

LEGISLATIVE BILL 311

Approved by the Governor March 7, 2013

Introduced by Scheer, 19.

FOR AN ACT relating to official bonds and oaths; to amend sections 11-105 and 11-115, Reissue Revised Statutes of Nebraska; to change provisions relating to filing requirements; and to repeal the original sections.

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

Section 1. Section 11-105, Reissue Revised Statutes of Nebraska, is amended to read:

11-105 (1) Official bonds, with the oath endorsed thereon, shall be filed in the proper office within the following time:

(a) Of all officers elected at any general election, following receipt of their election certificate and not later than ten days before the first Thursday after the first Tuesday in January next succeeding the election;

(b) Of all appointed officers, within thirty days after their appointment; and

(c) Of all officers elected at any special election, and city and village officers, within thirty days after the canvass of the votes of the election at which they were chosen.

(2) The filing of the bond with the oath endorsed thereon does not authorize a person to take any official action prior to the beginning of his or her term of office pursuant to Article XVII, section 5, of the Constitution of Nebraska.

(3) In counties which provide a bond for county officers pursuant to subdivision (22) of section 11-119, such county officers are not required to comply with the timing requirements of subsection (1) of this section with regard to their official bond but shall file their oaths of office in the proper offices prior to the beginning of their terms of office.

Sec. 2. Section 11-115, Reissue Revised Statutes of Nebraska, is amended to read:

11-115 ~~If any person elected or appointed to any office shall neglect~~ neglects to have his or her official bond executed and approved as provided by law, and filed for record within the time limited by sections 11-101 to 11-122, the officer with whom the bond is required to be filed shall immediately issue an order to such person to show cause why he or she has failed to properly file such bond and why his or her office should not be declared vacant. If such person properly files the official bond within ten days of the issuance of the show cause order for appointed officials or before the date for taking office for elected officials, such filing shall be deemed to be in compliance with sections 11-101 to 11-122. If such person does not file the bond within ten days of the issuance of such order for appointed officials or before the date for taking office for elected officials, and sufficient cause is not shown within that time, his or her office shall thereupon ipso facto become vacant, and such vacancy shall thereupon immediately be filled by election or appointment as the law may direct in other cases of vacancy in the same office. This section does not apply to county officers covered pursuant to subdivision (22) of section 11-119.

Sec. 3. Original sections 11-105 and 11-115, Reissue Revised Statutes of Nebraska, are repealed.