

AMENDMENTS TO LB874

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 32-570, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 32-570 (1) A vacancy in the membership of a school board shall occur
6 as set forth in section 32-560 or in the case of absences, unless excused
7 by a majority of the remaining members of the board, when a member is
8 absent from the district for a continuous period of sixty days at one
9 time or from more than two consecutive regular meetings of the board. The
10 resignation of a member or any other reason for a vacancy shall be made a
11 part of the minutes of the school board. The school board shall give
12 notice of the date the vacancy occurred, the office vacated, and the
13 length of the unexpired term (a) in writing to the election commissioner
14 or county clerk and (b) by a notice published in a newspaper of general
15 circulation in the school district.

16 (2) A person appointed to fill a vacancy on the school board of a
17 Class I school district by the remaining members of the board shall hold
18 office until the beginning of the next school year. A board member of a
19 Class I school district elected to fill a vacancy at a regular or special
20 school district meeting shall serve for the remainder of the unexpired
21 term or until a successor is elected and qualified.

22 (3) Except as provided in subsection (4) of this section, a vacancy
23 in the membership of a school board of a Class II, III, IV, V, or VI
24 school district resulting from any cause other than the expiration of a
25 term shall be filled by appointment of a qualified registered voter by
26 the remaining members of the board. ~~If the vacancy occurs in a Class II~~
27 ~~school district prior to July 1 preceding the general election in the~~

1 ~~middle of the vacated term, the appointee shall serve until a registered~~
2 ~~voter is elected at such general election for the remainder of the~~
3 ~~unexpired term. If the vacancy occurs in a Class III, IV, or VI school~~
4 ~~district prior to February 1 preceding the general election in the middle~~
5 ~~of the vacated term, the appointee shall serve until a registered voter~~
6 ~~is nominated at the next primary election and elected at the following~~
7 ~~general election for the remainder of the unexpired term. If the vacancy~~
8 ~~occurs on or after the applicable deadline, the appointment shall be for~~
9 ~~the remainder of the unexpired term. A registered voter appointed or~~
10 ~~elected pursuant to this subsection shall meet the same requirements as~~
11 ~~the member whose office is vacant.~~

12 (4) Any vacancy in the membership of a school board of a school
13 district described in section 79-549 which does not nominate candidates
14 at a primary election and elect members at the following general election
15 shall be filled by appointment of a qualified registered voter by the
16 remaining members of the board. ~~If the vacancy occurs at least twenty~~
17 ~~days prior to the first regular caucus to be held during the term that~~
18 ~~was vacated, the appointee shall serve until a registered voter is~~
19 ~~nominated and elected to fill the vacancy for the remainder of the term~~
20 ~~in the manner provided for nomination and election of board members in~~
21 ~~the district. If the vacancy occurred less than twenty days prior to the~~
22 ~~first regular caucus and at least twenty days prior to the second regular~~
23 ~~caucus to be held during the term that was vacated, the appointee shall~~
24 ~~serve until a registered voter is nominated and elected to fill the~~
25 ~~vacancy for the remainder of the term in the manner provided for~~
26 ~~nomination and election of board members in the district. If the vacancy~~
27 ~~occurred less than twenty days prior to the second regular caucus held~~
28 ~~during the term that was vacated or after such caucus, the appointment~~
29 ~~shall be for the remainder of the unexpired term.~~

30 (5) ~~A vacancy in the membership of a school board of a Class V~~
31 ~~school district resulting from any cause other than the expiration of a~~

1 ~~term shall be filled by appointment of a qualified registered voter by~~
2 ~~the remaining members of the board for the remainder of the unexpired~~
3 ~~term. A registered voter appointed pursuant to this subsection shall meet~~
4 ~~the same requirements as the member whose office is vacant.~~

5 (5 6) If any school board fails to fill a vacancy on the board, the
6 vacancy may be filled by election at a special election or school
7 district meeting called for that purpose. Such election or meeting shall
8 be called in the same manner and subject to the same procedures as other
9 special elections or school district meetings.

10 (6 7) If there are vacancies in the offices of one-half or more of
11 the members of a school board, the Secretary of State shall conduct a
12 special school district election to fill such vacancies.

13 Sec. 2. Section 32-618, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 32-618 (1) The number of signatures of registered voters needed to
16 place the name of a candidate upon the nonpartisan ballot for the general
17 election shall be as follows:

18 (a) For each nonpartisan office other than members of the Board of
19 Regents of the University of Nebraska and board members of a Class III
20 school district, at least ten percent of the total number of registered
21 voters voting for Governor or President of the United States at the
22 immediately preceding general election in the district or political
23 subdivision in which the officer is to be elected, not to exceed two
24 thousand;

25 (b) For members of the Board of Regents of the University of
26 Nebraska, at least ten percent of the total number of registered voters
27 voting for Governor or President of the United States at the immediately
28 preceding general election in the regent district in which the officer is
29 to be elected, not to exceed one thousand; and

30 (c) For board members of a Class III school district, at least
31 twenty percent of the total number of votes cast for the board member

1 receiving the highest number of votes at the immediately preceding
2 general election in the school district.

3 (2) The number of signatures of registered voters needed to place
4 the name of a candidate for an office upon the partisan ballot for the
5 general election shall be at least ten percent of the registered voters
6 entitled to vote for the office. ~~as follows:~~

7 ~~(a) For each partisan office to be filled by the registered voters~~
8 ~~of the entire state, at least four thousand, and at least seven hundred~~
9 ~~fifty signatures shall be obtained in each congressional district in the~~
10 ~~state; and~~

11 ~~(b) For each partisan office to be filled by the registered voters~~
12 ~~of a county or political subdivision, at least twenty percent of the~~
13 ~~total vote for Governor or President of the United States at the~~
14 ~~immediately preceding general election within the county or political~~
15 ~~subdivision, not to exceed two thousand.~~

16 ~~The number of signatures shall not be required to exceed one-fourth~~
17 ~~of the total number of registered voters voting for the office at the~~
18 ~~immediately preceding general election when the nomination is for a~~
19 ~~partisan office to be filled by the registered voters of a county.~~

20 Sec. 3. Section 32-941, Revised Statutes Supplement, 2015, is
21 amended to read:

22 32-941 Any registered voter permitted to vote early pursuant to
23 section 32-938 may, not more than one hundred twenty days before any
24 election and not later than the close of business on the second Friday 4
25 ~~p.m. on the Wednesday~~ preceding the election, request a ballot for the
26 election to be mailed to a specific address. A registered voter shall
27 request a ballot in writing to the election commissioner or county clerk
28 in the county where the registered voter has established his or her home
29 and shall indicate his or her residence address, the address to which the
30 ballot is to be mailed if different, and his or her telephone number if
31 available. The registered voter may use the form published by the

1 election commissioner or county clerk pursuant to section 32-808. The
2 registered voter shall sign the request. A registered voter may use a
3 facsimile machine or electronic mail for the submission of a request for
4 a ballot. The election commissioner or county clerk shall include a
5 registration application with the ballots if the person is not
6 registered. Registration applications shall not be mailed after the third
7 Friday preceding the election. If the person is not registered to vote,
8 the registration application shall be returned not later than the closing
9 of the polls on the day of the election. No ballot issued under this
10 section shall be counted unless such registration application is properly
11 completed and processed.

12 Sec. 4. Section 32-947, Revised Statutes Supplement, 2015, is
13 amended to read:

14 32-947 (1) Upon receipt of an application or other request for a
15 ballot to vote early, the election commissioner or county clerk shall
16 determine whether the applicant is a registered voter and is entitled to
17 vote as requested. If the election commissioner or county clerk
18 determines that the applicant is a registered voter entitled to vote
19 early and the application was received not later than the close of
20 business on the second Friday ~~at or before 4 p.m. on the Wednesday~~
21 preceding the election, the election commissioner or county clerk shall
22 deliver a ballot to the applicant in person or by mail, postage paid. The
23 election commissioner or county clerk or any employee of the election
24 commissioner or county clerk shall write or cause to be affixed his or
25 her customary signature or initials on the ballot.

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

29 VOTER'S OATH

30 I, the undersigned voter, declare that the enclosed ballot or
31 ballots contained no voting marks of any kind when I received them, and I

1 caused the ballot or ballots to be marked, enclosed in the identification
2 envelope, and sealed in such envelope.

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

5 (a) I,, am a registered voter
6 in County;

7 (b) I reside in the State of Nebraska at

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

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

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

17 I also understand that failure to sign below will invalidate my
18 ballot.

19 Signature

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

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

27 (a) A registration application, if the election commissioner or
28 county clerk has determined that the applicant is not a registered voter
29 pursuant to section 32-945, with instructions that failure to return the
30 completed and signed application indicating the residence address as it
31 appears on the voter's request for a ballot to the election commissioner

1 or county clerk by the close of the polls on election day will result in
2 the ballot not being counted;

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

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

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

21 Sec. 5. Section 32-949.01, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:

23 32-949.01 If a ballot for early voting is destroyed, spoiled, lost,
24 or not received by the registered voter, the voter may cast a provisional
25 ballot pursuant to section 32-915 at the voter's polling place on
26 election day or may obtain a replacement ballot from the election
27 commissioner or county clerk by signing a statement verified on oath or
28 affirmation on a form prescribed by the Secretary of State that the
29 original ballot for early voting was destroyed, spoiled, lost, or not
30 received and delivering the statement to the election commissioner or
31 county clerk. To receive a replacement ballot in person, the voter shall

1 return the statement to the office of the election commissioner or county
2 clerk by 8 p.m. on the day of the election. To receive a replacement
3 ballot by mail, the voter shall return the statement to such office prior
4 to the close of business on the second Friday preceding ~~fourth business~~
5 ~~day~~ before the election. If the election commissioner or county clerk
6 receives a statement meeting the requirements of this section, he or she
7 shall deliver a replacement ballot to the voter if the voter is present
8 in the office or shall mail a replacement ballot to the voter at the
9 address shown on the statement. The election commissioner or county clerk
10 shall keep a record of all replacement ballots issued under this section.

11 Sec. 6. Section 32-953, Revised Statutes Supplement, 2015, is
12 amended to read:

13 32-953 (1) Except as otherwise provided in subsection (2) of this
14 section, the election commissioner or county clerk shall mail the
15 official ballot to all registered voters of the political subdivision or
16 the district or ward of the political subdivision at the addresses
17 appearing on the voter registration register on the same day. The ballots
18 shall be mailed by nonforwardable first-class mail not sooner than the
19 twenty-second ~~twentieth~~ day before the date set for the election and not
20 later than the tenth day before the date set for the election. The
21 election commissioner or county clerk shall include with the ballot an
22 unsealed identification envelope meeting the requirements of subsection
23 (2) of section 32-947 and instructions sufficient to describe the voting
24 process.

25 (2) The election commissioner or county clerk may choose not to mail
26 a ballot to all registered voters who have been sent a notice pursuant to
27 section 32-329 and failed to respond to the notice. If the election
28 commissioner or county clerk chooses not to mail a ballot to such voters,
29 he or she shall mail a notice to all such registered voters explaining
30 how to obtain a ballot and stating the applicable deadlines.

31 Sec. 7. Section 32-1524, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 32-1524 (1) No judge or clerk of election or precinct or district
3 inspector shall do any electioneering while acting as an election
4 official.

5 (2) No person shall do any electioneering, circulate petitions, or
6 perform any action that involves solicitation within any polling place or
7 any building designated for voters to cast ballots by the election
8 commissioner or county clerk pursuant to the Election Act while the
9 polling place or building is set up for voters to cast ballots or within
10 two hundred feet of any such polling place or building except as
11 otherwise provided in subsection (3) of this section.

12 (3) Subject to any local ordinance, a person may display yard signs
13 on private property within two hundred feet of a polling place or
14 building designated for voters to cast ballots if the property is not
15 under common ownership with the property on which the polling place or
16 building is located.

17 (4) Any person violating this section shall be guilty of a Class V
18 misdemeanor.

19 Sec. 8. Section 32-1527, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 32-1527 (1) No voter shall receive an official ballot from any
22 person other than a judge of election, and no person other than a judge
23 of election shall deliver an official ballot to a voter.

24 (2) No voter shall vote or offer to vote any ballot except an
25 official ballot received from a judge of election.

26 (3) No voter shall place any mark upon an official ballot by which
27 it may afterwards be identified as the one voted by him or her.

28 (4) No person shall solicit a voter to show his or her ballot after
29 it is marked to any person in such a way as to reveal the contents
30 thereof or the name of the candidate or candidates for whom he or she has
31 marked his or her vote. This subsection does not prohibit a voter from

1 voluntarily photographing his or her ballot after it is marked and
2 revealing such photograph in a manner that allows the photograph to be
3 viewed by another person , ~~and no person shall solicit a voter to show~~
4 ~~the same.~~

5 (5) No person other than a judge of election shall receive from a
6 voter an official ballot prepared for voting.

7 (6) Any person violating this section shall be guilty of a Class V
8 misdemeanor.

9 Sec. 9. Sections 3, 4, 5, 6, and 10 of this act become operative on
10 June 1, 2016. Sections 1, 2, 7, 8, 9, and 11 of this act become operative
11 three calendar months after the adjournment of this legislative session.
12 The other sections of this act become operative on their effective date.

13 Sec. 10. Original section 32-949.01, Revised Statutes Cumulative
14 Supplement, 2014, and sections 32-941, 32-947, and 32-953, Revised
15 Statutes Supplement, 2015, are repealed.

16 sec. 11. Original sections 32-1524 and 32-1527, Reissue Revised
17 Statutes of Nebraska, and sections 32-570 and 32-618, Revised Statutes
18 Cumulative Supplement, 2014, are repealed.

19 Sec. 12. Since an emergency exists, this act takes effect when
20 passed and approved according to law.