

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 449

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 32-219, 32-305, 32-312, 32-615, 32-617, 32-811, 32-903,
3 32-910, 32-913, 32-947, 32-948, 32-1203, 32-1303, and
4 32-1306, Reissue Revised Statutes of Nebraska, and
5 section 32-606, Revised Statutes Cumulative Supplement,
6 2010; to change provisions relating to election
7 commissioners, deputy election commissioners, deputy
8 registrars, voter registration, filing for office,
9 nominations by petition, nominations without opposition,
10 creation of precincts, access to polling places,
11 inspection of election records, procedures for voting
12 early, payment of costs of elections, recall petitions,
13 and recall elections; and to repeal the original
14 sections.

15 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 become a candidate~~
12 ~~for an elective office during his or her term of office, or within~~
13 ~~six months after leaving office.~~

14 Sec. 2. Section 32-219, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 32-219 The election commissioner and chief deputy
17 election commissioner, once appointed, qualified, bonded, and sworn
18 into office, and the county clerk acting as the election officer,
19 shall not hold a political party office or be a member or officer of
20 a candidate committee for any candidate seeking public office. This
21 section shall not prohibit an election commissioner, a chief deputy
22 election commissioner, or a county clerk acting as the election
23 officer from participating in his or her own election or reelection
24 campaign or fundraisers. This section shall not be construed to
25 preclude an election commissioner, a chief deputy election

1 commissioner, or a county clerk from being a delegate to a county,
2 state, or national political party convention.

3 Sec. 3. Section 32-305, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-305 (1) Any registered voter may apply to the election
6 commissioner or county clerk to be appointed as a deputy registrar
7 for the purpose of registering voters. The application form shall be
8 prescribed by the election commissioner, county clerk, or Secretary
9 of State. The election commissioner or county clerk shall make
10 training available for deputy registrars in the county he or she
11 serves. The deputy registrar shall notify the election commissioner
12 or county clerk of the location and time of proposed voter
13 registration and the names and party affiliations of the deputy
14 registrars. ~~at least seventy two hours prior to required publication~~
15 ~~deadlines.~~ The election commissioner or county clerk, at his or her
16 discretion, may approve or disapprove the deputy registrar's plans
17 for voter registration and shall notify the deputy registrar of such
18 decision.

19 (2) Any person appointed as a deputy registrar shall
20 attend a training session conducted by an election commissioner or
21 county clerk. A person who attends and successfully completes a
22 training session after January 1, 1995, shall be qualified as a
23 deputy registrar for any county in the state and shall receive a
24 certificate verifying successful completion of the training and
25 indicating his or her qualification as a deputy registrar to conduct

1 registration in any county in the state.

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

4 You do solemnly swear that you will support the
5 Constitution of the United States and the Constitution of Nebraska
6 and will faithfully and impartially perform the duties of the office
7 of deputy registrar according to law and to the best of your ability.

8 ~~(4) Deputy registrars trained after January 1, 1995,~~
9 ~~shall not be required to attend another training session.~~ In order to
10 remain qualified to conduct voter registration as a deputy registrar
11 in any county in this state, a deputy registrar shall complete a
12 training session at least once every three years unless the Secretary
13 of State determines that substantial changes have occurred in the
14 voter registration process requiring additional training. The
15 training session may vary in length but shall not exceed four hours.
16 The Secretary of State shall inspect and review all training
17 programs, procedures, and practices to assure that they relate to the
18 position of a deputy registrar and his or her duties.

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

23 Sec. 4. Section 32-312, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-312 The registration application prescribed by the

1 Secretary of State pursuant to section 32-311.01 shall provide the
2 instructional statements and request the information from the
3 applicant as provided in this section.

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

7 AGE—"Are you at least eighteen years of age or will you
8 be eighteen years of age on or before the first Tuesday following the
9 first Monday of November of this year?" with boxes to check to
10 indicate whether or not the applicant will be eighteen years of age
11 or older on election day.

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

14 NAME—the name of the applicant giving the first and last
15 name in full, the middle name in full or the middle initial, and the
16 maiden name of the applicant, if applicable.

17 RESIDENCE—the name and number of the street, avenue, or
18 other location of the dwelling where the applicant resides if there
19 is a number. If the registrant resides in a hotel, apartment,
20 tenement house, or institution, such additional information shall be
21 included as will give the exact location of such registrant's place
22 of residence. If the registrant lives in an incorporated or
23 unincorporated area not identified by the use of roads, road names,
24 or house numbers, the registrant shall state the section, township,
25 and range of his or her residence and the corporate name of the

1 school district as described in section 79-405 in which he or she is
2 located.

3 POSTAL ADDRESS—the address at which the applicant
4 receives mail if different from the residence address.

5 ADDRESS OF LAST REGISTRATION—the name and number of the
6 street, avenue, or other location of the dwelling from which the
7 applicant last registered.

8 TELEPHONE NUMBERS—the telephone number of the applicant
9 at work and at home. At the request of the applicant, a designation
10 shall be made that the telephone number is an unlisted number, and
11 such designation shall preclude the listing of the applicant's
12 telephone number on any list of voter registrations.

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

17 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL
18 SECURITY NUMBER—if the applicant has a Nebraska driver's license, the
19 license number, and if the applicant does not have a Nebraska
20 driver's license, the last four digits of the applicant's social
21 security number.

22 DATE OF APPLICATION FOR REGISTRATION—the month, day, and
23 year when the applicant presented himself or herself for registration
24 or when the applicant completed and signed the registration
25 application if the application was submitted by mail or delivered to

1 the election official by the applicant's personal messenger or
2 personal agent.

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

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

10 REGISTRATION TAKEN BY—show the signature of the
11 authorized official or staff member accepting the application
12 pursuant to section 32-309 or 32-310 or at least one of the deputy
13 registrars taking the application pursuant to section 32-306, if
14 applicable.

15 PARTY AFFILIATION—show the party affiliation of the
16 applicant as Democrat, Republican, or Other or show no party
17 affiliation as Nonpartisan. (Note: If you wish to vote in both
18 partisan and nonpartisan primary elections for state and local
19 offices, you must indicate a political party affiliation on the
20 registration application. If you register without a political party
21 affiliation (nonpartisan), you will receive only the nonpartisan
22 ballots for state and local offices at primary elections. If you
23 register without a political party affiliation, you may vote in
24 partisan primary elections for congressional offices.)

25 OTHER—information the Secretary of State determines will

1 assist in the proper and accurate registration of the voter.

2 Immediately following the spaces for inserting
3 information as provided in this section, the following statement
4 shall be printed:

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

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

9 (2) I have not been convicted of a felony or, if
10 convicted, it has been at least two years since I completed my
11 sentence for the felony, including any parole term;

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

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

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

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

22 Sec. 5. Section 32-606, Revised Statutes Cumulative
23 Supplement, 2010, is amended to read:

24 32-606 (1) Any candidate may place his or her name on the
25 primary election ballot by filing a candidate filing form prescribed

1 by the Secretary of State as provided in section 32-607. If a
2 candidate for an elective office is an incumbent, the ~~deadline-filing~~
3 period for filing the candidate filing form shall be between December
4 15 and February 15 prior to the date of the primary election. No
5 incumbent who resigns from elective office prior to the expiration of
6 his or her term shall file for any office after February 15 of that
7 election year. All other candidates shall file for office ~~by~~ between
8 December 15 and March 1 prior to the date of the primary election. A
9 candidate filing form may be transmitted by facsimile for the offices
10 listed in subdivision (1) of section 32-607 if (a) the transmission
11 is received in the office of the filing officer by the filing
12 deadline and (b) the original filing form is mailed to the filing
13 officer with a legible postmark bearing a date on or prior to the
14 filing deadline and is in the office of the filing officer no later
15 than seven days after the filing deadline.

16 (2) Any candidate for a township office in a county under
17 township organization, the board of trustees of a village, the board
18 of directors of a reclamation district, the county weed district
19 board, the board of directors of a public power district receiving
20 annual gross revenue of less than forty million dollars, the school
21 board of a Class II school district, or the board of an educational
22 service unit may place his or her name on the general election ballot
23 by filing a candidate filing form prescribed by the Secretary of
24 State as provided in section 32-607. If a candidate for an elective
25 office is an incumbent, the ~~deadline-filing period~~ for filing the

1 candidate filing form shall be between December 15 and July 15 prior
2 to the date of the general election. No incumbent who resigns from
3 elective office prior to the expiration of his or her term shall file
4 for any office after July 15 of that election year. All other
5 candidates shall file for office ~~by~~ between December 15 and August 1
6 prior to the date of the general election. A candidate filing form
7 may be transmitted by facsimile for the offices listed in subdivision
8 (1) of section 32-607 if (a) the transmission is received in the
9 office of the filing officer by the filing deadline and (b) the
10 original filing form is mailed to the filing officer with a legible
11 postmark bearing a date on or prior to the filing deadline and is in
12 the office of the filing officer no later than seven days after the
13 filing deadline.

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

17 (3) Any candidate for an office in a city having a home
18 rule charter may place his or her name on the primary election ballot
19 by filing a candidate filing form. If a candidate for an elective
20 office is an incumbent, the filing period for filing the candidate
21 filing form shall be between December 15 and February 15 prior to the
22 date of the primary election. No incumbent who resigns from elective
23 office prior to the expiration of his or her term shall file for any
24 office after February 15 of that election year. All other candidates
25 shall file for office between December 15 and March 1 prior to the

1 date of the primary election.

2 Sec. 6. Section 32-615, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-615 Any candidate engaged in or pursuing a write-in
5 campaign shall file a notarized affidavit of his or her intent
6 together with the receipt for any filing fee with the filing officer
7 as provided in section 32-608 no earlier than December 15 and no
8 later than ten days prior to the election. A candidate who has been
9 defeated as a candidate in the primary election or defeated as a
10 write-in candidate in the primary election shall not be eligible as a
11 write-in candidate for the same office in the general election unless
12 a vacancy on the ballot exists pursuant to section 32-625. A
13 candidate who files a notarized affidavit shall be entitled to all
14 write-in votes for the candidate even if only the last name of the
15 candidate has been written if such last name is reasonably close to
16 the proper spelling.

17 Sec. 7. Section 32-617, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 32-617 (1) Petitions for nomination for partisan and
20 nonpartisan offices shall conform to the requirements of section
21 32-628. Petitions shall state the office to be filled and the name
22 and address of the candidate. Petitions for partisan office shall
23 also indicate the party affiliation of the candidate. A person
24 registered with a political party as of March 1 in the year of the
25 general election shall not be eligible for nomination by petition for

1 a partisan office. Petitions shall be signed by registered voters
2 residing in the district or political subdivision in which the
3 officer is to be elected and shall be filed with the filing officer
4 in the same manner as provided for candidate filing forms in section
5 32-607. Petition signers and petition circulators shall conform to
6 the requirements of sections 32-629 and 32-630. No petition for
7 nomination shall be filed unless there is attached thereto a receipt
8 showing the payment of the filing fee required pursuant to section
9 32-608. Such petitions shall be filed by September 1 in the year of
10 the general election.

11 (2) The filing officer shall verify the signatures
12 according to section 32-631. Within three days after the signatures
13 on a petition for nomination have been verified pursuant to such
14 section and the filing officer has determined that pursuant to
15 section 32-618 a sufficient number of registered voters signed the
16 petitions, the filing officer shall notify the candidate so nominated
17 by registered or certified mail, and the candidate shall, within five
18 days after the date of receiving such notification, file with such
19 officer his or her acceptance of the nomination or his or her name
20 will not be printed on the ballot.

21 (3) A candidate placed on the ballot by petition shall be
22 termed a candidate by petition. The words BY PETITION shall be
23 printed upon the ballot after the name of each candidate by petition.

24 Sec. 8. Section 32-811, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 32-811 (1) If the names of candidates properly filed for
2 nomination at the primary election for directors of natural resources
3 districts, directors of public power districts, directors of
4 reclamation districts, members of the boards of governors of
5 community college areas, members of the boards of Class III or Class
6 V school districts which nominate candidates at a primary election,
7 and officers of cities of the first or second class and cities having
8 a city manager plan of government do not exceed two candidates for
9 each position to be filled, any such candidates shall be declared
10 nominated and their names shall not appear on any primary election
11 ballots. The official abstract of votes kept by the county or state
12 shall show the names of such candidates with the statement Nominated
13 Without Opposition. The election commissioner or county clerk shall
14 place the names of such automatically nominated candidates on the
15 general election ballot as provided in section 32-814.

16 (2) Candidates shall not appear on the ballot in the
17 primary election for the board of directors in public power districts
18 receiving annual gross revenue of less than forty million dollars,
19 for county weed district boards, and for the board of trustees in
20 villages.

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

1 Sec. 9. Section 32-903, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-903 (1) The election commissioner or county clerk
4 shall create precincts composed of compact and contiguous territory
5 within the boundary lines of legislative districts. The precincts
6 shall contain not less than seventy-five nor more than ~~one~~three
7 thousand registered voters based on the number of voters voting at
8 the last statewide general election, except that a precinct may
9 contain less than seventy-five registered voters if in the judgment
10 of the election commissioner or county clerk it is necessary to avoid
11 creating an undue hardship on the registered voters in the precinct.
12 The election commissioner or county clerk shall create precincts
13 based on the number of votes cast at the immediately preceding
14 presidential election or the current list of registered voters for
15 the precinct. The election commissioner or county clerk shall revise
16 and rearrange the precincts and increase or decrease them at such
17 times as may be necessary to make the precincts contain as nearly as
18 practicable not less than seventy-five nor more than ~~one~~three
19 thousand registered voters voting at the last statewide general
20 election. The election commissioner or county clerk shall, when
21 necessary and possible, readjust precinct boundaries to coincide with
22 the boundaries of cities, villages, and school districts which are
23 divided into districts or wards for election purposes. The election
24 commissioner or county clerk shall not make any precinct changes in
25 precinct boundaries or divide precincts into two or more parts

1 between the statewide primary and general elections unless he or she
2 has been authorized to do so by the Secretary of State. If changes
3 are authorized, the election commissioner or county clerk shall
4 notify each state and local candidate affected by the change.

5 (2) The election commissioner or county clerk may alter
6 and divide the existing precincts, except that when any city of the
7 first class by ordinance divides any ward of such city into two or
8 more voting districts or polling places, the election commissioner or
9 county clerk shall establish precincts or polling places in
10 conformity with such ordinance. No such alteration or division shall
11 take place between the statewide primary and general elections except
12 as provided in subsection (1) of this section.

13 (3) All precincts and polling places may be consolidated
14 for the use of electronic voting systems into fewer and larger
15 precincts as deemed necessary and advisable by the election
16 commissioner or county clerk. Such precincts, consolidated for
17 electronic voting systems only, may have as many registered voters
18 therein as deemed advisable in the interest of economy and
19 efficiency. At least one electronic voting device shall be provided
20 for every five hundred registered voters voting in the consolidated
21 precinct or polling place at the immediately preceding general
22 election.

23 Sec. 10. Section 32-910, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-910 Any judge or clerk of election, precinct or

1 district inspector, sheriff, or other peace officer shall clear the
2 passageways and prevent obstruction of the doors or entries and
3 provide free ingress to and egress from the polling place or building
4 and shall arrest any person obstructing such passageways. Other than
5 a registered voter engaged in receiving, preparing, or marking a
6 ballot, an election commissioner, a county clerk, a precinct
7 inspector, a district inspector, a judge of election, a clerk of
8 election, a person inspecting the list of registered voters or sign-
9 in register, or a member of a counting board, no person shall be
10 permitted to be within eight feet of the ballot boxes or within eight
11 feet of any ballots being counted by a counting board.

12 Sec. 11. Section 32-913, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 32-913 (1) The clerks of election shall have a list of
15 registered voters of the precinct and a sign-in register at the
16 polling place on election day. The list of registered voters shall be
17 used for guidance on election day and may be in the form of a
18 computerized, typed, or handwritten list or precinct registration
19 cards. Registered voters of the precinct shall place and record their
20 signature in the sign-in register before receiving any ballot. The
21 list of registered voters and the sign-in register may be combined
22 into one document at the discretion of the election commissioner or
23 county clerk. If a combined document is used, a clerk of election may
24 list the names of the registered voters in a separate book in the
25 order in which they voted.

1 (2) The clerks of election shall make the list of
2 registered voters and sign-in register available for inspection on
3 election day during the hours the polls are open if it does not
4 interfere with the process of voting.

5 ~~(2)~~(3) Within twenty-four hours after the polls close in
6 the precinct, the precinct inspector or one of the judges of election
7 shall deliver the precinct list of registered voters and the precinct
8 sign-in register to the election commissioner or county clerk. The
9 election commissioner or county clerk shall file and preserve the
10 list and register. No member of a receiving board who has custody or
11 charge of the precinct list of registered voters and the precinct
12 sign-in register shall permit the list or register to leave his or
13 her possession from the time of receipt until he or she delivers them
14 to another member of the receiving board or to the precinct inspector
15 or judge of election for delivery to the election commissioner or
16 county clerk.

17 Sec. 12. Section 32-947, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 32-947 (1) Upon receipt of an application or other
20 request for a ballot to vote early, the election commissioner or
21 county clerk shall determine whether the applicant is a registered
22 voter and is entitled to vote as requested. If the election
23 commissioner or county clerk determines that the applicant is a
24 registered voter entitled to vote early and the application was
25 received at or before 4 p.m. on the Wednesday preceding the election,

1 the election commissioner or county clerk shall deliver a ballot to
 2 the applicant in person or by mail, postage paid. The election
 3 commissioner or county clerk or any employee of the election
 4 commissioner or county clerk shall write or cause to be affixed his
 5 or her customary signature or initials on the ballot.

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

9 VOTER'S OATH

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

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

16 (a) I, _____, am a registered voter
 17 in _____ County;

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

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

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

24 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE
 25 INFORMATION IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION

1 FALSIFICATION, A CLASS IV FELONY UNDER SECTION 32-1502 OF THE
2 STATUTES OF NEBRASKA. THE PENALTY FOR ELECTION FALSIFICATION IS
3 IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN
4 THOUSAND DOLLARS, OR BOTH.

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

7 Signature

8 ~~Printed Name~~

9 ~~Residence Address~~

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

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

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

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

23 (a) A registration application, if the election
24 commissioner or county clerk has determined that the applicant is not
25 a registered voter pursuant to section 32-945, with instructions that

1 failure to return the completed and signed application indicating the
2 residence address as it appears on the voter's request for a ballot
3 to the election commissioner or county clerk by the close of the
4 polls on election day will result in the ballot not being counted;

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

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

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

24 Sec. 13. Section 32-948, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 32-948 (1) Upon receipt of an application or request for
2 a ballot to vote early, the election commissioner or county clerk
3 shall enter in the record of early voters the applicant's name,
4 residence address, precinct, and subdivision of the precinct, if any,
5 the mailing address to which the ballots are to be sent if different
6 from the residence address, and the date on which the application was
7 received. The election commissioner or county clerk shall also record
8 other information in the record of early voters as may be necessary
9 to aid in the processing or verification of ballots, including such
10 information as the date ballots and related materials were sent to
11 the voter or picked up in person, the date on which the ballots were
12 voted in person or returned or received by mail, or information as to
13 the reason why a ballot could not be issued or sent.

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

21 Sec. 14. Section 32-1203, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 32-1203 (1) Each city, village, school district, public
24 power district, sanitary and improvement district, metropolitan
25 utilities district, fire district, natural resources district,

1 community college area, learning community coordinating council,
2 educational service unit, hospital district, reclamation district,
3 and library board shall pay for the costs of nominating and electing
4 its officers as provided in subsection (2), (3), or (4) of this
5 section. If a special issue is placed on the ballot at the time of
6 the statewide primary or general election by any political
7 subdivision, the political subdivision shall pay for the costs of the
8 election as provided in subsection (2), (3), or (4) of this section.
9 The districts listed in this subsection shall furnish to the
10 Secretary of State and election commissioner or county clerk any maps
11 and additional information which the election commissioner or county
12 clerk may require in the proper performance of their duties in the
13 conduct of elections and certification of results.

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

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

1 clerk may charge public power districts the fee for election costs
2 set by section 70-610.

3 (4) In lieu of the charge determined pursuant to
4 subsection (2) of this section, the election commissioner or county
5 clerk may bill school districts directly for the costs of an election
6 held under section 10-703.01.

7 Sec. 15. Section 32-1303, Reissue Revised Statutes of
8 Nebraska, is amended to read:

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

1 the total vote cast for the person receiving the most votes for that
2 office in the last general election. The signatures shall be affixed
3 to petition papers and shall be considered part of the petition.

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

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

1 circulator or circulators shall gather the petition pages within
2 twenty days after the receipt of the official's defense statement.

3 The filing clerk shall notify the principal circulator or circulators
4 that the necessary signatures must be gathered within thirty days
5 from the date of issuing the petitions.

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

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

21 Sec. 16. Section 32-1306, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 32-1306 (1) If the recall petition is found to be
24 sufficient, the filing clerk shall notify the official whose removal
25 is sought and the governing body of the affected political

1 subdivision that sufficient signatures have been gathered.
2 Notification of the official sought to be removed may be by any
3 method specified in section 25-505.01 or, if notification cannot be
4 made with reasonable diligence by any of the methods specified in
5 section 25-505.01, by leaving such notice at the official's usual
6 place of residence and mailing a copy by first-class mail to the
7 official's last-known address.

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

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

1 is subject to a recall election, the Secretary of State shall conduct
2 the recall election.

3 Sec. 17. Original sections 32-208, 32-219, 32-305,
4 32-312, 32-615, 32-617, 32-811, 32-903, 32-910, 32-913, 32-947,
5 32-948, 32-1203, 32-1303, and 32-1306, Reissue Revised Statutes of
6 Nebraska, and section 32-606, Revised Statutes Cumulative Supplement,
7 2010, are repealed.