LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1068

Introduced by Murante, 49.
Read first time January 17, 2018
Committee: Government, Military and Veterans Affairs

A BILL FOR AN ACT relating to elections; to amend sections 31-787, 31-793, 32-330, 32-552, 32-952, 32-956, 32-1002, 32-1303, 32-1306, 32-1309, 32-1405, 32-1407, and 32-1409, Reissue Revised Statutes of Nebraska, and section 32-915, Revised Statutes Supplement, 2017; to change provisions relating to voter registration lists, special elections by mail, recall petitions and elections, and initiative and referendum measures; to require the provision of an approved map to the election commissioner or county clerk for purposes of adjusting boundaries; to provide for seventeen-year-olds to vote using a provisional ballot in special elections as prescribed; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 31-787, Reissue Revised Statutes of Nebraska, is amended to read:

31-787 (1) A trustee of a sanitary and improvement district may be removed from office by recall pursuant to sections 31-786 to 31-793. A petition for an election to recall a trustee shall be sufficient if it complies with the requirements of this section.

(2) The signers of the petition shall be persons who were, on the date the initial petition papers are issued under subsection (7) of this section, eligible to vote in a district election as provided in section 31-735. A person's eligibility to sign a petition shall be the same as the person's eligibility to cast one or more votes at a district election under section 31-735. Only one person shall be allowed to sign on behalf of joint owners of property in the district or on behalf of a public, private, or municipal corporation that owns property in the district. If the trustee whose recall is sought was elected by vote of resident owners only, then only resident owners shall be allowed to sign the petition. If the trustee whose recall is sought was elected by vote of all owners of property, then all owners shall be allowed to sign the petition. Resident owner means qualified resident voter. All owners means all qualified resident voters and all qualified property owning voters.

(3) The filing clerk shall assign to each signature a count equal to the number of votes that the signer was eligible to cast on the date he or she signed. The number of votes that a signer was eligible to cast shall be based on section 31-735. If the signature was made by or for an owner of more than one parcel of property, the signature made by or on behalf of such owner shall be assigned a count equal to the total number of votes which the owner was eligible to cast.

(4) The filing clerk shall total the count assigned to the signatures on the petition. The petition shall be sufficient if the total is at least equal to thirty-five percent of the highest number of votes that were cast for a candidate at the previous district election for the
trustee positions in the same category as the trustee whose recall is sought by the petition. The categories of trustees shall be the same as provided in section 31-735.

(5) The signatures shall be affixed to petition papers and shall be considered part of the petition.

(6) The petition papers shall be procured from the filing clerk. Prior to the issuance of such petition papers, a recall petition filing form an affidavit shall be signed and filed with the filing clerk by at least one qualified resident voter of the district, if the trustee whose recall is being sought was elected solely by qualified resident voters, or at least one qualified resident voter or qualified property owning voter, if the trustee whose recall is being sought was elected by other qualified resident voters and qualified property owning voters. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The filing form affidavit shall state the name of the trustee sought to be removed and whether qualified property owning voters participated in the election of the trustee and shall request that the filing clerk issue initial petition papers to the principal circulator for circulation. The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within thirty days after the date of issuing the petitions.

(7) The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, the number of papers issued, and whether qualified property owning voters may participate in signing the petitions. The filing clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued, the date they were issued, and whether qualified property owning voters may participate in signing the petitions. No petition paper shall be accepted as part of the petition unless it bears such certificate. The
principal circulator or circulators who check out petitions from the filing clerk may distribute such petitions to persons who may act as circulators of such petitions.

Sec. 2. Section 31-793, Reissue Revised Statutes of Nebraska, is amended to read:

31-793 No recall petition filing form shall be filed against a trustee under section 31-787 within twelve months after a recall election has failed to remove him or her from office or within six months after the beginning of his or her term of office or within six months prior to the incumbent filing deadline for the office.

Sec. 3. Section 32-330, Reissue Revised Statutes of Nebraska, is amended to read:

32-330 (1) The voter registration register shall be a public record. Any person may examine the register at the office of the election commissioner or county clerk, but no person other than the Secretary of State, election commissioner, county clerk, or law enforcement shall be allowed to make copies of the register. Copies of the register shall only be used for list maintenance as provided in section 32-329 or law enforcement purposes. The electronic records of the original voter registrations created pursuant to section 32-301 may constitute the voter registration register. The Secretary of State, election commissioner, or county clerk shall withhold information in the register designated as confidential under section 32-331.

(2) The Secretary of State, election commissioner, or county clerk shall make available for purchase a list of registered voters that contains no more than the information authorized in subsection (3) of this section required under section 32-312 and, if requested, a list that only contains such information for registered voters who have voted in an election held more than thirty days prior to the request for the list. The Secretary of State, election commissioner, or county clerk shall establish the price of the lists at a rate that fairly covers the actual
production cost of the lists, not to exceed three cents per name. Lists shall be used solely for purposes related to elections, political activities, voter registration, law enforcement, or jury selection. Lists shall not be used for commercial purposes.

(3)(a) The Secretary of State, election commissioner, or county clerk shall withhold from any list of registered voters distributed pursuant to this section any information in the voter registration records which is designated as confidential under section 32-331 or marked private on the voter registration application or voter registration record.

(b) Except as otherwise provided in subdivision (a) of this subsection, a list of registered voters distributed pursuant to this section shall contain no more than the following information:

(i) The registrant’s name;
(ii) The registrant’s residential address;
(iii) The registrant’s mailing address;
(iv) The registrant’s telephone number;
(v) The registrant’s voter registration status;
(vi) The registrant’s voter identification number;
(vii) The registrant’s date of birth;
(viii) The registrant’s date of voter registration;
(ix) The registrant’s voting precinct;
(x) The registrant’s polling site;
(xi) The registrant’s political party affiliation;
(xii) The political subdivisions in which the registrant resides; and
(xiii) The registrant’s voter history.

(4) Any person who acquires a list of registered voters under subsection (2) of this section shall provide his or her name, address, telephone number, email address, and campaign committee name or organization name if applicable, the state of organization if applicable.
and a statement regarding the purpose of the list and shall take and subscribe to an oath in substantially the following form:

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

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

The penalty for election falsification is a Class IV felony.

(Signature of person acquiring list) .....................

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

(Signature Name of officer) .................................

(Name and Official title of officer) ........................

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

(6) (5) The Secretary of State, election commissioner, or county clerk shall provide, upon request and free of charge, a complete and current listing of all registered voters containing only the information authorized under subsection (3) of this section and their addresses to the state party headquarters of each political party and to the county chairperson of each political party. Such list shall be provided no later than thirty-five days prior to the statewide primary and statewide general elections.

Sec. 4. Section 32-552, Reissue Revised Statutes of Nebraska, is amended to read:

32-552 (1) At least five months prior to an election, the governing board of any political subdivision requesting the adjustment of the
boundaries of election districts shall provide written notification to
the election commissioner or county clerk (a) written notice of the need
and necessity of his or her office to perform such adjustments and (b) a
revised election district boundary map that has been approved by the
requesting political subdivision's governing board and subjected to all
public review and challenge ordinances of the political subdivision.

(2) After the next federal decennial census, the election
commissioner of the county in which the greater part of a Class IV school
district is situated shall, subject to review by the school board, divide
the school district into seven numbered districts, substantially equal in
population as determined by the most recent federal decennial census. The
election commissioner shall consider the location of schools within the
district and their boundaries. The election commissioner shall adjust the
boundaries of the election districts, subject to final review and
adjustment by the school board, to conform to changes in the territory
and population of the school district and also following each federal
decennial census. Except when specific procedures are otherwise provided,
section 32-553 shall apply to all Class IV school districts.

(3) For purposes of election of members to the board of education of
a Class V school district:

(a)(i) The Legislature hereby divides such school district into nine
numbered election districts of compact and contiguous territory and of as
nearly equal population as may be practical. Each election district shall
be entitled to one member on the board of education of such Class V
school district. The Legislature adopts the official population figures
and maps from the 2010 Census Redistricting (Public Law 94-171) TIGER/
Line Shapefiles published by the United States Department of Commerce,
Bureau of the Census. The numbers and boundaries of the election
districts are designated and established by a map identified and labeled
as OPS-13-002, filed with the Clerk of the Legislature, and incorporated
by reference as part of Laws 2013, LB125. Such districts are drawn using
the boundaries of the Class V school district as they existed on February
12, 2013; (ii) the Clerk of the Legislature shall transfer possession of
the map referred to in subdivision (a)(i) of this subsection to the
Secretary of State and the election commissioner of the county in which
the greater part of the school district is situated on February 12, 2013;
(iii) when questions of interpretation of such election district
boundaries arise, the map referred to in subdivision (a)(i) of this
subsection in possession of such election commissioner shall serve as the
indication of the legislative intent in drawing the election district
boundaries; (iv) the Secretary of State and such election commissioner
shall also have available for viewing on his or her web site the map
referred to in subdivision (a)(i) of this subsection identifying the
boundaries for such election districts; and (v) the twelve numbered
districts in existence on January 1, 2013, shall remain unchanged until
the terms of members elected at the election in May 2013 begin; and

(b) After the next federal decennial census after February 12, 2013,
the election commissioner of the county in which the greater part of a
Class V school district is situated shall divide the school district into
nine numbered districts of compact and contiguous territory and of as
nearly equal population as may be practical. The election commissioner
shall adjust the boundaries of such districts, subject to final review
and adjustment by the school board, to conform to changes in the
territory of the school district and also following each federal
decennial census.

Sec. 5. Section 32-915, Revised Statutes Supplement, 2017, is
amended to read:

32-915 (1) A person whose name does not appear on the precinct list
of registered voters at the polling place for the precinct in which he or
she resides, whose name appears on the precinct list of registered voters
at the polling place for the precinct in which he or she resides at a
different residence address as described in section 32-914.02, or whose
name appears with a notation that he or she received a ballot for early
voting may vote a provisional ballot if he or she:

   (a) Claims that he or she is a registered voter who has continuously
   resided in the county in which the precinct is located since registering
to vote;

   (b) Is not entitled to vote under section 32-914.01 or 32-914.02;

   (c) Has not registered to vote or voted in any other county since
   registering to vote in the county in which the precinct is located;

   (d) Has appeared to vote at the polling place for the precinct to
   which the person would be assigned based on his or her residence address;

   and

   (e) Completes and signs a registration application before voting.

   (2) A voter whose name appears on the precinct list of registered
voters for the polling place with a notation that the voter is required
to present identification pursuant to section 32-318.01 but fails to
present identification may vote a provisional ballot if he or she
completes and signs a registration application before voting.

   (3) A seventeen-year-old resident of Nebraska who will attain the
age of eighteen years on or before the day of a special election but
after the second Friday preceding the special election when such election
occurs in the month of January in an even-numbered year or in the month
of January, November, or December of an odd-numbered year may appear in
person at the polling place for the precinct in which his or her voting
address is located or before the election commissioner or county clerk
and vote a provisional ballot if he or she completes and signs a
registration application before voting. The voter shall comply with
subsection (4) of this section but shall not be deemed to be in violation
of subdivisions (4)(a), (b), (c), or (d) of this section if otherwise in
compliance with this section.

   (4) Except as otherwise provided in subsection (3) of this section,
each (3) Each person voting by provisional ballot shall enclose his or
her ballot in an envelope marked Provisional Ballot and shall, by signing
the certification on the front of the envelope or a separate form
attached to the envelope, certify to the following facts:

(a) I am a registered voter in ........... County;
(b) My name or address did not correctly appear on the precinct list
of registered voters;
(c) I registered to vote on or about this date .................;
(d) I registered to vote
 .... in person at the election office or a voter registration site,
 .... by mail,
 .... by using the Secretary of State's web site,
 .... through the Department of Motor Vehicles,
 .... on a form through another state agency,
 .... in some other way;
(e) I have not resided outside of this county or voted outside of
this county since registering to vote in this county;
(f) My current address is shown on the registration application
completed as a requirement for voting by provisional ballot; and
(g) I am eligible to vote in this election and I have not voted and
will not vote in this election except by this ballot.

(5) (4) The voter shall sign the certification under penalty of
election falsification. The following statements shall be on the front of
the envelope or on the attached form: By signing the front of this
envelope or the attached form you are certifying to the information
contained on this envelope or the attached form under penalty of election
falsification. Election falsification is a Class IV felony and may be
punished by up to two years imprisonment and twelve months post-release
supervision, a fine of up to ten thousand dollars, or both.

(6) (5) If the person's name does not appear on the precinct list of
registered voters for the polling place and the judge or clerk of
election determines that the person's residence address is located in
another precinct within the same county, the judge or clerk of election shall direct the person to his or her correct polling place to vote.

Sec. 6. Section 32-952, Reissue Revised Statutes of Nebraska, is amended to read:

32-952 If a political subdivision decides to place a candidate or an issue on the ballot at a special election, the election commissioner or county clerk may conduct the special election by mail as provided in section 32-953 or conduct the special election as otherwise authorized in the Election Act. In making a determination as to whether to conduct the election by mail, the election commissioner or county clerk shall consider whether all of the following conditions are met:

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

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

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

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

(5) The election commissioner or county clerk has submitted a written plan to the Secretary of State within five business days after receiving the resolution from the political subdivision to hold the election; and

(6) The Secretary of State has approved the written plan for the conduct of the election, including a written timetable for the conduct of the election, submitted by the election commissioner or county clerk. The written plan shall include provisions for the notice of
election to be published and for the application for ballots for early
voting notwithstanding other statutory provisions regarding the content
and publication of a notice of election or the application for ballots
for early voting.

Sec. 7. Section 32-956, Reissue Revised Statutes of Nebraska, is
amended to read:

32-956 If a ballot is destroyed, spoiled, lost, or not received by
the registered voter, the voter may obtain a replacement ballot from the
election commissioner or county clerk by signing a statement verified on
oath or affirmation on a form prescribed by the Secretary of State that
the ballot was destroyed, spoiled, lost, or not received and delivering
the statement to the election commissioner or county clerk by 5 p.m. on
the date set for the election. If the voter mails the statement, the
election commissioner or county clerk shall not deliver a replacement
ballot to the voter unless the statement is received prior to the close
of business on the second Friday preceding fourth business day before the
date set for the election. If the election commissioner or county clerk
receives a statement meeting the requirements of this section, he or she
shall deliver a replacement ballot to the voter if the voter is present
in the office or shall mail a replacement ballot to the voter at the
address shown on the statement. The election commissioner or county clerk
shall keep a record of all replacement ballots issued under this section.

Sec. 8. Section 32-1002, Reissue Revised Statutes of Nebraska, is
amended to read:

32-1002 (1) As the ballots are removed from the ballot box pursuant
to sections 32-1012 to 32-1018, the receiving board shall separate the
envelopes containing the provisional ballots from the rest of the ballots
and deliver them to the election commissioner or county clerk.

(2) Upon receipt of a provisional ballot, the election commissioner
or county clerk shall verify that the certificate on the front of the
envelope or the form attached to the envelope is in proper form and that
the certification has been signed by the voter.

(3) The election commissioner or county clerk shall also (a) verify that such person has not voted anywhere else in the county or been issued a ballot for early voting, (b) investigate whether any credible evidence exists that the person was properly registered to vote in the county before the deadline for registration for the election if applicable, (c) investigate whether any information has been received pursuant to section 32-308, 32-309, 32-310, or 32-324 that the person has resided, registered, or voted in any other county or state since registering to vote in the county if applicable, and (d) upon determining that credible evidence exists that the person was properly registered to vote in the county or voted pursuant to subsection (3) of section 32-915, make the appropriate changes to the voter registration register by entering the information contained in the registration application completed by the voter at the time of voting a provisional ballot.

(4) A provisional ballot cast by a voter pursuant to section 32-915 shall be counted if:

(a) Credible evidence exists that the voter was properly registered in the county before the deadline for registration for the election if applicable;

(b) The voter has resided in the county continuously since registering to vote in the county if applicable;

(c) The voter has not voted anywhere else in the county or has not otherwise voted early using a ballot for early voting;

(d) The voter has completed a registration application prior to voting as prescribed in subsection (6) of this section and:

(i) The residence address provided on the registration application completed pursuant to subdivision (1)(e) of section 32-915 is located within the precinct in which the person voted; and

(ii) If the voter is voting in a primary election, the party affiliation provided on the registration application completed prior to
voting the provisional ballot is the same party affiliation that appears on the voter's voter registration record based on his or her previous registration application; and

(e) The certification on the front of the envelope or form attached to the envelope is in the proper form and signed by the voter.

(5) A provisional ballot cast by a voter pursuant to section 32-915 shall not be counted if:

(a) The voter was not properly registered in the county before the deadline for registration for the election unless the voter voted pursuant to subsection (3) of section 32-915;

(b) Information has been received pursuant to section 32-308, 32-309, 32-310, or 32-324 that the voter has resided, registered, or voted in any other county or state since registering to vote in the county in which he or she cast the provisional ballot;

(c) Credible evidence exists that the voter has voted elsewhere or has otherwise voted early;

(d) The voter failed to complete and sign a registration application pursuant to subsection (6) of this section and subdivision (1)(e) of section 32-915;

(e) The residence address provided on the registration application completed pursuant to subdivision (1)(e) of section 32-915 is in a different county or in a different precinct than the county or precinct in which the voter voted;

(f) If the voter is voting in a primary election, the party affiliation on the registration application completed prior to voting the provisional ballot is different than the party affiliation that appears on the voter's voter registration record based on his or her previous registration application; or

(g) The voter failed to complete and sign the certification on the envelope or form attached to the envelope pursuant to subsection (4) of section 32-915.
An error or omission of information on the registration application or the certification required under section 32-915 shall not result in the provisional ballot not being counted if:

(a)(i) The errant or omitted information is contained elsewhere on the registration application or certification; or

(ii) The information is not necessary to determine the eligibility of the voter to cast a ballot; and

(b) Both the registration application and the certification are signed by the voter.

Upon determining that the voter's provisional ballot is eligible to be counted, the election commissioner or county clerk shall remove the ballot from the envelope without exposing the marks on the ballot and shall place the ballot with the ballots to be counted by the county canvassing board.

The election commissioner or county clerk shall notify the system administrator of the system created pursuant to section 32-202 as to whether the ballot was counted and, if not, the reason the ballot was not counted.

The verification and investigation shall be completed within seven days after the election.

Sec. 9. Section 32-1303, Reissue Revised Statutes of Nebraska, is amended to read:

32-1303 (1) A petition demanding that the question of removing an elected official or member of a governing body listed in section 32-1302 be submitted to the registered voters shall be signed by registered voters equal in number to at least thirty-five percent of the total vote cast for that office in the last general election, except that (a) for an office for which more than one candidate is chosen, the petition shall be signed by registered voters equal in number to at least thirty-five percent of the number of votes cast for the person receiving the most votes for such office in the last general election, (b) for a member of a
board of a Class I school district, the petition shall be signed by
registered voters of the school district equal in number to at least
twenty-five percent of the total number of registered voters residing in
the district on the date that the recall petitions are first checked out
from the filing clerk by the principal circulator, and (c) for a member
of a governing body of a village, the petition shall be signed by
registered voters equal in number to at least forty-five percent of the
total vote cast for the person receiving the most votes for that office
in the last general election. The signatures shall be affixed to petition
papers and shall be considered part of the petition.

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

(3) The petition papers shall be procured from the filing clerk.
Prior to the issuance of such petition papers, a recall petition filing
form an affidavit shall be signed and filed with the filing clerk by at
least one registered voter. Such voter or voters shall be deemed to be
the principal circulator or circulators of the recall petition. The
filing form affidavit shall state the name and office of the official
sought to be removed, shall include in typewritten form in concise
language of sixty words or less the reason or reasons for which recall is
sought, and shall request that the filing clerk issue initial petition
papers to the principal circulator for circulation. The filing clerk
shall notify the official sought to be removed by any method specified in
section 25-505.01 or, if notification cannot be made with reasonable
diligence by any of the methods specified in section 25-505.01, by
leaving a copy of the filing form affidavit at the official's usual place
of residence and mailing a copy by first-class mail to the official's
last-known address. If the official chooses, he or she may submit a
defense statement in typewritten form in concise language of sixty words
or less for inclusion on the petition. Any such defense statement shall
be submitted to the filing clerk within twenty days after the official
receives the copy of the filing form affidavit. The principal circulator or circulators shall gather the petition papers within twenty days after the receipt of the official's defense statement. The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within thirty days from the date of issuing the petitions.

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

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

Sec. 10. Section 32-1306, Reissue Revised Statutes of Nebraska, is amended to read:

32-1306 (1) If the recall petition is found to be sufficient, the filing clerk shall notify the official whose removal is sought and the governing body of the affected political subdivision that sufficient signatures have been gathered. Notification of the official sought to be removed may be by any method specified in section 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in section 25-505.01, by leaving such notice at the official's usual place of residence and mailing a copy by first-class
mail to the official's last-known address.

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

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

Sec. 11. Section 32-1309, Reissue Revised Statutes of Nebraska, is amended to read:

32-1309 No recall petition filing form shall be filed against an elected official within twelve months after a recall election has failed to remove him or her from office or within six months after the beginning of his or her term of office or within six months prior to the incumbent filing deadline for the office.

Sec. 12. Section 32-1405, Reissue Revised Statutes of Nebraska, is amended to read:

32-1405 (1) Prior to obtaining any signatures on an initiative or referendum petition, a statement of the object of the petition and the
text of the measure shall be filed with the Secretary of State together with a sworn statement containing the names and street addresses of every person, corporation, or association sponsoring the petition.

(2) Upon receipt of the filing, the Secretary of State shall transmit the text of the proposed measure to the Revisor of Statutes. The Revisor of Statutes shall review the proposed measure and suggest changes as to form and draftsmanship. The revisor shall complete the review within ten days after receipt from the Secretary of State. The Secretary of State shall provide the results of the review and suggested changes to the sponsor but shall otherwise keep the proposed measure and the review confidential for five days after receipt of the review by the sponsor. The Secretary of State shall then maintain the proposed measure and the opinion as public information and as a part of the official record of the initiative. The suggested changes may be accepted or rejected by the sponsor.

(3) The Secretary of State shall prepare five camera-ready copies of the petition from the information filed by the sponsor and any changes accepted by the sponsor and shall provide the copies to the sponsor within five days after receipt of the review required in subsection (2) of this section. The sponsor shall print the petitions to be circulated from the forms provided.

(4) The changes made to this section by Laws 1995, LB 337 shall apply to initiative and referendum petitions filed on or after September 9, 1995.

Sec. 13. Section 32-1407, Reissue Revised Statutes of Nebraska, is amended to read:

32-1407 (1) Initiative petitions shall be filed in the office of the Secretary of State at least four months prior to the general election at which the proposal would be submitted to the voters.

(2) When a copy of the form of any initiative petition is filed with the Secretary of State prior to obtaining signatures, the issue presented
by such petition shall be placed before the voters at the next general
election occurring at least four months after the date that such copy is
filed if the signed petitions are found to be valid and sufficient. All
signed initiative petitions shall become invalid on the date of the first
general election occurring at least four months after the date on which
the copy of the form is filed with the Secretary of State.

(3) Petitions invoking a referendum shall be filed in the office of
the Secretary of State within ninety days after the Legislature at which
the act sought to be referred was passed has adjourned sine die or has
adjourned for more than ninety days.

(4) At the time of filing the signed petitions, each sponsor shall
sign an affidavit certifying that the petitions have at least the number
of signatures necessary to place the issue on the ballot if each
signature were found to be valid. If the total number of signatures on
the filed petitions is not at least the number of signatures needed
whether or not the signatures are valid, the sponsors shall be jointly
and severally liable for the cost to the state and the counties of the
signature verification process.

Sec. 14. Section 32-1409, Reissue Revised Statutes of Nebraska, is
amended to read:

32-1409 (1) Upon the receipt of the petitions, the Secretary of
State, with the aid and assistance of the election commissioner or county
clerk, shall determine the validity and sufficiency of signatures on the
pages of the filed petition. The Secretary of State shall deliver the
various pages of the filed petition to the election commissioner or
county clerk by hand carrier, by use of law enforcement officials, or by
certified mail, return receipt requested. Upon receipt of the pages of
the petition, the election commissioner or county clerk shall issue to
the Secretary of State a written receipt that the pages of the petition
are in the custody of the election commissioner or county clerk. The
election commissioner or county clerk shall determine if each signer was
a registered voter on or before the date on which the petition was
required to be filed with the Secretary of State. The election
commissioner or county clerk shall compare the signer's signature,
printed name, date of birth, street name and number or voting precinct,
and city, village, or post office address with the voter registration
records to determine whether the signer was a registered voter. The
determination of the election commissioner or county clerk may be
rebutted by any credible evidence which the election commissioner or
county clerk finds sufficient. The express purpose of the comparison of
names and addresses with the voter registration records, in addition to
helping to determine the validity of such petition, the sufficiency of
such petition, and the qualifications of the signer, shall be to prevent
fraud, deception, and misrepresentation in the petition process. If the
Secretary of State receives reports from the counties that signatures in
excess of one hundred ten percent of the number necessary to place the
issue on the ballot have been verified, the Secretary of State may
instruct the election commissioners and county clerks to stop verifying
signatures and certify the number of signatures verified as of receipt of
the instruction from the Secretary of State.

(2) Upon completion of the determination of registration, the
election commissioner or county clerk shall prepare in writing a
certification under seal setting forth the name and address of each
signer found not to be a registered voter and the petition page number
and line number where the name is found, and if the reason for the
invalidity of the signature or address is other than the nonregistration
of the signer, the election commissioner or county clerk shall set forth
the reason for the invalidity of the signature. If the election
commissioner or county clerk determines that a signer has affixed his or
her signature more than once to any page or pages of the petition and
that only one person is registered by that name, the election
commissioner or county clerk shall prepare in writing a certification
under seal setting forth the name of the duplicate signature and shall count only the earliest dated signature. The election commissioner or county clerk shall deliver all pages of the petition and the certifications to the Secretary of State within forty days after the receipt of such pages from the Secretary of State. The delivery shall be by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. The Secretary of State may grant to the election commissioner or county clerk an additional ten days to return all pages of the petition in extraordinary circumstances.

(3) Upon receipt of the pages of the petition, the Secretary of State shall issue a written receipt indicating the number of pages of the petition that are in his or her custody. When all the petitions and certifications have been received by the Secretary of State, he or she shall strike from the pages of the petition all but the earliest dated signature of any duplicate signatures and such stricken signatures shall not be added to the total number of valid signatures. Not more than twenty signatures on one sheet shall be counted. All signatures secured in a manner contrary to sections 32-1401 to 32-1416 shall not be counted. Clerical and technical errors in a petition shall be disregarded if the forms prescribed in sections 32-1401 to 32-1403 are substantially followed. The Secretary of State shall total the valid signatures and determine if constitutional and statutory requirements have been met. The Secretary of State shall immediately serve a copy of such determination by certified or registered mail upon the person filing the initiative or referendum petition. If the petition is found to be valid and sufficient, the Secretary of State shall proceed to place the measure on the general election ballot.

(4) The Secretary of State may adopt and promulgate rules and regulations for the issuance of all necessary forms and procedural instructions to carry out this section.
32-956, 32-1002, 32-1303, 32-1306, 32-1309, 32-1405, 32-1407, and 32-1409, Reissue Revised Statutes of Nebraska, and section 32-915, Revised Statutes Supplement, 2017, are repealed.