduct of elections and certification of results.

10 (2) The charge for each primary and general election
11 shall be determined by (a) ascertaining the total cost of all
12 chargeable costs as described in section 32-1202, (b) dividing the
13 total cost by the number of precincts participating in the election
14 to fix the cost per precinct, (c) prorating the cost per precinct by
15 the inked ballot inch in each precinct for each political
16 subdivision, and (d) totaling the cost for each precinct for each
17 political subdivision, except that the minimum charge for each
18 primary and general election for each political subdivision shall be
19 fifty dollars.

20 (3) In lieu of the charge determined pursuant to
21 subsection (2) of this section, the election commissioner or county
22 clerk may charge public power districts the fee for election costs
23 set by section 70-610.

24 (4) In lieu of the charge determined pursuant to
25 subsection (2) of this section, the election commissioner or county

1 clerk may bill school districts directly for the costs of an election
2 held under section 10-703.01.

3 Sec. 12. Section 32-1303, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-1303 (1) A petition demanding that the question of
6 removing an elected official or member of a governing body listed in
7 section 32-1302 be submitted to the registered voters shall be signed
8 by registered voters equal in number to at least thirty-five percent
9 of the total vote cast for that office in the last general election,
10 except that (a) for an office for which more than one candidate is
11 chosen, the petition shall be signed by registered voters equal in
12 number to at least thirty-five percent of the number of votes cast
13 for the person receiving the most votes for such office in the last
14 general election, (b) for a member of a board of a Class I school
15 district, the petition shall be signed by registered voters of the
16 school district equal in number to at least twenty-five percent of
17 the total number of registered voters residing in the district on the
18 date that the recall petitions are first checked out from the filing
19 clerk by the principal circulator, and (c) for a member of a
20 governing body of a village, the petition shall be signed by
21 registered voters equal in number to at least forty-five percent of
22 the total vote cast for the person receiving the most votes for that
23 office in the last general election. The signatures shall be affixed
24 to petition papers and shall be considered part of the petition.

25 (2) Petition circulators shall conform to the

1 requirements of sections 32-629 and 32-630.

2 (3) The petition papers shall be procured from the filing
3 clerk. Prior to the issuance of such petition papers, an affidavit
4 shall be signed and filed with the filing clerk by at least one
5 registered voter. Such voter or voters shall be deemed to be the
6 principal circulator or circulators of the recall petition. The
7 affidavit shall state the name and office of the official sought to
8 be removed, shall include in typewritten form in concise language of
9 sixty words or less the reason or reasons for which recall is sought,
10 and shall request that the filing clerk issue initial petition papers
11 to the principal circulator for circulation. The filing clerk shall
12 notify the official sought to be removed by any method specified in
13 section 25-505.01 or, if notification cannot be made with reasonable
14 diligence by any of the methods specified in section 25-505.01, by
15 leaving a copy of the affidavit at the official's usual place of
16 residence and mailing a copy by first-class mail to the official's
17 last-known address. If the official chooses, he or she may submit a
18 defense statement in typewritten form in concise language of sixty
19 words or less for inclusion on the petition. Any such defense
20 statement shall be submitted to the filing clerk within twenty days
21 after the official receives the copy of the affidavit. The principal
22 circulator or circulators shall gather the petition papers within
23 twenty days after the receipt of the official's defense statement.
24 The filing clerk shall notify the principal circulator or circulators
25 that the necessary signatures must be gathered within thirty days

1 from the date of issuing the petitions.

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

13 (5) Petition signers shall conform to the requirements of
14 sections 32-629 and 32-630. Each signer of a recall petition shall be
15 a registered voter and qualified by his or her place of residence to
16 vote for the office in question.

17 Sec. 13. Section 32-1306, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 32-1306 (1) If the recall petition is found to be
20 sufficient, the filing clerk shall notify the official whose removal
21 is sought and the governing body of the affected political
22 subdivision that sufficient signatures have been gathered.
23 Notification of the official sought to be removed may be by any
24 method specified in section 25-505.01 or, if notification cannot be
25 made with reasonable diligence by any of the methods specified in

1 section 25-505.01, by leaving such notice at the official's usual
2 place of residence and mailing a copy by first-class mail to the
3 official's last-known address.

4 (2) The governing body of the political subdivision shall
5 order an election to be held not less than thirty nor more than
6 ~~forty five~~ seventy-five days after the notification of the official
7 whose removal is sought under subsection (1) of this section, except
8 that if any other election is to be held in that political
9 subdivision within ninety days after such notification, the governing
10 body of the political subdivision shall provide for the holding of
11 the recall election on the same day. All resignations shall be
12 tendered as provided in section 32-562. If the official whose removal
13 is sought resigns before the recall election is held, the governing
14 body may cancel the recall election if the governing body notifies
15 the election commissioner or county clerk of the cancellation at
16 least sixteen days prior to the election, otherwise the recall
17 election shall be held as scheduled.

18 (3) If the governing body of the political subdivision
19 fails or refuses to order a recall election within the time required,
20 the election may be ordered by the district court having jurisdiction
21 over a county in which the elected official serves. If a filing clerk
22 is subject to a recall election, the Secretary of State shall conduct
23 the recall election.

24 Sec. 14. Original sections 32-208, 32-305, 32-312,
25 32-615, 32-616, 32-811, 32-903, 32-947, 32-948, 32-1203, 32-1303, and

- 1 32-1306, Reissue Revised Statutes of Nebraska, and section 32-606,
- 2 Revised Statutes Cumulative Supplement, 2010, are repealed.