

AMENDMENTS TO LB820

Introduced by Government, Military and Veterans Affairs.

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

2 Sec. 2. Section 32-1305, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 32-1305 (1) The principal circulator or circulators shall file, as
5 one instrument, all petition papers comprising a recall petition for
6 signature verification with the filing clerk within thirty days after the
7 filing clerk issues the initial petition papers to the principal
8 circulator or circulators as provided in section 32-1303.

9 (2) If the filing clerk is the subject of a recall petition, the
10 signature verification process shall be conducted by two election
11 commissioners or county clerks appointed by the Secretary of State.
12 Mileage and expenses incurred by officials appointed pursuant to this
13 subsection shall be reimbursed by the political subdivision involved in
14 the recall.

15 (3) Within fifteen business days after the filing of the petition,
16 the filing clerk shall ascertain whether or not the petition is signed by
17 the requisite number of registered voters. No new signatures may be added
18 after the initial filing of the petition papers. No signatures may be
19 removed unless the filing clerk receives an affidavit signed by the
20 person requesting his or her signature be removed before the petitions
21 are filed with the filing clerk for signature verification. If the
22 petition is found to be sufficient, the filing clerk shall attach to the
23 petition a certificate showing the result of such examination. If the
24 requisite number of signatures has not been gathered, the filing clerk
25 shall file the petition in his or her office without prejudice to the
26 filing of a new petition for the same purpose.

27 Sec. 3. Section 32-1306, Revised Statutes Supplement, 2019, is

1 amended to read:

2 32-1306 (1) If the recall petition is found to be sufficient, the
3 filing clerk shall notify the official whose removal is sought and the
4 governing body of the affected political subdivision that sufficient
5 signatures have been gathered. Notification of the official sought to be
6 removed may be by any method specified in section 25-505.01 or, if
7 notification cannot be made with reasonable diligence by any of the
8 methods specified in section 25-505.01, by leaving such notice at the
9 official's usual place of residence and mailing a copy by first-class
10 mail to the official's last-known address.

11 (2) The governing body of the political subdivision shall, within
12 twenty-one days after receipt of the notification from the filing clerk
13 pursuant to subsection (1) of this section, order an election. The date
14 of the election shall be the first available date that complies with
15 section 32-405 and that can be certified to the election commissioner or
16 county clerk at least fifty days prior to the election ~~to be held not~~
17 ~~less than fifty nor more than eighty days after the notification of the~~
18 ~~official whose removal is sought under subsection (1) of this section,~~
19 except that if any other election is to be held in that political
20 subdivision within ninety days after such notification, the governing
21 body of the political subdivision shall provide for the holding of the
22 recall election on the same day.

23 (3) All resignations shall be tendered as provided in section
24 32-562. If the official whose removal is sought resigns before the recall
25 election is held, the governing body may cancel the recall election if
26 the governing body notifies the election commissioner or county clerk of
27 the cancellation at least twenty-four days prior to the election,
28 otherwise the recall election shall be held as scheduled.

29 (4) ~~(3)~~ If the governing body of the political subdivision fails or
30 refuses to order a recall election within the time required, the election
31 may be ordered by the district court having jurisdiction over a county in

1 which the elected official serves. If a filing clerk is subject to a
2 recall election, the Secretary of State shall conduct the recall
3 election.

4 Sec. 4. Original section 32-1305, Reissue Revised Statutes of
5 Nebraska, section 32-312, Revised Statutes Cumulative Supplement, 2018,
6 and section 32-1306, Revised Statutes Supplement, 2019, are repealed.