

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 858

Introduced by Engel, 17.

Read first time January 11, 2008

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Election Act; to amend sections 32-1301
2 and 32-1302, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to the applicability of the
4 recall process; to harmonize provisions; and to repeal
5 the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-1301, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-1301 For purposes of sections 32-1301 to 32-1309,
4 filing clerk shall mean the election commissioner or county clerk
5 for recall of elected officers of cities, villages, counties,
6 ~~irrigation districts,~~ natural resources districts, public power
7 districts, school districts, community college areas, educational
8 service units, hospital districts, and metropolitan utilities
9 districts.

10 Sec. 2. Section 32-1302, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-1302 (1) Except for trustees of sanitary and
13 improvement districts and officials elected at an annual meeting
14 of a political subdivision, any elected official of a political
15 subdivision and any elected member of the governing bodies of
16 cities, villages, counties, ~~irrigation districts,~~ natural resources
17 districts, public power districts, school districts, community
18 college areas, educational service units, hospital districts, and
19 metropolitan utilities districts may be removed from office by
20 recall pursuant to sections 32-1301 to 32-1309. A trustee of a
21 sanitary and improvement district may be removed from office by
22 recall pursuant to sections 31-786 to 31-793.

23 (2) If due to reapportionment the boundaries of the area
24 served by the official or body change, the recall procedure and
25 special election provisions of sections 32-1301 to 32-1309 shall

1 apply to the registered voters within the boundaries of the new
2 area.

3 (3) The recall procedure and special election provisions
4 of such sections shall apply to members of the governing bodies
5 listed in subsection (1) of this section, other than sanitary and
6 improvement districts, who are elected by precinct, district, or
7 subdistrict of the political subdivision. Only registered voters of
8 such member's precinct, district, or subdistrict may sign a recall
9 petition or vote at the recall election. The recall election shall
10 be held within the member's precinct, district, or subdistrict.
11 When an elected member is nominated by precinct, district, or
12 subdistrict in the primary election and elected at large in
13 the general election, the recall provisions shall apply to the
14 registered voters at the general election.

15 (4) The recall procedure and special election provisions
16 shall apply to the mayor and members of the city council
17 of municipalities with a home rule charter notwithstanding any
18 contrary provisions of the home rule charter.

19 Sec. 3. Original sections 32-1301 and 32-1302, Reissue
20 Revised Statutes of Nebraska, are repealed.