

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 575

FINAL READING

Introduced by Murante, 49.

Read first time January 21, 2015

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 13-404,
2 23-148, 23-2,100, 32-227, 32-228, 32-330, 32-528, 32-569, 32-612,
3 32-813, 32-952, 32-1032, 32-1037, 32-1308, and 81-2901, Reissue
4 Revised Statutes of Nebraska, and sections 10-703.01, 32-101,
5 32-208, 32-304, 32-567, 32-607, 32-615, 32-710, 32-941, 32-942,
6 32-947, 32-953, 32-1203, and 60-4,144, Revised Statutes Cumulative
7 Supplement, 2014; to change provisions relating to election
8 expenses, filling vacancies, election commissioners, payment and
9 service of election workers, implementation of the electronic voter
10 registration application process, the voter registration register,
11 county commissioners, candidate filings, deadlines for write-in
12 candidates, political party conventions, statewide general election
13 ballots, ballots for early voting, special elections by mail,
14 inspection of election materials, and the board of state canvassers;
15 to provide access to certain commercial driver's license
16 information; to eliminate obsolete provisions; to harmonize
17 provisions; to provide operative dates; to repeal the original
18 sections; and to declare an emergency.
19 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 10-703.01, Revised Statutes Cumulative
2 Supplement, 2014, is amended to read:

3 10-703.01 In all special elections called for voting on the question
4 of issuing bonds of the school district, the county clerk or election
5 commissioner or, if the school district lies in more than one county, the
6 county clerk or election commissioner in the county having the greatest
7 number of electors entitled to vote on the question shall designate the
8 polling places and appoint the election officials, who need not be the
9 regular election officials, and otherwise conduct the election as
10 provided under the Election Act except as otherwise specifically provided
11 in this section. Any special election held under this section shall be
12 subject to section 32-405. The school district shall designate the form
13 of ballot and reimburse the county clerk or election official for the
14 expenses of conducting the election as provided in sections 32-1201 to
15 32-1208 and at the minimum rate as described in subdivision (2)(d) of
16 section 32-1203. The school district officers shall give notice of the
17 election at least twenty days prior to the election and cause the sample
18 ballot to be published in a newspaper of general circulation in the
19 school district one time not more than ten days nor less than three days
20 prior to the election, and no notice of the election shall be required to
21 be given by the county clerk or election commissioner. The notice of
22 election shall state where ballots for early voting may be obtained.

23 The ballots shall be counted by the county clerk or election
24 commissioner conducting the election and two disinterested persons
25 appointed by him or her. When the polls are closed, the receiving board
26 shall deliver the ballots to the county clerk or election commissioner
27 conducting the election who, with the two disinterested persons appointed
28 by him or her, shall proceed to count the ballots.

29 Ballots for early voting shall be furnished to the county clerk or
30 election commissioner and ready for distribution by the county clerk or
31 election commissioner conducting the election not less than fifteen days

1 prior to the election.

2 When a school district lies in more than one county, the county
3 clerk or election commissioner in any other county containing part of
4 such school district shall, upon request, certify its registration books
5 for those precincts in which the school district is located to the county
6 clerk or election commissioner conducting the election and shall
7 immediately forward all requests for ballots for early voting to the
8 county clerk or election commissioner charged with the issuing of such
9 ballots. Not less than five days prior to the election, the school
10 district officers shall certify to the county clerk or election
11 commissioner conducting the election a list of all registered voters of
12 the school district in any other county or counties qualified to vote on
13 the bond issue.

14 All ballots cast at the election shall be counted by the same board.
15 When all the ballots have been counted, the returns of such election
16 shall be turned over to the school board or board of education of the
17 district in which the election was held for the purpose of making a
18 canvass thereof.

19 The two disinterested persons appointed on the counting board shall
20 receive wages at no less than the minimum rate set in section 48-1203 for
21 each hour of service rendered.

22 Sec. 2. Section 13-404, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 13-404 Every civil office in a political subdivision filled by
25 appointment shall be vacant upon the happening of any one of the events
26 listed in section 32-560 except as provided in section 32-561. The
27 resignation of the incumbent of such a civil office may be made as
28 provided in section 32-562. Vacancies in such a civil office shall be
29 filled as provided in section 32-567 and section 13 of this act and shall
30 be subject to section 32-563.

31 Sec. 3. Section 23-148, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 23-148 The county board of commissioners in all counties having not
3 more than three hundred thousand inhabitants shall consist of three
4 persons except as follows:

5 (1) The registered voters in any county containing not more than
6 three hundred thousand inhabitants may vote at any general election as to
7 whether their county board shall consist of three or five commissioners.
8 Upon the completion of the canvass by the county canvassing board, the
9 proposition shall be decided and, if the number of commissioners is
10 increased from three to five commissioners, vacancies shall be deemed to
11 exist and the procedures set forth in section 32-567 and section 13 of
12 this act shall be instituted; and

13 (2) The registered voters of any county under township organization
14 voting to discontinue township organization may also vote as to the
15 number of county commissioners as provided in sections 23-292 to 23-299.

16 Sec. 4. Section 23-2,100, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 23-2,100 (1) If a township board has become inactive, the county
19 board of supervisors shall hold a public hearing on the issue of
20 termination of the township board. Notice of the hearing shall be
21 published for two consecutive weeks in a newspaper of general circulation
22 in the county. For purposes of this section, a township board has become
23 inactive when two or more board positions are vacant and the county board
24 has been unable to fill such positions in accordance with section 32-567
25 and section 13 of this act for six or more months.

26 (2) If no appointment to the township board has been made within
27 thirty days after the public hearing because no resident of the township
28 has provided written notice to the county board that he or she will serve
29 on the township board, the county board may adopt a resolution to
30 terminate the township board. The resolution shall state the effective
31 date of the termination.

1 (3) Between the date of the public hearing and the date of
2 termination of the township board, the business of the township shall be
3 handled according to this subsection. No tax distributions shall be made
4 to the township. Such funds shall be held by the county board in a
5 separate township fund and disbursed only to pay outstanding obligations
6 of the township board. All claims against the township board shall be
7 filed with the county clerk and heard by the county board. Upon allowance
8 of a claim, the county board shall direct the county clerk to draw a
9 warrant upon the township fund. The warrant shall be signed by the
10 chairperson of the county board and countersigned by the county clerk.

11 (4) Upon termination of a township board, the county board shall
12 settle all unfinished business of the township board and shall dispose of
13 all property under ownership of the township. Any proceeds of such sale
14 shall first be disbursed to pay any outstanding obligations of the
15 township, and remaining funds shall be credited to the road fund of the
16 county board. Any remaining township board members serving as of the date
17 of termination shall deposit with the county clerk all township records,
18 papers, and documents pertaining to the affairs of the township and shall
19 certify to the county clerk the amount of outstanding indebtedness in
20 existence on the date of termination. The county board shall levy a tax
21 upon the taxable property located within the boundaries of the township
22 to pay any outstanding indebtedness not paid for under this subsection or
23 subsection (3) of this section.

24 (5) If more than fifty percent of the township boards in a county
25 have been terminated, the county board shall file with the election
26 commissioner or county clerk a resolution supporting the discontinuance
27 of the township organization of the county pursuant to subsection (2) of
28 section 23-293.

29 Sec. 5. Section 32-101, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:

31 32-101 Sections 32-101 to 32-1551 and section 13 of this act shall

1 be known and may be cited as the Election Act.

2 Sec. 6. Section 32-208, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

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

17 Sec. 7. Section 32-227, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 32-227 (1) Except as otherwise provided in subsections (2) and (3)
20 of this section, the The judges and clerks of election, precinct and
21 district inspectors, and other temporary election workers shall receive
22 wages at no less than the minimum rate set in section 48-1203 for each
23 hour of service rendered. The election commissioner shall determine the
24 rate of pay and may vary the rate based on the duties of each position.
25 Each such election worker shall sign an affidavit stating the number of
26 hours he or she has worked.

27 (2) Any judge or clerk of election, precinct or district inspector,
28 or other temporary election worker may choose not to be paid for the
29 hours he or she works. An election worker that chooses not to be paid
30 shall sign a waiver agreeing not to be paid for each election for which
31 he or she chooses not to be paid.

1 (3) Any judge or clerk of election, precinct or district inspector,
2 or other temporary election worker may choose to have his or her election
3 pay used by the election commissioner to contract with an organization
4 authorized by the election commissioner to recruit election workers if
5 the election commissioner contracts with such an organization. To be
6 eligible to enter into such a contract, the organization shall be exempt
7 for federal tax purposes under section 501(c)(3) of the Internal Revenue
8 Code, as defined in section 49-801.01.

9 Sec. 8. Section 32-228, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 32-228 (1) The election commissioner shall notify each person
12 appointed as a judge or clerk of election, precinct inspector, district
13 inspector, member of a counting board, or member of a canvassing board of
14 the appointment by letter. Such letter shall be mailed at least fifteen
15 days prior to the required reporting date for each statewide primary and
16 general election. Each appointee shall, at the time fixed in the notice
17 of appointment, report to the office of the election commissioner or
18 other designated location to complete any informational forms and receive
19 training regarding his or her duties. The training shall include
20 instruction as required by the Secretary of State and any other training
21 deemed necessary by the election commissioner. Each appointee, if found
22 qualified and unless excused by reason of ill health or other good and
23 sufficient reason, shall serve for the term of his or her appointment.

24 (2) No person who is a qualified prospective election worker is
25 exempt from being appointed for a term of election service, except that
26 any person who is seventy years of age or older and who requests to be
27 exempted from such service at the time the election worker questionnaire
28 form is filed with the election commissioner shall be exempt from
29 election service.

30 (3 2) An appointee who fails to serve for the such term of his or
31 her appointment, unless excused by reason of ill health or other good and

1 sufficient reason, is guilty of a Class V misdemeanor. The election
2 commissioner shall submit the names of appointees violating this
3 subsection to the local law enforcement agency for citation pursuant to
4 sections 32-1549 and 32-1550.

5 Sec. 9. Section 32-304, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 32-304 (1) The Secretary of State in conjunction with the Department
8 of Motor Vehicles shall, on or before ~~September~~ July 1, 2015, develop and
9 implement a registration application process which may be used statewide
10 to register to vote and update voter registration records electronically
11 using the Secretary of State's web site. An applicant who has a valid
12 Nebraska motor vehicle operator's license or state identification card
13 may use the application process to register to vote or to update his or
14 her voter registration record with changes in his or her personal
15 information or other information related to his or her eligibility to
16 vote. For each electronic application, the Secretary of State shall
17 obtain a copy of the electronic representation of the applicant's
18 signature from the Department of Motor Vehicles' records of his or her
19 motor vehicle operator's license or state identification card for
20 purposes of voter registration.

21 (2) The application shall contain substantially all the information
22 provided in section 32-312 and the following informational statements:

23 (a) An applicant who submits this application electronically is
24 affirming that the information in the application is true. Any applicant
25 who submits this application electronically knowing that any of the
26 information in the application is false shall be guilty of a Class IV
27 felony under section 32-1502 of the statutes of Nebraska. The penalty for
28 a Class IV felony is up to five years imprisonment, a fine of up to ten
29 thousand dollars, or both;

30 (b) An applicant who submits this application electronically is
31 agreeing to the use of his or her signature from the Department of Motor

1 Vehicles' records of his or her motor vehicle operator's license or state
2 identification card for purposes of voter registration;

3 (c) To vote at the polling place on election day, the completed
4 application must be submitted on or before the third Friday before the
5 election; and

6 (d) The election commissioner or county clerk will, upon receipt of
7 the application for registration, send an acknowledgment of registration
8 to the applicant indicating whether the application is proper or not.

9 Sec. 10. Section 32-330, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 32-330 (1) The voter registration register shall be a public record.
12 Any person may examine the register at the office of the election
13 commissioner or county clerk, but no person other than the election
14 commissioner, county clerk, or law enforcement shall not be allowed to
15 make copies of the register. Copies of the register shall only be used
16 for list maintenance as provided in section 32-329 or law enforcement
17 purposes. The electronic records of the original voter registrations
18 created pursuant to section 32-301 may constitute the voter registration
19 register. The election commissioner or county clerk shall withhold
20 information in the register designated as confidential under section
21 32-331.

22 (2) The election commissioner or county clerk shall make available
23 for purchase a list of registered voters that contains the information
24 required under section 32-312 and, if requested, a list that only
25 contains registered voters who have voted in an election held more than
26 thirty ~~sixty~~ days prior to the request for the list. The election
27 commissioner or county clerk shall establish the price of the lists at a
28 rate that fairly covers the actual production cost of the lists, not to
29 exceed three cents per name. Lists shall be used solely for purposes
30 related to elections, political activities, voter registration, law
31 enforcement, or jury selection. Lists shall not be used for commercial

1 purposes.

2 (3) Any person who acquires a list of registered voters under
3 subsection (2) of this section shall take and subscribe to an oath in
4 substantially the following form:

5 I hereby swear that I will use the list of registered voters
6 of County, Nebraska, only for the purposes prescribed in section
7 32-330 and for no other purpose and that I will not permit the use or
8 copying of such list for unauthorized purposes.

9 I hereby declare under the penalty of election falsification that
10 the statements above are true to the best of my knowledge.

11 The penalty for election falsification is a Class IV felony.

12 (Signature of person acquiring list)

13 Subscribed and sworn to before me this day of 20.. .

14 (Name of officer)

15 (Official title of officer)

16 (4) The election commissioner or county clerk shall provide, upon
17 request and free of charge, a complete and current listing of all
18 registered voters and their addresses to the Clerk of the United States
19 District Court for the District of Nebraska. Such list shall be provided
20 no later than December 31 of each even-numbered year.

21 (5) The election commissioner or county clerk shall provide, upon
22 request and free of charge, a complete and current listing of all
23 registered voters and their addresses to the state party headquarters of
24 each political party and to the county chairperson of each political
25 party. Such list shall be provided no later than thirty-five days prior
26 to the statewide primary and statewide general elections.

27 Sec. 11. Section 32-528, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 32-528 (1) In counties having a county board of three commissioners,
30 two commissioners shall be elected at the statewide general election in
31 1994 and each four years thereafter, and one commissioner shall be

1 elected at the statewide general election in 1996 and each four years
2 thereafter. In counties having a county board of five commissioners,
3 three commissioners shall be elected at the statewide general election in
4 1994 and each four years thereafter, and two commissioners shall be
5 elected at the statewide general election in 1996 and each four years
6 thereafter. In counties having a county board of seven or more
7 commissioners, one commissioner shall be elected in each odd-numbered
8 commissioner district at the statewide general election in 1994 and each
9 four years thereafter, and one commissioner shall be elected in each
10 even-numbered commissioner district at the statewide general election in
11 1996 and each four years thereafter.

12 (2) Except for commissioners first elected after the county adopts
13 the commissioner form of government or has increased the number of
14 commissioners, the term of each county commissioner shall be four years
15 or until his or her successor is elected and qualified. At the first
16 election held to choose the board of commissioners in any county having
17 three commissioners, the person having the highest number of votes shall
18 serve for four years and the two receiving the next highest number of
19 votes shall serve for two years, and if any three or more persons have
20 the same number of votes, their terms of office shall be determined by
21 the county canvassing board. The county commissioners shall meet the
22 qualifications found in section 23-150. Nothing in this section shall be
23 construed to prohibit the reelection of a commissioner holding office if
24 the commissioner is reelected to represent his or her respective
25 district. The county commissioners shall be elected on the partisan
26 ballot.

27 (3)(a) In counties having not more than one hundred fifty thousand
28 inhabitants, one commissioner shall be nominated and elected from each
29 district by the registered voters of the district.

30 (b) ~~In Until 2010, in counties having a population of more than one~~
31 ~~hundred fifty thousand but not more than three hundred thousand~~

1 ~~inhabitants, one commissioner shall be nominated from each district by~~
2 ~~the registered voters of the district and shall be elected by the~~
3 ~~registered voters of the entire county. Beginning in 2010 in counties~~
4 having a population of more than one hundred fifty thousand but not more
5 than three hundred thousand inhabitants, one commissioner shall be
6 nominated and elected from each district by the registered voters of the
7 district as provided in subsection (5) of this section.

8 (c) In counties having more than three hundred thousand inhabitants,
9 one commissioner shall be nominated and elected from each district by the
10 registered voters of the district.

11 (4) In counties in which a majority has voted to have five
12 commissioners as provided in section 23-148, the three commissioners of
13 such county whose terms of office will expire after the election shall
14 continue in office until the expiration of the terms for which they were
15 elected and until their successors are elected and qualified. Two
16 commissioners shall be appointed pursuant to section 32-567 and section
17 13 of this act to serve until the first Thursday after the first Tuesday
18 in January following the next statewide general election. At the next
19 statewide general election, commissioners shall be elected to fill the
20 positions of any commissioners appointed under this section. At the first
21 primary election after such appointments, filings shall be accepted for
22 terms of two years and for terms of four years so that two commissioners
23 will be elected to four-year terms at one election and three
24 commissioners will be elected to four-year terms at the next election.

25 (5) In counties having more than one hundred fifty thousand but not
26 more than three hundred thousand inhabitants: ~~which are changing from~~
27 ~~nominating by district and electing at large to nominating and electing~~
28 ~~by district as provided in subdivision (3)(b) of this section, the~~
29 ~~commissioners shall continue in office until the expiration of the terms~~
30 ~~for which they were elected and until their successors are elected and~~
31 ~~qualified.~~

1 (a) ~~At the primary election in 2010, one commissioner in such~~
2 ~~counties shall be nominated from each odd-numbered district, and at~~ ~~At~~
3 the ensuing general election, one commissioner shall be elected from each
4 odd-numbered district. Their successors shall be nominated and elected
5 every four years thereafter; and

6 (b) ~~At the primary election in 2012, one commissioner in such~~
7 ~~counties shall be nominated from each even-numbered district, and at~~ ~~At~~
8 the ensuing general election, one commissioner shall be elected from each
9 even-numbered district. Their successors shall be nominated and elected
10 every four years thereafter.

11 Sec. 12. Section 32-567, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 32-567 Vacancies in office shall be filled as follows:

14 (1) In state and judicial district offices and in the membership of
15 any board or commission created by the state when no other method is
16 provided, by the Governor;

17 (2) In county offices, by the county board;

18 (3) In the membership of the county board, by the county clerk,
19 county attorney, and county treasurer;

20 (4) In the membership of the city council, according to section
21 32-568 or 32-569, as applicable;

22 (5) In township offices, by the township board or, if there are two
23 or more vacancies on the township board, by the county board;

24 (6) In offices in public power and irrigation districts, according
25 to section 70-615;

26 (7) In offices in natural resources districts, according to section
27 2-3215;

28 (8) In offices in community college areas, according to section
29 85-1514;

30 (9) In offices in educational service units, according to section
31 79-1217;

1 (10) In offices in hospital districts, according to section 23-3534;

2 (11) In offices in metropolitan utilities districts, according to
3 section 14-2104;

4 (12) In membership on airport authority boards, according to section
5 3-502, 3-611, or 3-703, as applicable;

6 (13) In membership on the board of trustees of a road improvement
7 district, according to section 39-1607;

8 (14) In membership on the council of a municipal county, by the
9 council; and

10 (15) For learning community coordinating councils, according to
11 section 32-546.01.

12 ~~Unless otherwise provided by law, all vacancies shall be filled~~
13 ~~within forty-five days after the vacancy occurs unless good cause is~~
14 ~~shown that the requirement imposes an undue burden.~~

15 Sec. 13. Unless otherwise provided by law, all vacancies shall be
16 filled within forty-five days after the vacancy occurs unless good cause
17 is shown that the requirement imposes an undue burden.

18 Sec. 14. Section 32-569, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 32-569 (1)(a) Except as otherwise provided in subsection (2) or (3)
21 of this section or section 32-568, vacancies in city and village elected
22 offices shall be filled by the mayor and council or board of trustees for
23 the balance of the unexpired term. Notice of a vacancy, except a vacancy
24 resulting from the death of the incumbent, shall be in writing and
25 presented to the council or board of trustees at a regular or special
26 meeting and shall appear as a part of the minutes of such meeting. The
27 council or board of trustees shall at once give public notice of the
28 vacancy by causing to be published in a newspaper of general circulation
29 within the city or village or by posting in three public places in the
30 city or village the office vacated and the length of the unexpired term.

31 (b) The mayor or chairperson of the board shall call a special

1 meeting of the council or board of trustees or place the issue of filling
2 such vacancy on the agenda at the next regular meeting at which time the
3 mayor or chairperson shall submit the name of a qualified registered
4 voter to fill the vacancy for the balance of the unexpired term. The
5 regular or special meeting shall occur upon the death of the incumbent or
6 within four weeks after the meeting at which such notice of vacancy has
7 been presented. The council or board of trustees shall vote upon such
8 nominee, and if a majority votes in favor of such nominee, the vacancy
9 shall be declared filled. If the nominee fails to receive a majority of
10 the votes, the nomination shall be rejected and the mayor or chairperson
11 shall at the next regular or special meeting submit the name of another
12 qualified registered voter to fill the vacancy. If the subsequent nominee
13 fails to receive a majority of the votes, the mayor or chairperson shall
14 continue at such meeting to submit the names of qualified registered
15 voters in nomination and the council or board of trustees shall continue
16 to vote upon such nominations at such meeting until the vacancy is
17 filled. The mayor shall cast his or her vote for or against the nominee
18 in the case of a tie vote of the council. All council members and
19 trustees present shall cast a ballot for or against the nominee. Any
20 member of the city council or board of trustees who has been appointed to
21 fill a vacancy on the council or board shall have the same rights,
22 including voting, as if such person were elected.

23 (2) The mayor and council or chairperson and board of trustees may,
24 in lieu of filling a vacancy in a city or village elected office as
25 provided in subsection (1) of this section or subsection (3) of section
26 32-568, call a special city election to fill such vacancy.

27 (3) If vacancies exist in the offices of one-half or more ~~a majority~~
28 of the members of a city council or village board, the Secretary of State
29 shall conduct a special city election to fill such vacancies.

30 Sec. 15. Section 32-607, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

1 32-607 All candidate filing forms shall contain the following
2 statement: I hereby swear that I will abide by the laws of the State of
3 Nebraska regarding the results of the primary and general elections, that
4 I am a registered voter and qualified to be elected, and that I will
5 serve if elected. Candidate filing forms shall also contain the
6 candidate's name; residence address; mailing address if different from
7 the residence address; telephone number; office sought; and party
8 affiliation if the office sought is a partisan office. Candidate filing
9 forms shall be filed with the following filing officers:

10 (1) For candidates for national, state, or congressional office,
11 directors of public power and irrigation districts, directors of
12 reclamation districts, directors of natural resources districts, members
13 of the boards of educational service units, members of governing boards
14 of community colleges, delegates to national conventions, and other
15 offices filled by election held in more than one county and judges
16 desiring retention, in the office of the Secretary of State;

17 (2) For officers elected within a county, in the office of the
18 election commissioner or county clerk. ~~If the candidate is not a resident
19 of the county, he or she shall submit a certificate of registration
20 obtained under section 32-316 with the candidate filing form;~~

21 (3) For officers in school districts which include land in adjoining
22 counties, in the office of the election commissioner or county clerk of
23 the county in which the greatest number of registered voters entitled to
24 vote for the officers reside. ~~If the candidate is not a resident of the
25 county, he or she shall submit a certificate of registration obtained
26 under section 32-316 with the candidate filing form; and~~

27 (4) For city or village officers, in the office of the election
28 commissioner or county clerk.

29 Sec. 16. Section 32-612, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-612 (1) A change of political party affiliation by a registered

1 voter so as to affiliate with the political party named in the candidate
2 filing form or in an affidavit as a write-in candidate pursuant to
3 section 32-615 after the first Friday in December prior to the statewide
4 primary election shall not be effective to meet the requirements of
5 section 32-610 or 32-611 or subsection (4) of this section, except that
6 any person may change his or her political party affiliation after the
7 first Friday in December prior to the statewide primary election to
8 become a candidate of a new political party which has successfully
9 completed the petition process required by section 32-716.

10 (2) No registered voter, candidate, or proposed candidate shall
11 swear falsely as to political party affiliation or shall swear that he or
12 she affiliates with two or more political parties. Any candidate who
13 swears falsely as to political party affiliation or swears that he or she
14 affiliates with two or more political parties shall not be the candidate
15 of such party and shall not be entitled to assume the office for which he
16 or she filed even if he or she receives a majority or plurality of the
17 votes therefor at the following general election.

18 (3) The name of a candidate shall not appear printed on more than
19 one political party ballot. A candidate who is the nominee ~~a registered~~
20 ~~voter~~ of one political party shall not accept the nomination of another
21 political party.

22 (4) In order to count write-in votes on a political party ballot in
23 the primary election, the candidate who receives the votes must be a
24 registered voter of that political party unless the political party
25 allows candidates not affiliated with the party by not adopting a rule
26 under section 32-702.

27 Sec. 17. Section 32-615, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 32-615 (1) Except as otherwise provided in subsection (2) of this
30 section, any candidate engaged in or pursuing a write-in campaign shall
31 file a notarized affidavit of his or her intent together with the receipt

1 for any filing fee with the filing officer as provided in section 32-608
2 no earlier than December 1 and no later than the second Friday ten days
3 prior to the election.

4 (2) For any county office elected pursuant to sections 32-517 to
5 32-529 which is subject to subdivision (1)(b) of section 32-811, a
6 candidate may engage in or pursue a write-in campaign if he or she files
7 a notarized affidavit of his or her intent together with the receipt for
8 the filing fee with the filing officer as provided in section 32-608 on
9 or before March 3 of the year of the statewide primary election. If such
10 an affidavit is filed as prescribed, the election commissioner or county
11 clerk shall place that county office on the statewide primary election
12 ballot with the names of the candidate properly filed for the nomination
13 of the applicable political party and a line for write-in candidates.

14 (3) A candidate submitting an affidavit under this section for a
15 partisan office shall be a registered voter of the political party named
16 in the affidavit unless the political party allows candidates not
17 affiliated with the party by not adopting a rule under section 32-702.

18 (~~4~~ 3) A candidate who has been defeated as a candidate in the
19 primary election or defeated as a write-in candidate in the primary
20 election shall not be eligible as a write-in candidate for the same
21 office in the general election unless (a) a vacancy on the ballot exists
22 pursuant to section 32-625 or (b) the candidate was a candidate for an
23 office described in sections 32-512 to 32-550 and the candidate lost the
24 election as a result of a determination pursuant to section 32-1122 in
25 the case of a tie vote.

26 (~~5~~ 4) A candidate who files a notarized affidavit shall be entitled
27 to all write-in votes for the candidate even if only the last name of the
28 candidate has been written if such last name is reasonably close to the
29 proper spelling.

30 Sec. 18. Section 32-710, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

1 32-710 Each political party shall hold a state ~~post~~primary
2 convention biennially on a date to be fixed by the state central
3 committee but not later than September 1. Candidates for elective offices
4 may be nominated at such conventions pursuant to section 32-627 or
5 32-721. Such nominations shall be certified to the Secretary of State by
6 the chairperson and secretary of the convention. The certificates shall
7 have the same force and effect as nominations in primary elections. A
8 political party may not nominate a candidate at the convention for an
9 office for which the party did not nominate a candidate at the primary
10 election except as provided for new political parties in section 32-621.
11 The convention shall formulate and promulgate a state platform, select a
12 state central committee, select electors for President and Vice President
13 of the United States, and transact the business which is properly before
14 it. One presidential elector shall be chosen from each congressional
15 district, and two presidential electors shall be chosen at large. The
16 officers of the convention shall certify the names of the electors to the
17 Governor and Secretary of State.

18 Sec. 19. Section 32-813, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 32-813 (1) The names of all candidates and all proposals to be voted
21 upon at the general election shall be arranged upon the ballot in parts
22 separated from each other by bold lines in the order the offices and
23 proposals are set forth in this section. If any office is not subject to
24 the upcoming election, the office shall be omitted from the ballot and
25 the remaining offices shall move up so that the same relative order is
26 preserved. The order of any offices may be altered to allow for the best
27 utilization of ballot space in order to avoid printing a second ballot
28 when one ballot would be sufficient if an optical-scan ballot is used.
29 All proposals on the ballot submitted by a political subdivision shall
30 ~~remain separate from the offices, and the proposals shall follow all~~
31 offices on the ballot submitted by a political subdivision.

1 (2)(a) If the election is in a year in which a President of the
2 United States is to be elected, the names and spaces for voting for
3 candidates for President and Vice President shall be entitled
4 Presidential Ticket in boldface type.

5 (b) The names of candidates for President and Vice President for
6 each political party shall be grouped together, and each group shall be
7 enclosed with brackets with the political party name next to the brackets
8 and one square or oval opposite the names in which the voter indicates
9 his or her choice.

10 (c) The names of candidates for President and Vice President who
11 have successfully petitioned on the ballot for the general election shall
12 be grouped together with the candidates appearing on the same petition
13 being grouped together, and each group shall be enclosed with brackets
14 with the words "By Petition" next to the brackets and one square or oval
15 opposite the names in which the voter indicates his or her choice.

16 (d) Beneath the names of the candidates for President and Vice
17 President certified by the officers of the national political party
18 conventions pursuant to section 32-712 and beneath the names of all
19 candidates for President and Vice President placed on the general
20 election ballot by petition, two write-in lines shall be provided in
21 which the voter may fill in the names of the candidates of his or her
22 choice. The lines shall be enclosed with brackets with one square or oval
23 opposite the names in which the voter indicates his or her choice. The
24 name appearing on the top line shall be considered to be the candidate
25 for President, and the name appearing on the second line shall be
26 considered to be the candidate for Vice President.

27 (3) The names and spaces for voting for candidates for United States
28 Senator if any are to be elected shall be entitled United States
29 Senatorial Ticket in boldface type.

30 (4) The names and spaces for voting for candidates for
31 Representatives in Congress shall be entitled Congressional Ticket in

1 boldface type. Above the candidates' names, the office shall be
2 designated For Representative in Congress District.

3 (5) The names and spaces for voting for candidates for the various
4 state officers shall be entitled State Ticket in boldface type. Each set
5 of candidates shall be separated by lines across the column, and above
6 each set of candidates shall be designated the office for which they are
7 candidates, arranged in the order prescribed by the Secretary of State.
8 The candidates for Governor of each political party receiving the highest
9 number of votes in the primary election shall be grouped together with
10 their respective candidates for Lieutenant Governor. Each group shall be
11 enclosed with brackets with the political party name next to the brackets
12 and one square or oval opposite the names in which the voter indicates
13 his or her choice for Governor and Lieutenant Governor jointly. The
14 candidates for Governor and Lieutenant Governor who have successfully
15 petitioned on the general election ballot shall be grouped together with
16 the candidates appearing on the same petition being grouped together.
17 Each group shall be enclosed with brackets with the words "By Petition"
18 next to the brackets and one square or oval opposite the names in which
19 the voter indicates his or her choice for Governor and Lieutenant
20 Governor jointly. Beneath the names of the candidates for Governor
21 nominated at a primary election by political party and their respective
22 candidates for Lieutenant Governor and beneath the names of all
23 candidates for Governor and Lieutenant Governor placed on the general
24 election ballot by petition, one write-in line shall be provided in which
25 the registered voter may fill in the name of the candidate for Governor
26 of his or her choice and one square or oval opposite the line in which
27 the voter indicates his or her choice for Governor.

28 (6) The names and spaces for voting for nonpartisan candidates shall
29 be entitled Nonpartisan Ticket in boldface type. The names of all
30 nonpartisan candidates shall appear in the order listed in this
31 subsection, except that when using an optical-scan ballot, the order of

1 offices may be altered to allow for the best utilization of ballot space
2 to avoid printing a second ballot when one ballot would be sufficient:

- 3 (a) Legislature;
- 4 (b) State Board of Education;
- 5 (c) Board of Regents of the University of Nebraska;
- 6 (d) Chief Justice of the Supreme Court;
- 7 (e) Judge of the Supreme Court;
- 8 (f) Judge of the Court of Appeals;
- 9 (g) Judge of the Nebraska Workers' Compensation Court;
- 10 (h) Judge of the District Court;
- 11 (i) Judge of the Separate Juvenile Court;
- 12 (j) Judge of the County Court; and
- 13 (k) County officers in the order prescribed by the election
14 commissioner or county clerk.

15 (7) The names and spaces for voting for the various county offices
16 and for measures submitted to the county vote only or in only a part of
17 the county shall be entitled County Ticket in boldface type. If the
18 election commissioner or county clerk deems it advisable, the measures
19 may be submitted on a separate ballot if using a paper ballot or on
20 either side of an optical-scan ballot if the ballot is placed in a ballot
21 envelope or sleeve before being deposited in a ballot box.

22 (8) The candidates for office in the precinct only or in the city or
23 village only shall be printed on the ballot, except that if the election
24 commissioner or county clerk deems it advisable, candidates for these
25 offices may be submitted on a separate ballot if using a paper ballot or
26 on either side of an optical-scan ballot if the ballot is placed in a
27 ballot envelope or sleeve before being deposited in a ballot box.

28 (9) All proposals submitted by initiative or referendum and
29 proposals for constitutional amendments shall be placed on a separate
30 ballot when a paper ballot is used which requires that the ballot after
31 being voted be folded before being deposited in a ballot box. When an

1 optical-scan ballot is used which requires a ballot envelope or sleeve in
2 which the ballot after being voted is placed before being deposited in a
3 ballot box, initiative or referendum proposals and proposals for
4 constitutional amendments may be placed on either side of the ballot,
5 shall be separated by a bold line, and shall follow all other offices
6 placed on the same side of the ballot. Initiative or referendum proposals
7 and constitutional amendments so arranged shall constitute a separate
8 ballot. Proposals for constitutional amendments proposed by the
9 Legislature shall be placed on the ballot as provided in sections 49-201
10 to 49-211.

11 Sec. 20. Section 32-941, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 32-941 Any registered voter permitted to vote early pursuant to
14 section 32-938 may, not more than one hundred twenty days before any
15 election and not later than 4 p.m. on the Wednesday preceding the
16 election, request a ballot for the election to be mailed to a specific
17 address. A registered voter shall request a ballot in writing to the
18 election commissioner or county clerk in the county where the registered
19 voter has established his or her home and shall indicate his or her
20 residence address, the address to which the ballot is to be mailed if
21 different, and his or her ~~political party,~~ telephone number if available,
22 ~~and precinct if known.~~ The registered voter may use the form published by
23 the election commissioner or county clerk pursuant to section 32-808. The
24 registered voter shall sign the request. A registered voter may use a
25 facsimile machine or electronic mail for the submission of a request for
26 a ballot. The election commissioner or county clerk shall include a
27 registration application with the ballots if the person is not
28 registered. Registration applications shall not be mailed after the third
29 Friday preceding the election. If the person is not registered to vote,
30 the registration application shall be returned not later than the closing
31 of the polls on the day of the election. No ballot issued under this

1 section shall be counted unless such registration application is properly
2 completed and processed.

3 Sec. 21. Section 32-942, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 32-942 (1) Except as otherwise provided in subsection (2) of this
6 section, a registered voter of this state who anticipates being absent
7 from the county of his or her residence on the day of any election may
8 appear in person before the election commissioner or county clerk not
9 more than thirty days prior to the day of election and obtain his or her
10 ballot. The registered voter shall vote the ballot in the office of the
11 election commissioner or county clerk or shall return the ballot to the
12 office not later than the closing of the polls on the day of the
13 election. A registered voter who is present in the county on the day of
14 the election and who chooses to vote on the day of the election shall
15 vote at the polling place assigned to the precinct in which he or she
16 resides unless he or she is returning a ballot for early voting or voting
17 pursuant to section 32-943.

18 (2) If a person registers to vote and requests a ballot at the same
19 time under this section, he or she shall (a)(i) present one of the
20 address confirmation documents as prescribed in subdivision (1)(a) of
21 section 32-318.01, (ii) present proof that he or she is a member of the
22 armed forces of the United States who by reason of active duty has been
23 absent from his or her place of residence where the member is otherwise
24 eligible to vote, is a member of the United States Merchant Marine who by
25 reason of service has been away from his or her place of residence where
26 the member is otherwise eligible to vote, is a spouse or dependent of a
27 member of the armed forces of the United States or United States Merchant
28 Marine who has been absent from his or her place of residence due to the
29 service of that member, or resides outside the United States and but for
30 such residence would be qualified to vote in the state if the state was
31 the last place in which the person was domiciled before leaving the

1 United States, or (iii) state that he or she is elderly or handicapped
2 and has requested to vote by alternative means other than by casting a
3 ballot at his or her polling place on election day or (b) vote a ballot
4 which is placed in an envelope with the voter's name and address and
5 other necessary identifying information and kept securely for counting as
6 provided in this subsection. This subsection does not extend the deadline
7 for voter registration specified in section 32-302. A ballot cast
8 pursuant to subdivision (b) of this subsection shall be rejected and
9 shall not be counted if the acknowledgment of registration sent to the
10 registrant pursuant to section 32-322 is returned as undeliverable for a
11 reason other than clerical error within ten days after it is mailed,
12 otherwise after such ten-day period, the ballot shall be counted.

13 (3) This section applies only to a person who appears in person to
14 obtain a ballot as provided in subsection (1) of this section and does
15 not apply to a ballot mailed to a voter pursuant to section 32-945.

16 Sec. 22. Section 32-947, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:

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

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

1 VOTER'S OATH

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

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

8 (a) I,, am a registered voter
9 in County;

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

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

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

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

20 I also understand that failure to sign below will invalidate my
21 ballot.

22 Signature

23 ~~The primary election ballot, if any, within this envelope is a~~
24 ~~primary election ballot of the party.~~

25 ~~Ballots contained in this envelope are for the (primary,~~
26 ~~general, or special) election to be held on the day of~~
27 ~~20..~~

28 (3) If the ballot and identification envelope will be returned by
29 mail or by someone other than the voter, the election commissioner or
30 county clerk shall include with the ballot an identification envelope
31 upon the face of which shall be printed the official title and post

1 office address of the election commissioner or county clerk.

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

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

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

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

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

29 Sec. 23. Section 32-952, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-952 If a political subdivision decides to place a candidate or an

1 issue on the ballot at a special election, the election commissioner or
2 county clerk may conduct the special election by mail as provided in
3 section 32-953 or conduct the special election as otherwise authorized in
4 the Election Act. In making a determination as to whether to conduct the
5 election by mail, the election commissioner or county clerk shall
6 consider whether all of the following conditions are met:

7 (1) All registered voters of the political subdivision or a district
8 or ward of the political subdivision are eligible to vote on all
9 candidates and ~~the issue or~~ issues submitted to the voters;

10 (2) Only registered voters of the political subdivision or the
11 district or ward of the political subdivision are eligible to vote on all
12 candidates and ~~the issue or~~ issues submitted to the voters;

13 ~~(3) Only issues and not candidates are submitted to the registered~~
14 ~~voters;~~

15 (~~3~~ 4) A review has been conducted of the costs and the expected
16 voter turnout which may result from holding the election by mail;

17 (~~4~~ 5) The election commissioner or county clerk has determined a
18 date for the election which is not the same date as another election in
19 which the registered voters of the political subdivision are eligible to
20 vote; and

21 ~~(6) The clerk of the political subdivision will certify the issue or~~
22 ~~issues to the election commissioner or county clerk at least fifty days~~
23 ~~prior to the date of the election; and~~

24 (~~5~~ 7) The Secretary of State has approved a written plan for the
25 conduct of the election, including a written timetable for the conduct of
26 the election, submitted by the election commissioner or county clerk. The
27 written plan shall include provisions for the notice of election to be
28 published and for the application for ballots for early voting
29 notwithstanding other statutory provisions regarding the content and
30 publication of a notice of election or the application for ballots for
31 early voting.

1 Sec. 24. Section 32-953, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 32-953 (1) Except as otherwise provided in subsection (2) of this
4 section, the election commissioner or county clerk shall mail the
5 official ballot to all registered voters of the political subdivision or
6 the district or ward of the political subdivision at the addresses
7 appearing on the voter registration register on the same day. The ballots
8 shall be mailed by nonforwardable first-class mail not sooner than the
9 twentieth day before the date set for the election and not later than the
10 tenth day before the date set for the election. The election commissioner
11 or county clerk shall include with the ballot an unsealed identification
12 envelope meeting the requirements of subsection (2) of section 32-947 and
13 instructions sufficient to describe the voting process.

14 (2) The election commissioner or county clerk may choose not to mail
15 a ballot to all registered voters who have been sent a notice pursuant to
16 section 32-329 and failed to respond to the notice. If the election
17 commissioner or county clerk chooses not to mail a ballot to such voters,
18 he or she shall mail a notice to all such registered voters explaining
19 how to obtain a ballot and stating the applicable deadlines.

20 Sec. 25. Section 32-1032, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 32-1032 Upon the completion of the canvass by the county canvassing
23 board, all books shall again be sealed, and the election commissioner or
24 county clerk shall keep all election materials, including the ballots-
25 cast containers from each precinct, the sealed envelopes containing the
26 precinct list of registered voters, the precinct sign-in register, the
27 official summary or summaries of votes cast, and the container for early
28 voting materials, for not less than twenty-two months when statewide
29 primary, general, or special elections involve federal offices,
30 candidates, and issues and not less than fifty days for local elections
31 not held in conjunction with a statewide primary, general, or special

1 election. The election commissioner or county clerk shall keep on file
2 one copy of each ballot face used in each precinct of the official
3 partisan, nonpartisan, constitutional amendment, and initiative and
4 referendum ballots, as used for voting, and all election notices used at
5 each primary and general election for twenty-two months. The precinct
6 sign-in register, the record of early voters, and the official summary of
7 votes cast shall be subject to the inspection of any person who may wish
8 to examine the same after the primary, general, or special election. The
9 election commissioner or county clerk shall not allow any other election
10 materials to be inspected, including ballots and provisional ballot
11 envelopes, except when an election is contested or the materials become
12 necessary to be used in evidence in the courts. The election commissioner
13 or county clerk shall direct the destruction of such materials after such
14 time, except that the election commissioner or county clerk may retain
15 materials for the purposes of establishing voter histories.

16 Sec. 26. Section 32-1037, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 32-1037 There shall be a board of state canvassers consisting of the
19 Governor, Secretary of State, Auditor of Public Accounts, State
20 Treasurer, and Attorney General. The board of state canvassers shall meet
21 at the office of the Secretary of State or such other location within the
22 State Capitol as designated by the Secretary of State on the fourth
23 Monday after each statewide primary and general election for the sole
24 purpose of canvassing the votes cast for all officers and issues
25 certified to the election commissioner or county clerk by the Secretary
26 of State. The board of state canvassers may adjourn from day to day until
27 all returns are received and all votes are tabulated. The Governor on the
28 advice of the Secretary of State or the Attorney General may call an
29 extraordinary session of the board of state canvassers. The duty of the
30 board of state canvassers to canvass the votes is ministerial in nature.

31 Sec. 27. Section 32-1203, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 32-1203 (1) Each city, village, school district, public power
3 district, sanitary and improvement district, metropolitan utilities
4 district, fire district, natural resources district, community college
5 area, learning community coordinating council, educational service unit,
6 hospital district, reclamation district, and library board shall pay for
7 the costs of nominating and electing its officers as provided in
8 subsection (2), (3), or (4) of this section. If a special issue is placed
9 on the ballot at the time of the statewide primary or general election by
10 any political subdivision, the political subdivision shall pay for the
11 costs of the election as provided in subsection (2), (3), or (4) of this
12 section. The districts listed in this subsection shall furnish to the
13 Secretary of State and election commissioner or county clerk any maps and
14 additional information which the election commissioner or county clerk
15 may require in the proper performance of their duties in the conduct of
16 elections and certification of results.

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

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

29 (4) In lieu of the charge determined pursuant to subsection (2) of
30 this section, the election commissioner or county clerk may bill school
31 districts directly for the costs of an election held under section

1 10-703.01.

2 Sec. 28. Section 32-1308, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 32-1308 (1) If a majority of the votes cast at a recall election are
5 against the removal of the official named on the ballot or the election
6 results in a tie, the official shall continue in office for the remainder
7 of his or her term but may be subject to further recall attempts as
8 provided in section 32-1309.

9 (2) If a majority of the votes cast at a recall election are for the
10 removal of the official named on the ballot, he or she shall, regardless
11 of any technical defects in the recall petition, be deemed removed from
12 office unless a recount is ordered. If the official is deemed removed,
13 the removal shall result in a vacancy in the office which shall be filled
14 as provided in this section and sections 32-567 to 32-570 and section 13
15 of this act.

16 (3) If the election results show a margin of votes equal to one
17 percent or less between the removal or retention of the official in
18 question, the Secretary of State, election commissioner, or county clerk
19 shall order a recount of the votes cast unless the official named on the
20 ballot files a written statement with the filing clerk that he or she
21 does not want a recount.

22 (4) If there are vacancies in the offices of one-half a majority or
23 more of the members of any governing body at one time due to the recall
24 of such members, a special election to fill such vacancies shall be
25 conducted as expeditiously as possible by the Secretary of State,
26 election commissioner, or county clerk.

27 (5) No official who is removed at a recall election or who resigns
28 after the initiation of the recall process shall be appointed to fill the
29 vacancy resulting from his or her removal or the removal of any other
30 member of the same governing body during the remainder of his or her term
31 of office.

1 Sec. 29. Section 60-4,144, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 60-4,144 (1) An applicant for issuance of any original or renewal
4 commercial driver's license or an applicant for a change of class of
5 commercial motor vehicle, endorsement, or restriction shall demonstrate
6 his or her knowledge and skills for operating a commercial motor vehicle
7 as prescribed in the Motor Vehicle Operator's License Act. An applicant
8 for a commercial driver's license shall provide the information and
9 documentation required by this section and section 60-4,144.01. Such
10 information and documentation shall include any additional information
11 required by 49 C.F.R. parts 383 and 391 and also include:

12 (a) Certification that the commercial motor vehicle in which the
13 applicant takes any driving skills examination is representative of the
14 class of commercial motor vehicle that the applicant operates or expects
15 to operate; and

16 (b) The names of all states where the applicant has been licensed to
17 operate any type of motor vehicle in the ten years prior to the date of
18 application.

19 (2)(a) Before being issued a CLP-commercial learner's permit or
20 commercial driver's license, the applicant shall provide (i) his or her
21 full legal name, date of birth, mailing address, gender, race or
22 ethnicity, and social security number, (ii) two forms of proof of address
23 of his or her principal residence unless the applicant is a program
24 participant under the Address Confidentiality Act, except that a
25 nondomiciled applicant for a CLP-commercial learner's permit or
26 nondomiciled commercial driver's license holder does not have to provide
27 proof of residence in Nebraska, (iii) evidence of identity as required by
28 this section, and (iv) a brief physical description of himself or
29 herself.

30 (b) The applicant's social security number shall not be printed on
31 the CLP-commercial learner's permit or commercial driver's license and

1 shall be used only (i) to furnish information to the United States
2 Selective Service System under section 60-483, (ii) with the permission
3 of the director in connection with the certification of the status of an
4 individual's driving record in this state or any other state, (iii) for
5 purposes of child support enforcement pursuant to section 42-358.08 or
6 43-512.06, (iv) to furnish information regarding an applicant for or
7 holder of a commercial driver's license with a hazardous materials
8 endorsement to the Transportation Security Administration of the United
9 States Department of Homeland Security or its agent, ~~or~~ (v) to furnish
10 information to the Department of Revenue under section 77-362.02, or (vi)
11 to furnish information to the Secretary of State for purposes of the
12 Election Act.

13 (c) No person shall be a holder of a CLP-commercial learner's permit
14 or commercial driver's license and a state identification card at the
15 same time.

16 (3) Before being issued a CLP-commercial learner's permit or
17 commercial driver's license, an applicant, except a nondomiciled
18 applicant, shall provide proof that this state is his or her state of
19 residence. Acceptable proof of residence is a document with the person's
20 name and residential address within this state.

21 (4)(a) Before being issued a CLP-commercial learner's permit or
22 commercial driver's license, an applicant shall provide proof of
23 identity.

24 (b) The following are acceptable as proof of identity:

25 (i) A valid, unexpired United States passport;

26 (ii) A certified copy of a birth certificate filed with a state
27 office of vital statistics or equivalent agency in the individual's state
28 of birth;

29 (iii) A Consular Report of Birth Abroad issued by the United States
30 Department of State;

31 (iv) A valid, unexpired permanent resident card issued by the United

1 States Department of Homeland Security or United States Citizenship and
2 Immigration Services;

3 (v) An unexpired employment authorization document issued by the
4 United States Department of Homeland Security;

5 (vi) An unexpired foreign passport with a valid, unexpired United
6 States visa affixed accompanied by the approved form documenting the
7 applicant's most recent admittance into the United States;

8 (vii) A Certificate of Naturalization issued by the United States
9 Department of Homeland Security;

10 (viii) A Certificate of Citizenship issued by the United States
11 Department of Homeland Security;

12 (ix) A driver's license or identification card issued in compliance
13 with the standards established by the REAL ID Act of 2005, Public Law
14 109-13, division B, section 1, 119 Stat. 302; or

15 (x) Such other documents as the director may approve.

16 (c) If an applicant presents one of the documents listed under
17 subdivision (b)(i), (ii), (iii), (iv), (vii), or (viii) of this
18 subsection, the verification of the applicant's identity will also
19 provide satisfactory evidence of lawful status.

20 (d) If the applicant presents one of the identity documents listed
21 under subdivision (b)(v), (vi), or (ix) of this subsection, the
22 verification of the identity documents does not provide satisfactory
23 evidence of lawful status. The applicant must also present a second
24 document from subdivision (4)(b) of this section, a document from
25 subsection (5) of this section, or documentation issued by the United
26 States Department of Homeland Security or other federal agencies
27 demonstrating lawful status as determined by the United States
28 Citizenship and Immigration Services.

29 (e) An applicant may present other documents as designated by the
30 director as proof of identity. Any documents accepted shall be recorded
31 according to a written exceptions process established by the director.

1 (5)(a) Whenever a person is renewing, replacing, upgrading,
2 transferring, or applying as a nondomiciled individual to this state for
3 a CLP-commercial learner's permit or commercial driver's license, the
4 Department of Motor Vehicles shall verify the citizenship in the United
5 States of the person or the lawful status in the United States of the
6 person.

7 (b) The following are acceptable as proof of citizenship or lawful
8 status:

9 (i) A valid, unexpired United States passport;

10 (ii) A certified copy of a birth certificate filed with a state
11 office of vital statistics or equivalent agency in the individual's state
12 of birth, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the
13 Commonwealth of the Northern Mariana Islands;

14 (iii) A Consular Report of Birth Abroad issued by the United States
15 Department of State;

16 (iv) A Certificate of Naturalization issued by the United States
17 Department of Homeland Security;

18 (v) A Certificate of Citizenship issued by the United States
19 Department of Homeland Security; or

20 (vi) A valid, unexpired Permanent Resident Card issued by the United
21 States Department of Homeland Security or United States Citizenship and
22 Immigration Services.

23 (6) An applicant may present other documents as designated by the
24 director as proof of lawful status. Any documents accepted shall be
25 recorded according to a written exceptions process established by the
26 director.

27 (7)(a) An applicant shall obtain a nondomiciled CLP-commercial
28 driver's license or nondomiciled CLP-commercial learner's permit:

29 (i) If the applicant is domiciled in a foreign jurisdiction and the
30 Federal Motor Carrier Safety Administrator has not determined that the
31 commercial motor vehicle operator testing and licensing standards of that

1 jurisdiction meet the standards contained in subparts G and H of 49
2 C.F.R. part 383; or

3 (ii) If the applicant is domiciled in a state that is prohibited
4 from issuing commercial learners' permits and commercial drivers'
5 licenses in accordance with 49 C.F.R. 384.405. Such person is eligible to
6 obtain a nondomiciled CLP-commercial learner's permit or nondomiciled
7 commercial driver's license from Nebraska that complies with the testing
8 and licensing standards contained in subparts F, G, and H of 49 C.F.R.
9 part 383.

10 (b) An applicant for a nondomiciled CLP-commercial learner's permit
11 and nondomiciled commercial driver's license must do the following:

12 (i) Complete the requirements to obtain a CLP-commercial learner's
13 permit or a commercial driver's license under the Motor Vehicle
14 Operator's License Act, except that an applicant domiciled in a foreign
15 jurisdiction must provide an unexpired employment authorization document
16 issued by the United States Citizenship and Immigration Services or an
17 unexpired foreign passport accompanied by an approved I-94 form
18 documenting the applicant's most recent admittance into the United
19 States. No proof of domicile is required;

20 (ii) After receipt of the nondomiciled CLP-commercial learner's
21 permit or nondomiciled commercial driver's license and, for as long as
22 the permit or license is valid, notify the Department of Motor Vehicles
23 of any adverse action taken by any jurisdiction or governmental agency,
24 foreign or domestic, against his or her driving privileges. Such adverse
25 actions include, but are not limited to, license disqualification or
26 disqualification from operating a commercial motor vehicle for the
27 convictions described in 49 C.F.R. 383.51. Notifications must be made
28 within the time periods specified in 49 C.F.R. 383.33; and

29 (iii) Provide a mailing address to the Department of Motor Vehicles.
30 If the applicant is applying for a foreign nondomiciled CLP-commercial
31 learner's permit or foreign nondomiciled commercial driver's license, he

1 or she must provide a Nebraska mailing address and his or her employer's
2 mailing address to the Department of Motor Vehicles.

3 (c) An applicant for a nondomiciled CLP-commercial learner's permit
4 or nondomiciled commercial driver's license is not required to surrender
5 his or her foreign license.

6 (8) Any person applying for a CLP-commercial learner's permit or
7 commercial driver's license may answer the following:

8 (a) Do you wish to register to vote as part of this application
9 process?

10 (b) Do you wish to have the word "veteran" displayed on the front of
11 your operator's license to show that you served in the armed forces of
12 the United States? (To be eligible you must register with the Nebraska
13 Department of Veterans' Affairs registry.)

14 OPTIONAL - YOU ARE NOT REQUIRED TO ANSWER ANY OF THE FOLLOWING
15 QUESTIONS:

16 (c) Do you wish to be an organ and tissue donor?

17 (d) Do you wish to receive any additional specific information
18 regarding organ and tissue donation and the Donor Registry of Nebraska?

19 (e) Do you wish to donate \$1 to promote the Organ and Tissue Donor
20 Awareness and Education Fund?

21 (9) Any person applying for a CLP-commercial learner's permit or
22 commercial driver's license must make one of the certifications in
23 section 60-4,144.01 and any certification required under section 60-4,146
24 and must provide such certifications to the Department of Motor Vehicles
25 in order to be issued a CLP-commercial learner's permit or a commercial
26 driver's license.

27 (10) Every person who holds any commercial driver's license must
28 provide to the department medical certification as required by section
29 60-4,144.01. The department may provide notice and prescribe medical
30 certification compliance requirements for all holders of commercial
31 drivers' licenses. Holders of commercial drivers' licenses who fail to

1 meet the prescribed medical certification compliance requirements may be
2 subject to downgrade.

3 Sec. 30. Section 81-2901, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-2901 Every state civil office filled by appointment shall be
6 vacant upon the happening of any one of the events listed in section
7 32-560 except as provided in section 32-561. The resignation of the
8 incumbent of such a civil office may be made as provided in section
9 32-562. Vacancies in such a civil office shall be filled as provided in
10 section 32-567 and section 13 of this act and shall be subject to section
11 32-563.

12 Sec. 31. Sections 9, 29, 31, 32, and 34 of this act become
13 operative on their effective date. The other sections of this act become
14 operative three calendar months after the adjournment of this legislative
15 session.

16 Sec. 32. Original sections 32-304 and 60-4,144, Revised Statutes
17 Cumulative Supplement, 2014, are repealed.

18 Sec. 33. Original sections 13-404, 23-148, 23-2,100, 32-227,
19 32-228, 32-330, 32-528, 32-569, 32-612, 32-813, 32-952, 32-1032, 32-1037,
20 32-1308, and 81-2901, Reissue Revised Statutes of Nebraska, and sections
21 10-703.01, 32-101, 32-208, 32-567, 32-607, 32-615, 32-710, 32-941,
22 32-942, 32-947, 32-953, and 32-1203, Revised Statutes Cumulative
23 Supplement, 2014, are repealed.

24 Sec. 34. Since an emergency exists, this act takes effect when
25 passed and approved according to law.