

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 843

Introduced by Brewer, 43.

Read first time January 06, 2022

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 32-118,
2 32-235, 32-318.01, 32-326, 32-331, 32-559, 32-615, 32-623, 32-809,
3 32-905, 32-908, 32-918, 32-949.01, 32-1031, 32-1033, 42-1207,
4 49-1494, and 77-3444, Reissue Revised Statutes of Nebraska, sections
5 17-503, 32-101, 32-103, 32-221, 32-223, 32-230, 32-231, 32-312,
6 32-956, 32-960, 32-962, 32-1121, 32-1203, 32-1306, 32-1405, 32-1524,
7 and 32-1525, Revised Statutes Cumulative Supplement, 2020, and
8 section 32-330, Revised Statutes Supplement, 2021; to define and
9 redefine terms; to change provisions relating to petitions, filing,
10 mailing, and voting deadlines, appointment of election workers,
11 voter registration, registered voter lists, confidential records,
12 primary election ballots, polling places, assistance for voting,
13 replacement ballots, poll watchers, county canvassing boards,
14 election costs, recall elections, initiative and referendum
15 petitions, and electioneering; to eliminate certain filing
16 requirements; to provide requirements for distribution of
17 applications for voter registration and requests for ballots for
18 early voting; to provide requirements regarding requests for ballots
19 for early voting; to provide for canceling elections as prescribed;
20 to harmonize provisions; and to repeal the original sections.
21 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 17-503, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 17-503 (1) Except as provided in section 17-503.01, the power of any
4 city of the second class or village to convey any real property owned by
5 it, including land used for park purposes and public squares, except real
6 property used in the operation of public utilities, shall be exercised by
7 resolution directing the sale of such real property.

8 (2) After the passage of the resolution directing the sale, notice
9 of all proposed sales of property described in subsection (1) of this
10 section and the terms of such sales shall be published once each week for
11 three consecutive weeks in a legal newspaper in or of general circulation
12 in such city or village.

13 (3) If within thirty days after the third publication of the notice
14 a remonstrance petition against such sale (a) conforms to section 32-628,
15 (b) is signed by registered voters of the city or village equal in number
16 to thirty percent of the registered voters of the city or village voting
17 at the last regular municipal election held in such city or village, and
18 (c) is filed with the governing body of such city or village, such
19 property shall not then, nor within one year thereafter, be sold. If the
20 date for filing the petition falls upon a Saturday, Sunday, or legal
21 holiday, the signatures shall be collected within the thirty-day period,
22 but the filing shall be considered timely if filed or postmarked on or
23 before the next business day. Upon the receipt of the petition, the
24 governing body of such city or village, with the aid and assistance of
25 the election commissioner or county clerk, shall determine the validity
26 and sufficiency of signatures on the petition. The governing body of such
27 city or village shall deliver the petition to the election commissioner
28 or county clerk by hand carrier, by use of law enforcement officials, or
29 by certified mail, return receipt requested. Upon receipt of the
30 petition, the election commissioner or county clerk shall issue to the
31 governing body a written receipt that the petition is in the custody of

1 the election commissioner or county clerk. The election commissioner or
2 county clerk shall compare the signature of each person signing the
3 petition with the voter registration records to determine if each signer
4 was a registered voter on or before the date on which the petition was
5 filed with the governing body. The election commissioner or county clerk
6 shall also compare the signer's printed name, street and number or voting
7 precinct, and city, village, or post office address with the voter
8 registration records to determine whether the signer was a registered
9 voter. The signature and address shall be presumed to be valid only if
10 the election commissioner or county clerk determines that the printed
11 name, street and number or voting precinct, and city, village, or post
12 office address matches the registration records and that the registration
13 was received on or before the date on which the petition was filed with
14 the governing body. The determinations of the election commissioner or
15 county clerk may be rebutted by any credible evidence which the governing
16 body finds sufficient. The express purpose of the comparison of names and
17 addresses with the voter registration records, in addition to helping to
18 determine the validity of the petition, the sufficiency of the petition,
19 and the qualifications of the signer, shall be to prevent fraud,
20 deception, and misrepresentation in the petition process. Upon completion
21 of the comparison of names and addresses with the voter registration
22 records, the election commissioner or county clerk shall prepare in
23 writing a certification under seal setting forth the name and address of
24 each signer found not to be a registered voter and the signature page
25 number and line number where the name is found, and if the reason for the
26 invalidity of the signature or address is other than the nonregistration
27 of the signer, the election commissioner or county clerk shall set forth
28 the reason for the invalidity of the signature. If the election
29 commissioner or county clerk determines that a signer has affixed his or
30 her signature more than once to the petition and that only one person is
31 registered by that name, the election commissioner or county clerk shall

1 prepare in writing a certification under seal setting forth the name of
2 the duplicate signature and shall count only the earliest dated
3 signature. The election commissioner or county clerk shall certify to the
4 governing body the number of valid signatures necessary to constitute a
5 valid petition. The election commissioner or county clerk shall deliver
6 the petition and the certifications to the governing body within forty
7 days after the receipt of the petition from the governing body. The
8 delivery shall be by hand carrier, by use of law enforcement officials,
9 or by certified mail, return receipt requested. Not more than twenty
10 signatures on one signature page shall be counted.

11 The governing body shall, within thirty days after the receipt of
12 the petition and certifications from the election commissioner or county
13 clerk, hold a public hearing to review the petition and certifications
14 and receive testimony regarding them. The governing body shall, following
15 the hearing, vote on whether or not the petition is valid and shall
16 uphold the petition if sufficient valid signatures have been received.

17 (4) Real property now owned or hereafter owned by a city of the
18 second class or a village may be conveyed without consideration to the
19 State of Nebraska for state armory sites or, if acquired for state armory
20 sites, shall be conveyed strictly in accordance with the conditions of
21 sections 18-1001 to 18-1006.

22 (5) Following (a) passage of the resolution directing a sale, (b)
23 publishing of the notice of the proposed sale, and (c) passing of the
24 thirty-day right-of-remonstrance period, the property shall then be sold.
25 Such sale shall be confirmed by passage of an ordinance stating the name
26 of the purchaser and terms of the sale.

27 (6) Notwithstanding the procedures in subsections (1) through (5) of
28 this section, real property owned by a city of the second class or a
29 village may be conveyed when such property:

30 (a) Is sold in compliance with the requirements of federal or state
31 grants or programs;

1 (b) Is conveyed to another public agency; or

2 (c) Consists of streets and alleys.

3 Sec. 2. Section 32-101, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 32-101 Sections 32-101 to 32-1551 and sections 4, 11, 24, and 25 of
6 this act shall be known and may be cited as the Election Act.

7 Sec. 3. Section 32-103, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 32-103 For purposes of the Election Act, the definitions found in
10 sections 32-104 to 32-120 and section 4 of this act shall be used.

11 Sec. 4. Political subdivision shall include a county, city,
12 village, township, school district, public power district, sanitary and
13 improvement district, metropolitan utilities district, rural or suburban
14 fire protection district, natural resources district, regional
15 metropolitan transit authority, community college, learning community
16 coordinating council, educational service unit, hospital district,
17 reclamation district, library board, airport authority, and any other
18 unit of local government of the State of Nebraska.

19 Sec. 5. Section 32-118, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 32-118 (1) Signature shall mean the name or symbol of a person
22 written with his or her own hand or the mark of a person unable to write
23 his or her name if the person's name is written by some other person and
24 the mark is made near the name by the person unable to write his or her
25 name.

26 (2) A person with a disability who by reason of that disability is
27 unable to write his or her name or symbol may substitute either:

28 (a) A mark if the person's name is written by some other person and
29 the mark is made near the name by the person unable to write his or her
30 name or symbol; or

31 (b) An impression made using a signature stamp. A signature stamp

1 shall be used only by that person or another person upon the request and
2 in the presence of the person unable to write his or her name or symbol.

3 (3) Any person rendering assistance to a person unable to write his
4 or her name or symbol shall write, next to such person's mark or
5 impression, the name and address of the person rendering assistance.

6 Sec. 6. Section 32-221, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 32-221 (1) The election commissioner shall appoint precinct and
9 district inspectors, judges of election, and clerks of election to assist
10 the election commissioner in conducting elections on election day. In
11 counties with a population of less than four hundred thousand inhabitants
12 as determined by the most recent federal decennial census, judges and
13 clerks of election and inspectors shall be appointed at least thirty days
14 prior to the statewide primary election, shall hold office for terms of
15 two years or until their successors are appointed and qualified for the
16 next statewide primary election, and shall serve at all elections in the
17 county during their terms of office. In counties with a population of
18 four hundred thousand or more inhabitants as determined by the most
19 recent federal decennial census, judges and clerks of election shall be
20 appointed at least thirty days prior to the first election for which
21 appointments are necessary and shall serve for at least four elections.

22 (2) Judges and clerks of election may be selected at random from a
23 cross section of the population of the county. All qualified citizens
24 shall have the opportunity to be considered for service. All qualified
25 citizens shall fulfill their obligation to serve as judges or clerks of
26 election as prescribed by the election commissioner. No citizen shall be
27 excluded from service as a result of discrimination based upon race,
28 color, religion, sex, national origin, or economic status. No citizen
29 shall be excluded from service unless excused by reason of ill health or
30 other good and sufficient reason.

31 (3) All persons appointed shall be of good repute and character, be

1 able to read and write the English language, and except as otherwise
2 provided in subsections (4), (5), and (6) ~~subsection (4)~~ of section
3 32-223, be registered voters in the county. No candidate at an election
4 shall be appointed as a judge or clerk of election or inspector for such
5 election other than a candidate for delegate to a county, state, or
6 national political party convention.

7 (4) If a vacancy occurs in the office of judge or clerk of election
8 or inspector, the election commissioner shall fill such vacancy in
9 accordance with section 32-223. If any judge or clerk of election or
10 inspector fails to appear at the hour appointed for the opening of the
11 polls, the remaining officers shall notify the election commissioner,
12 select a registered voter to serve in place of the absent officer if so
13 directed by the election commissioner, and proceed to conduct the
14 election. If the election commissioner finds that a judge or clerk of
15 election or inspector does not possess all the qualifications prescribed
16 in this section or if any judge or clerk of election or inspector is
17 guilty of neglecting the duties of the office or of any official
18 misconduct, the election commissioner shall remove the person and fill
19 the vacancy.

20 Sec. 7. Section 32-223, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 32-223 (1) Except as otherwise provided in the Election Act, the
23 election commissioner shall appoint a precinct inspector and a receiving
24 board to consist of at least two judges and two clerks of election for
25 each precinct. The election commissioner may appoint district inspectors
26 to aid the election commissioner in the performance of his or her duties
27 and supervise a group of precincts on election day.

28 (2) The election commissioner may allow persons serving on a
29 receiving board as judges and clerks of election and precinct inspectors
30 to serve for part of the time the polls are open and appoint other judges
31 and clerks of election and precinct inspectors to serve on the same

1 receiving board for the remainder of the time the polls are open.

2 (3) On each receiving board at any one time, one judge and one clerk
3 of election shall be registered voters of the political party casting the
4 highest number of votes in the county for Governor or for President of
5 the United States in the immediately preceding general election, and one
6 judge and one clerk of election shall be registered voters of the
7 political party casting the next highest number of votes in the county
8 for Governor or for President of the United States in the immediately
9 preceding general election, except that one judge or clerk of election
10 may be a registered voter who is not affiliated with either of such
11 parties. If a third judge is appointed, such judge shall be a registered
12 voter of the political party casting the highest number of votes in the
13 county for Governor or for President of the United States in the
14 immediately preceding general election. All precinct and district
15 inspectors shall be divided between all political parties as nearly as
16 practicable in proportion to the number of votes cast in such county at
17 the immediately preceding general election for Governor or for President
18 of the United States by the parties, respectively.

19 (4) The election commissioner may appoint an elector residing
20 outside the county as a precinct inspector, district inspector, judge of
21 election, or clerk of election if the elector resides in a county which
22 conducts all elections by mail pursuant to section 32-960.

23 (5) If authorized by the Secretary of State, the election
24 commissioner may appoint an elector residing outside the county as a
25 precinct inspector, district inspector, judge of election, or clerk of
26 election.

27 (6) (4) The election commissioner may appoint a person who is at
28 least sixteen years old but is not eligible to register to vote as a
29 clerk of election. Such clerk of election shall meet the requirements of
30 subsection (3) of section 32-221, except that such clerk shall not be
31 required to be a registered voter. No more than one clerk of election

1 appointed under this subsection shall serve at any precinct. A clerk of
2 election appointed under this subsection shall be considered a registered
3 voter who is not affiliated with a political party for purposes of this
4 section.

5 Sec. 8. Section 32-230, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 32-230 (1) As provided in subsection (4) of this section, the
8 precinct committeeman and committeewoman of each political party shall
9 appoint a receiving board consisting of three judges of election and two
10 clerks of election. The chairperson of the county central committee of
11 each political party shall send the names of the appointments to the
12 county clerk no later than February 1 prior to the primary election.

13 (2) If no names are submitted by the chairperson, the county clerk
14 shall appoint judges or clerks of election from the appropriate political
15 party. Judges and clerks of election may be selected at random from a
16 cross section of the population of the county. All qualified citizens
17 shall have the opportunity to be considered for service. All qualified
18 citizens shall fulfill their obligation to serve as judges or clerks of
19 election as prescribed by the county clerk. No citizen shall be excluded
20 from service as a result of discrimination based upon race, color,
21 religion, sex, national origin, or economic status. No citizen shall be
22 excluded from service unless excused by reason of ill health or other
23 good and sufficient reason.

24 (3) The county clerk may allow persons serving on a receiving board
25 to serve for part of the time the polls are open and appoint other
26 persons to serve on the same receiving board for the remainder of the
27 time the polls are open.

28 (4) In each precinct at any one time, one judge and one clerk of
29 election shall be appointed from the political party casting the highest
30 number of votes in the county for Governor or for President of the United
31 States in the immediately preceding general election, one judge and one

1 clerk shall be appointed from the political party casting the next
2 highest number of votes in the county for Governor or for President of
3 the United States in the immediately preceding general election, and one
4 judge shall be appointed from the political party casting the third
5 highest number of votes in the county for Governor or for President of
6 the United States in the immediately preceding general election. If the
7 political party casting the third highest number of votes cast less than
8 ten percent of the total vote cast in the county at the immediately
9 preceding general election, the political party casting the highest
10 number of votes at the immediately preceding general election shall be
11 entitled to two judges and one clerk.

12 (5) The county clerk may appoint registered voters to serve in case
13 of a vacancy among any of the judges or clerks of election or in addition
14 to the judges and clerks in any precinct when necessary to meet any
15 situation that requires additional judges and clerks. Such appointees may
16 include registered voters unaffiliated with any political party. Such
17 appointees shall serve at subsequent or special elections as determined
18 by the county clerk.

19 (6) The county clerk may appoint an elector residing outside the
20 county as a precinct inspector, district inspector, judge of election, or
21 clerk of election if the elector resides in a county which conducts all
22 elections by mail pursuant to section 32-960.

23 (7) If authorized by the Secretary of State, the county clerk may
24 appoint an elector residing outside the county as a precinct inspector,
25 district inspector, judge of election, or clerk of election.

26 (8) ~~(6)~~ The county clerk may appoint a person who is at least
27 sixteen years old but is not eligible to register to vote as a clerk of
28 election. Such clerk of election shall meet the requirements of
29 subsection (1) of section 32-231, except that such clerk shall not be
30 required to be a registered voter. No more than one clerk of election
31 appointed under this subsection shall serve at any precinct. A clerk of

1 election appointed under this subsection shall be considered a registered
2 voter who is not affiliated with a political party for purposes of this
3 section.

4 Sec. 9. Section 32-231, Revised Statutes Cumulative Supplement,
5 2020, is amended to read:

6 32-231 (1) Each judge and clerk of election appointed pursuant to
7 section 32-230 shall (a) be of good repute and character and able to read
8 and write the English language, (b) reside in the precinct in which he or
9 she is to serve unless necessity demands that personnel be appointed from
10 another precinct, (c) be a registered voter except as otherwise provided
11 in subsections (6), (7), and (8) ~~subsection (6)~~ of section 32-230, and
12 (d) serve for a term of two years or until judges and clerks of election
13 are appointed for the next primary election. No candidate at an election
14 shall be eligible to serve as a judge or clerk of election at the same
15 election other than a candidate for a delegate to a county, state, or
16 national political party convention.

17 (2) The county clerk may appoint district inspectors to aid the
18 county clerk in the performance of his or her duties and supervise a
19 group of precincts on election day. A district inspector shall meet the
20 requirements for judges and clerks of election as provided in subsection
21 (1) of this section, shall oversee the procedures of a group of polling
22 places, and shall act as the personal agent and deputy of the county
23 clerk. The district inspector shall ensure that the Election Act is
24 uniformly enforced at the polling places assigned to him or her and
25 perform tasks assigned by the county clerk. The district inspector may
26 perform all of the duties required of a judge or clerk of election.

27 Sec. 10. Section 32-235, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 32-235 (1) The county clerk shall, by mail, notify judges and clerks
30 of election, district inspectors, members of counting boards, and members
31 of canvassing boards of their appointment. The notice shall inform the

1 appointee of his or her appointment and of the date and time he or she is
2 required to report to the office of the county clerk or other designated
3 location and the polling place. The notice shall be mailed at least
4 fifteen days prior to each statewide primary and general election and on
5 or before the third Friday prior to each special election. The county
6 clerk shall order the members of the receiving board to appear at their
7 respective polling place on the day and at the hour specified in the
8 notice of appointment.

9 (2) Each appointee shall, at the time fixed in the notice of
10 appointment, report to the office or other location to complete any
11 informational forms and receive training regarding his or her duties. The
12 training shall include instruction as required by the Secretary of State
13 and any other training deemed necessary by the county clerk.

14 Sec. 11. (1) Except as provided in subsection (2) of this section,
15 any person or organization distributing voter registration applications
16 shall use the form prescribed by the Secretary of State. The form shall
17 contain on the top of the first page in bold type (a) the identity of the
18 person or organization distributing the form and (b) the following
19 statements:

20 This application was not sent from the Secretary of State or your
21 county election official.

22 You may submit this form if you wish to register to vote or update
23 your voter registration. You do not need to complete this form if you
24 have already registered to vote.

25 (2) This section shall not apply to voter registration applications
26 distributed by the Secretary of State, an election commissioner, a county
27 clerk, the State Department of Education, the Department of Health and
28 Human Services, or the Department of Motor Vehicles.

29 Sec. 12. Section 32-312, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 32-312 The registration application prescribed by the Secretary of

1 State pursuant to section 32-304 or 32-311.01 shall provide the
2 instructional statements and request the information from the applicant
3 as provided in this section.

4 CITIZENSHIP—"Are you a citizen of the United States of America?"
5 with boxes to check to indicate whether the applicant is or is not a
6 citizen of the United States.

7 AGE—"Are you at least eighteen years of age or will you be eighteen
8 years of age on or before the first Tuesday following the first Monday of
9 November of this year?" with boxes to check to indicate whether or not
10 the applicant will be eighteen years of age or older on election day.

11 WARNING—"If you checked 'no' in response to either of these
12 questions, do not complete this application."

13 NAME—the name of the applicant giving the first and last name in
14 full, the middle name in full or the middle initial, and the maiden name
15 of the applicant, if applicable.

16 RESIDENCE—the name and number of the street, avenue, or other
17 location of the dwelling where the applicant resides if there is a
18 number. If the registrant resides in a hotel, apartment, tenement house,
19 or institution, such additional information shall be included as will
20 give the exact location of such registrant's place of residence. If the
21 registrant lives in an incorporated or unincorporated area not identified
22 by the use of roads, road names, or house numbers, the registrant shall
23 state the section, township, and range of his or her residence and the
24 corporate name of the school district as described in section 79-405 in
25 which he or she is located.

26 POSTAL ADDRESS—the address at which the applicant receives mail if
27 different from the residence address.

28 ADDRESS OF LAST REGISTRATION—the name and number of the street,
29 avenue, or other location of the dwelling from which the applicant last
30 registered.

31 TELEPHONE NUMBERS—the telephone numbers of the applicant. At the

1 request of the applicant, a designation shall be made that a telephone
2 number is an unlisted number, and such designation shall preclude the
3 listing of such telephone number on any list of voter registrations.

4 EMAIL ADDRESS—an email address of the applicant. At the request of
5 the applicant, a designation shall be made that the email address is
6 private, and such designation shall preclude the listing of the
7 applicant's email address on any list of voter registrations.

8 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY
9 NUMBER—if the applicant has a Nebraska driver's license, the license
10 number, and if the applicant does not have a Nebraska driver's license,
11 the last four digits of the applicant's social security number.

12 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when
13 the applicant presented himself or herself for registration, when the
14 applicant completed and signed the registration application if the
15 application was submitted by mail or delivered to the election official
16 by the applicant's personal messenger or personal agent, or when the
17 completed application was submitted if the registration application was
18 completed pursuant to section 32-304.

19 PLACE OF BIRTH—show the state, country, kingdom, empire, or dominion
20 where the applicant was born.

21 DATE OF BIRTH—show the date of the applicant's birth. The applicant
22 shall be at least eighteen years of age or attain eighteen years of age
23 on or before the first Tuesday after the first Monday in November to have
24 the right to register and vote in any election in the present calendar
25 year.

26 REGISTRATION TAKEN BY—show the signature of the authorized official
27 or staff member accepting the application pursuant to section 32-309 or
28 32-310 or at least one of the deputy registrars taking the application
29 pursuant to section 32-306, if applicable.

30 PARTY AFFILIATION—show the party affiliation of the applicant as
31 Democratic Democrat, Republican, or Other or show no party

1 affiliation as Nonpartisan. (Note: If you wish to vote in both partisan
2 and nonpartisan primary elections for state and local offices, you must
3 indicate a political party affiliation on the registration application.
4 If you register without a political party affiliation (nonpartisan), you
5 will receive only the nonpartisan ballots for state and local offices at
6 primary elections. If you register without a political party affiliation,
7 you may vote in partisan primary elections for congressional offices.)

8 OTHER-information the Secretary of State determines will assist in
9 the proper and accurate registration of the voter.

10 Immediately following the spaces for inserting information as
11 provided in this section, the following statement shall be printed:

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

14 (1) I live in the State of Nebraska at the address provided in this
15 application;

16 (2) I have not been convicted of a felony or, if convicted, it has
17 been at least two years since I completed my sentence for the felony,
18 including any parole term;

19 (3) I have not been officially found to be non compos mentis
20 (mentally incompetent); and

21 (4) I am a citizen of the United States.

22 Any registrant who signs this application knowing that any of the
23 information in the application is false shall be guilty of a Class IV
24 felony under section 32-1502 of the statutes of Nebraska. The penalty for
25 a Class IV felony is up to two years imprisonment and twelve months post-
26 release supervision, a fine of up to ten thousand dollars, or both.

27 APPLICANT'S SIGNATURE-require the applicant to affix his or her
28 signature to the application.

29 Sec. 13. Section 32-318.01, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-318.01 (1)(a) Except as provided by subsection (2) of this

1 section, a person who registers to vote by mail after January 1, 2003,
2 and has not previously voted in an election within the state shall
3 present a photographic identification which is current and valid or a
4 copy of a utility bill, bank statement, government check, paycheck, or
5 other government document which is dated within the sixty days
6 immediately prior to the date of presentation and which shows the same
7 name and residence address of the person provided on the registration
8 application in order to avoid identification requirements at the time of
9 voting pursuant to section 32-914 or 32-947.

10 (b) Such documentation may be presented at the time of application
11 for registration, after submission of the application for registration,
12 or at the time of voting. The documentation must be received by the
13 election commissioner or county clerk not later than 6 p.m. on the second
14 Friday preceding the election to avoid additional identification
15 requirements at the time of voting at the polling place if the voter
16 votes in person. If the voter is voting using a ballot for early voting,
17 the documentation must be received by the election commissioner or county
18 clerk prior to the date on which the ballot is mailed to the voter to
19 avoid additional identification requirements at the time of voting.
20 Documentation received after the ballot has been mailed to the voter but
21 not later than the deadline for the receipt of ballots specified in
22 subsection (2) of section 32-908 ~~8 p.m. on election day~~ will be
23 considered timely for purposes of determining the applicant's eligibility
24 to vote in the election.

25 (c) Such documentation may be presented in person, by mail, or by
26 facsimile transmission.

27 (d) Failure to present such documentation may result in the ballot
28 not being counted pursuant to verification procedures prescribed in
29 sections 32-1002 and 32-1027.

30 (2) A person who registers to vote by mail after January 1, 2003,
31 and has not previously voted in an election within the state shall not be

1 required to present identification if he or she:

2 (a) Has provided his or her Nebraska driver's license number or the
3 last four digits of his or her social security number and the election
4 commissioner or county clerk verifies the number provided pursuant to
5 subsection (2) of section 32-312.03;

6 (b) Is a member of the armed forces of the United States who by
7 reason of active duty is absent from his or her place of residence where
8 the member is otherwise eligible to vote;

9 (c) Is a member of the United States Merchant Marine who by reason
10 of service is away from his or her place of residence where the member is
11 otherwise eligible to vote;

12 (d) Is a spouse or dependent of a member of the armed forces of the
13 United States or United States Merchant Marine who is absent from his or
14 her place of residence due to the service of that member;

15 (e) Resides outside the United States and but for such residence
16 would be qualified to vote in the state if the state was the last place
17 in which the person was domiciled before leaving the United States; or

18 (f) Is elderly or handicapped and has requested to vote by
19 alternative means other than by casting a ballot at his or her polling
20 place on election day.

21 Sec. 14. Section 32-326, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 32-326 The election commissioner or county clerk shall remove the
24 name of a registered voter from the voter registration register and
25 cancel the registration of such voter if:

26 (1) The election commissioner or county clerk has received
27 information that the voter is deceased;

28 (2) The voter requests in writing that his or her name be removed;

29 (3) The election commissioner or county clerk has received
30 information that the voter has moved from the address at which he or she
31 is registered to vote from the National Change of Address program of the

1 United States Postal Service pursuant to section 32-329 and the voter has
2 not responded to a confirmation notice sent pursuant to section 32-329
3 and has not voted or offered to vote at any election held prior to and
4 including the second statewide federal general election following the
5 mailing of the confirmation notice;

6 (4) The election commissioner or county clerk has received
7 information that the registrant has moved out of the state and has
8 registered to vote or voted in another territory or state pursuant to
9 section 32-314; ~~or~~

10 (5) The election commissioner or county clerk has received
11 information from the Department of Motor Vehicles that the registrant has
12 changed the registrant's state of residence by surrendering the
13 registrant's Nebraska motor vehicle operator's license or state
14 identification card to another state; or

15 (6) ~~(5)~~ The voter has become ineligible to vote as provided in
16 section 32-313.

17 Sec. 15. Section 32-330, Revised Statutes Supplement, 2021, is
18 amended to read:

19 32-330 (1) Except as otherwise provided in subsection (3) of section
20 32-301, the voter registration register shall be a public record. Any
21 person may examine the register at the office of the election
22 commissioner or county clerk, but no person other than the Secretary of
23 State, the election commissioner, the county clerk, or law enforcement
24 shall be allowed to make copies of the register. Copies of the register
25 shall only be used for list maintenance as provided in section 32-329 or
26 law enforcement purposes. The electronic records of the original voter
27 registrations created pursuant to section 32-301 may constitute the voter
28 registration register. The Secretary of State, election commissioner, or
29 county clerk shall withhold information in the register designated as
30 confidential under section 32-331. No portion of the register made
31 available to the public and no list distributed pursuant to this section

1 shall include the digital signature of any voter.

2 (2) The Secretary of State, election commissioner, or county clerk
3 shall make available a list of registered voters that contains no more
4 than the information authorized in subsections (3) and (7) ~~subsection (3)~~
5 of this section and, if requested, a list that only contains such
6 information for registered voters who have voted in an election held more
7 than thirty days prior to the request for the list. The Secretary of
8 State, election commissioner, or county clerk shall establish the price
9 of the lists at a rate that fairly covers the actual production cost of
10 the lists, not to exceed three cents per name. Lists shall be used solely
11 for purposes related to elections, political activities, voter
12 registration, law enforcement, or jury selection. Lists shall not be
13 posted, displayed, or used for commercial purposes or made accessible on
14 the Internet.

15 (3)(a) The Secretary of State, election commissioner, or county
16 clerk shall withhold from any list of registered voters distributed
17 pursuant to subsection (2) of this section any information in the voter
18 registration records which is designated as confidential under section
19 32-331 or marked private on the voter registration application or voter
20 registration record.

21 (b) Except as otherwise provided in subdivision (a) of this
22 subsection, a list of registered voters distributed pursuant to
23 subsection (2) of this section shall contain no more than the following
24 information:

- 25 (i) The registrant's name;
- 26 (ii) The registrant's residential address;
- 27 (iii) The registrant's mailing address;
- 28 (iv) The registrant's telephone number;
- 29 (v) The registrant's voter registration status;
- 30 (vi) The registrant's voter identification number;
- 31 (vii) The registrant's ~~date of birth~~ year;

- 1 (viii) The registrant's date of voter registration;
- 2 (ix) The registrant's voting precinct;
- 3 (x) The registrant's polling site;
- 4 (xi) The registrant's political party affiliation;
- 5 (xii) The political subdivisions in which the registrant resides;
- 6 and
- 7 (xiii) The registrant's voter history.

8 (4) Any person who acquires a list of registered voters under
 9 subsection (2) of this section shall provide his or her name, address,
 10 telephone number, email address, and campaign committee name or
 11 organization name, if applicable, ~~and~~ the state of organization, if
 12 applicable, and the reason for requesting the list, and shall take and
 13 subscribe to an oath in substantially the following form:

14 I hereby swear that I will use the list of registered voters
 15 of County, Nebraska, (or the State of Nebraska) only for the
 16 purposes prescribed in section 32-330 and for no other purpose, that I
 17 will not permit the use or copying of such list for unauthorized
 18 purposes, and that I will not post, display, or make such list accessible
 19 on the Internet.

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

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

23 (Signature of person acquiring list)

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

25 (Signature of officer)

26 (Name and official title of officer)

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

1 (6) The Secretary of State, election commissioner, or county clerk
2 shall provide, upon request and free of charge, a complete and current
3 listing of all registered voters containing only the information
4 authorized under subsection (3) of this section to the state party
5 headquarters of each political party and to the county chairperson of
6 each political party.

7 (7) The Secretary of State shall make available to each jury
8 commissioner a list of registered voters that contains the information
9 authorized in this section and the registrant's motor vehicle operator's
10 license number or state identification card number.

11 ~~(8) (7)~~ Nothing in this section shall prevent a political party or
12 candidate from using the list of registered voters for campaign
13 activities.

14 (9) Any person who acquires a list of registered voters under
15 subsection (2) of this section shall, following discovery or notification
16 of a breach in the security of the storage of the information, disclose
17 the breach in security to the Secretary of State, election commissioner,
18 or county clerk without delay.

19 Sec. 16. Section 32-331, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 32-331 A registered voter may file an affidavit with the election
22 commissioner or county clerk to have the information relating to his or
23 her name, residence address, and telephone number remain confidential. If
24 the registered voter is a program participant under the Address
25 Confidentiality Act, the affidavit shall state that fact. If the
26 registered voter is not a program participant under the act, the
27 affidavit shall state that the county court or district court has issued
28 an order upon a showing of good cause that a life-threatening
29 circumstance exists in relation to the voter or a member of his or her
30 household. The registered voter shall vote under sections 32-938 to
31 32-951 in elections held after the filing of the affidavit. To terminate

1 the affidavit and withdraw the confidential designation, the registered
2 voter shall notify the election commissioner or county clerk in writing.
3 The registered voter shall provide a valid mailing address to be used in
4 place of the residence address for election, research, and government
5 purposes. If the registered voter is a program participant under the
6 Address Confidentiality Act, the mailing address shall be as provided in
7 the act. The election commissioner or county clerk may use the mailing
8 address or the word "confidential" or a similar designation in place of
9 the residence address in producing any list, roster, or register required
10 under the Election Act. Those records declared confidential under this
11 section shall be kept in a separate file from the other registered voter
12 information. A county, election commissioner, or county clerk shall be
13 liable in an action for negligence as a result of the disclosure of the
14 confidential information if there is a showing of gross negligence or
15 willfulness.

16 Sec. 17. Section 32-559, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 32-559 (1)(a) Except as provided in section 77-3444, any issue to
19 be submitted to the registered voters at a special election by a
20 political subdivision shall be certified by the clerk of the political
21 subdivision to the election commissioner or county clerk on or before the
22 eighth Friday at least fifty days prior to the election. A special
23 election may be held by mail as provided in sections 32-952 to 32-959.
24 Any other special election under this section shall be subject to section
25 32-405.

26 (b) In lieu of submitting the issue at a special election, any
27 political subdivision may submit the issue at a statewide primary or
28 general election or at any scheduled county election, except that no such
29 issue shall be submitted at a statewide election or scheduled county
30 election unless the issue to be submitted has been certified by the clerk
31 of the political subdivision to the election commissioner or county clerk

1 by March 1 for the primary election and by September 1 for the general
2 election. After the election commissioner or county clerk has received
3 the certification of the issue to be submitted, he or she shall be
4 responsible for all matters relating to the submission of the issue to
5 the registered voters, except that the clerk of the political subdivision
6 shall be responsible for the publication or posting of any required
7 special notice of the submission of such issue other than the notice
8 required to be given of the statewide election issues. The election
9 commissioner or county clerk shall prepare the ballots and issue ballots
10 for early voting and shall also conduct the submission of the issue,
11 including the receiving and counting of the ballots on the issue. The
12 election returns shall be made to the election commissioner or county
13 clerk. The ballots shall be counted and canvassed at the same time and in
14 the same manner as the other ballots. Upon completion of the canvass of
15 the vote by the county canvassing board, the election commissioner or
16 county clerk shall certify the election results to the governing body of
17 the political subdivision. The canvass by the county canvassing board
18 shall have the same force and effect as if made by the governing body of
19 the political subdivision.

20 (2)(a) A political subdivision that has submitted an issue for a
21 special election under subdivision (1)(a) of this section may cancel the
22 special election if the Secretary of State, election commissioner, or
23 county clerk receives a resolution adopted by the political subdivision
24 canceling the special election on or before the fourth Thursday prior to
25 the election. No cancellation shall be effective after such date. If a
26 special election is canceled in such manner, the political subdivision
27 shall be responsible for the costs incurred that are related to the
28 canceled election. Such costs shall include all chargeable costs as
29 provided in section 32-1202 associated with preparing for and conducting
30 a special election.

31 (b) A political subdivision that has submitted an issue at a

1 statewide primary or general election or at any scheduled county election
2 under subdivision (1)(b) of this section may withdraw the issue from the
3 ballot if the Secretary of State, election commissioner, or county clerk
4 receives a resolution adopted by the political subdivision withdrawing
5 the issue from the ballot no later than March 1 prior to a statewide
6 primary election or September 1 prior to a statewide general election. No
7 withdrawal shall be effective after such date. Any issue withdrawn in
8 this manner shall not be printed on the ballot.

9 Sec. 18. Section 32-615, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 32-615 (1) Except as otherwise provided in subsection (2) of this
12 section, any candidate engaged in or pursuing a write-in campaign shall
13 file a notarized affidavit of his or her intent together with the receipt
14 for any filing fee with the filing officer as provided in section 32-608
15 no earlier than January 5 ~~December 1~~ and no later than the second Friday
16 prior to the election.

17 (2) For any county office elected pursuant to sections 32-517 to
18 32-529 which is subject to subdivision (1)(b) of section 32-811, a
19 candidate may engage in or pursue a write-in campaign if he or she files
20 a notarized affidavit of his or her intent together with the receipt for
21 the filing fee with the filing officer as provided in section 32-608 on
22 or before March 3 of the year of the statewide primary election. If such
23 an affidavit is filed as prescribed, the election commissioner or county
24 clerk shall place that county office on the statewide primary election
25 ballot with the names of the candidate properly filed for the nomination
26 of the applicable political party and a line for write-in candidates.

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

31 (4) A candidate who has been defeated as a candidate in the primary

1 election or defeated as a write-in candidate in the primary election
2 shall not be eligible as a write-in candidate for the same office in the
3 general election unless (a) a vacancy on the ballot exists pursuant to
4 section 32-625 or (b) the candidate was a candidate for an office
5 described in sections 32-512 to 32-550 and the candidate lost the
6 election as a result of a determination pursuant to section 32-1122 in
7 the case of a tie vote.

8 (5) A candidate who files a notarized affidavit shall be entitled to
9 all write-in votes for the candidate even if only the last name of the
10 candidate has been written if such last name is reasonably close to the
11 proper spelling.

12 Sec. 19. Section 32-623, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 32-623 If any person nominated for elective office for the general
15 election notifies the filing officer with whom the candidate filing form
16 or other acceptance of nomination was filed by filing a statement, in
17 writing and duly acknowledged, that he or she declines such nomination on
18 or before ~~August~~ September 1 before the election, the person's name shall
19 not be printed on the ballot, but no declination shall be effective after
20 such date. The filing officer shall inform one or more persons whose
21 names are attached to the nomination if the candidate was nominated by a
22 political party convention or committee or, if nominated at a primary
23 election, the chairperson or secretary of the campaign or political party
24 committee of his or her political party if there is one within the
25 jurisdiction of the filing officer and, if not, at least three of the
26 prominent members of the candidate's political party within the
27 jurisdiction of the filing officer that such candidate has declined the
28 nomination by mailing or delivering to them personally notice of such
29 fact. Such declination shall create a vacancy on the ballot which may be
30 filled pursuant to section 32-627. In lieu of filing a declination with
31 the Secretary of State, the person so nominated may file a declination

1 with the election commissioner or county clerk in the county in which he
2 or she resides. Any election commissioner or county clerk receiving such
3 a declination shall within five days after its receipt forward a copy of
4 the written declination statement to the Secretary of State. The
5 Secretary of State shall make notifications required by this section for
6 all individuals for whom he or she receives a copy of the written
7 declination statement.

8 Sec. 20. Section 32-809, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 32-809 (1) The form of the official ballot at the statewide primary
11 election shall be prescribed by the Secretary of State. At the top of the
12 ballot and over all else shall be printed in boldface type the name of
13 the political party, Official Ballot, Primary Election 20.. .
14 Each division containing the names of the office and a list of candidates
15 for such office shall be separated from other groups by a bold line. The
16 ballot shall list at-large candidates and subdistrict candidates under
17 appropriate headings.

18 (2) All proposals for constitutional amendments, ~~candidates for~~
19 ~~delegates to the national political party conventions,~~ and candidates on
20 the nonpartisan ballot shall be submitted on a ballot where bold lines
21 separate one office or issue from another. Proposals for constitutional
22 amendments proposed by the Legislature shall be placed on the ballot as
23 provided in sections 49-201 to 49-211. ~~Each candidate for delegate to the~~
24 ~~national political party convention shall have his or her preference for~~
25 ~~the candidacy for the office of President of the United States or the~~
26 ~~fact that he or she is uncommitted shown on the ballot in parenthesis and~~
27 ~~indented on the line immediately below the name of the candidate.~~ All
28 constitutional amendments shall be placed on a separate ballot when a
29 paper ballot is used which requires the ballot after being voted to be
30 folded before being deposited in a ballot box. When an optical-scan
31 ballot is used which requires a ballot envelope or sleeve in which the

1 ballot after being voted is placed before being deposited in a ballot
2 box, constitutional amendments may be printed on either side of the
3 ballot and shall be separated from other offices or issues by a bold
4 line. Constitutional amendments so arranged shall constitute a separate
5 ballot.

6 (3) Except as otherwise provided in section 32-811, the statewide
7 primary election ballot shall contain the name of every candidate filing
8 or recognized under subsection (1) of section 32-606 and sections 32-611,
9 32-613, and 32-614 and no other names. No name of a candidate for member
10 of the Legislature or an elective office described in Article IV, section
11 1, of the Constitution of Nebraska shall appear on any ballot or any
12 series of ballots at any primary election more than once ~~except for the~~
13 ~~names of candidates for the office of delegate to a county, state, or~~
14 ~~national political party convention.~~ When two or more of the last names
15 of candidates for the same office at the primary election are the same in
16 spelling or sound, the official ballots may, on the request of any such
17 candidate, have his or her address printed immediately below his or her
18 name in capital and lowercase letters in lightface type of the same size
19 as the type in which the name of the candidate is printed.

20 Sec. 21. Section 32-905, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 32-905 A political subdivision which receives federal or state funds
23 and owns or leases a building which is suitable for a polling place in
24 the county shall make the building available to the election commissioner
25 or county clerk for use as a polling place or for election training
26 purposes ~~in any election which involves the precinct in which the~~
27 ~~building is located.~~ The political subdivision shall not charge for the
28 use of the building as a polling place or for election training purposes.

29 Sec. 22. Section 32-908, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-908 (1) At all elections in the area of this state lying within

1 the Mountain Standard or Mountain Daylight time zone, the polls shall
2 open at 7 a.m. and close at 7 p.m. of the same day, and in the area lying
3 within the Central Standard or Central Daylight time zone, the polls
4 shall open at 8 a.m. and close at 8 p.m. of the same day.

5 (2) Except for special elections conducted by mail as provided in
6 sections 32-952 to 32-959, the deadline for the receipt of ballots is 7
7 p.m. on the day set for the election in the area lying within the
8 Mountain Standard or Mountain Daylight time zone and 8 p.m. on the day
9 set for the election in the area lying within the Central Standard or
10 Central Daylight time zone.

11 (3) (2) If the judges and clerks of election are not present at the
12 polls at the required hour, the polls may be opened by those placed in
13 charge of the polling place at any time before the time required for
14 closing the polls on election day.

15 (4) (3) If at the hour of closing there are any persons desiring to
16 vote who are in the polling place or in a line at the polling place and
17 who have not been able to vote since appearing at the polling place, the
18 polls shall be kept open reasonably long enough after the hour for
19 closing to allow those present at that hour to vote. No person arriving
20 after the hour when the polls have officially closed shall be entitled to
21 vote.

22 Sec. 23. Section 32-918, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 32-918 (1) If a registered voter declares to the judge of election
25 that the voter he or she cannot read or that the voter is blind or
26 visually impaired or has a disability he or she suffers blindness or
27 other physical disability or handicap such that the registered voter
28 requires assistance in the marking of the voter's his or her ballot, (a)
29 the registered voter may be assisted in marking the voter's his or her
30 ballot by a relative or friend of the voter's his or her selection or (b)
31 one judge of election and one clerk of election of different political

1 parties may take the ballot or ballots from the polling place to a
2 convenient place within the building or to the registered voter's
3 automobile if the automobile is within one block of the polling place and
4 the registered voter may cast the voter's ~~disabled or handicapped person~~
5 ~~may cast his or her~~ ballot in the general presence of the judge and
6 clerk. If a registered voter declares to the judge of election that the
7 voter ~~he or she~~ needs assistance in the operation of a voting device, a
8 judge or clerk of election may assist the voter in operating the device.

9 (2) The judge and clerk shall give no information regarding the
10 casting of the ballot. Any registered voter receiving assistance in
11 voting the ballot from a judge and clerk shall declare to the judge and
12 clerk the name of the candidates and the measures for which the voter ~~he~~
13 ~~or she~~ desires to vote, and the judge and clerk shall cast the voter's
14 ~~his or her~~ ballot only as the voter ~~he or she~~ so requests. No person
15 other than the registered voter who is receiving assistance shall divulge
16 to anyone within the polling place the name of any candidate for whom the
17 voter ~~he or she~~ intends to vote or ask or receive assistance within the
18 polling place in the preparation of the voter's ~~his or her~~ ballot.

19 (3) The judges of election shall enter Assistance Rendered upon the
20 precinct sign-in register near the name of any registered voter who
21 receives such assistance in casting a ~~his or her~~ ballot and shall include
22 the name of such person rendering assistance to the registered voter. The
23 person rendering assistance shall sign an oath before a judge of election
24 substantially as follows:, hereby swears that he or she is
25 a friend or relative of, a ~~disabled~~ registered voter with
26 a disability who requested assistance in casting the ballot, that he or
27 she did enter the voting booth or aid such voter outside of the voting
28 booth and marked the ballot according to the intentions and desires of
29 the registered voter, that he or she has kept the ballot at all times in
30 his or her possession, and that the ballot was duly delivered to the
31 judge of election on this day of 20.... .

1 Sec. 24. (1) Except as provided in subsection (2) of this section,
2 any person or organization distributing an application for a ballot for
3 early voting shall use the form prescribed by the Secretary of State. The
4 form shall contain on the top of the first page in bold type (a) the
5 identity of the person or organization distributing the form and (b) the
6 following statements:

7 This form was not sent from the Secretary of State or your county
8 election official.

9 You may submit this form if you wish to request a ballot for early
10 voting. You do not need to complete this form if you have already
11 requested a ballot for early voting for this election.

12 (2) This section shall not apply to an application for a ballot for
13 early voting distributed by the Secretary of State, an election
14 commissioner, or a county clerk.

15 Sec. 25. (1) Any election commissioner or county clerk maintaining
16 a list of registered voters requesting an application for a ballot for
17 early voting shall remove a registered voter from the list if:

18 (a) The voter requests in writing that the voter's name be removed;

19 (b) The voter's application is returned as undeliverable for a
20 reason other than a clerical error; or

21 (c) The voter has not requested a ballot for early voting, has not
22 voted, or has not offered to vote for two consecutive general elections.

23 (2) The name of a registered voter whose application for a ballot
24 for early voting is returned as undeliverable shall be subject to removal
25 from the voter registration records as provided in sections 32-326 to
26 32-329.

27 (3) Any election commissioner or county clerk maintaining a list of
28 registered voters requesting an application for a ballot for early voting
29 may cease to maintain such list. The election commissioner or county
30 clerk ceasing to maintain such list shall give notice of such fact by
31 publication in at least one newspaper of general circulation in the

1 county.

2 Sec. 26. Section 32-949.01, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 32-949.01 (1) If a ballot for early voting is destroyed, spoiled,
5 lost, or not received by the registered voter, the voter may cast a
6 provisional ballot pursuant to section 32-915 at the voter's polling
7 place on election day or may obtain a replacement ballot from the
8 election commissioner or county clerk by signing a statement ~~verified on~~
9 ~~oath or affirmation~~ on a form prescribed by the Secretary of State that
10 the original ballot for early voting was destroyed, spoiled, lost, or not
11 received and delivering the statement to the election commissioner or
12 county clerk.

13 (2) If the voter mails the statement or uses electronic mail or a
14 facsimile machine for the submission of the statement, the election
15 commissioner or county clerk shall not mail a replacement ballot to the
16 voter unless the statement is received by 6 p.m. on the second Friday
17 preceding the election. To receive a replacement ballot in person, the
18 voter shall return the statement to the office of the election
19 commissioner or county clerk by the deadline for the receipt of ballots
20 specified in subsection (2) of section 32-908 8 p.m. on the day of the
21 election. ~~To receive a replacement ballot by mail, the voter shall return~~
22 ~~the statement to such office prior to the close of business on the second~~
23 ~~Friday preceding the election.~~

24 (3) The election commissioner or county clerk shall verify the
25 signature on the statement with the signature appearing on the voter
26 registration records.

27 (4) If the election commissioner or county clerk receives a
28 statement meeting the requirements of this section, the election
29 commissioner or county clerk ~~he or she~~ shall deliver a replacement ballot
30 to the voter if the voter is present in the office or shall mail a
31 replacement ballot to the voter at the address shown on the statement.

1 The election commissioner or county clerk shall keep a record of all
2 replacement ballots issued under this section.

3 Sec. 27. Section 32-956, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 32-956 (1) If a ballot is destroyed, spoiled, lost, or not received
6 by the registered voter, the voter may obtain a replacement ballot from
7 the election commissioner or county clerk by signing a statement ~~verified~~
8 ~~on oath or affirmation~~ on a form prescribed by the Secretary of State
9 that the ballot was destroyed, spoiled, lost, or not received and
10 delivering the statement to the election commissioner or county clerk by
11 5 p.m. on the date set for the election.

12 (2) If the voter mails the statement or uses electronic mail or a
13 facsimile machine for the submission of the statement, the election
14 commissioner or county clerk shall not deliver a replacement ballot to
15 the voter unless the statement is received prior to the close of business
16 on the second Friday preceding the election.

17 (3) The election commissioner or county clerk shall verify the
18 signature on the statement with the signature appearing on the voter
19 registration records.

20 (4) If the election commissioner or county clerk receives a
21 statement meeting the requirements of this section, he or she shall
22 deliver a replacement ballot to the voter if the voter is present in the
23 office or shall mail a replacement ballot to the voter at the address
24 shown on the statement. The election commissioner or county clerk shall
25 keep a record of all replacement ballots issued under this section.

26 Sec. 28. Section 32-960, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 32-960 (1) In any county with less than ten thousand inhabitants,
29 the county clerk may apply to the Secretary of State to mail ballots for
30 all elections held after approval of the application to registered voters
31 of any or all of the precincts in the county. The application shall

1 include a written plan for the conduct of the election which complies
2 with this section, including a timetable for the conduct of the election
3 and provisions for the notice of election to be published and for the
4 application for ballots for early voting notwithstanding other statutory
5 provisions regarding the content and publication of a notice of election
6 or the application for ballots for early voting. If the Secretary of
7 State approves such application for one or more precincts in the county,
8 the county clerk shall follow the applicable procedures in sections
9 32-953 to 32-959 for conducting elections by mail, except that the
10 deadline for receipt of the ballots shall be the deadline specified in
11 subsection (2) of section 32-908 ~~8 p.m. on the day of the election.~~

12 (2) The county clerk of a county that has an approved application
13 pursuant to subsection (1) of this section:

14 (a) Shall allow a voter to return the ballot by hand-delivering it
15 to the office of the county clerk;

16 (b) Shall maintain at least one secure ballot drop-box available for
17 voters to deposit completed ballots twenty-four hours per day, starting
18 at least ten days before the election through the deadline provided in
19 subsection (1) of this section for the receipt of ballots;

20 (c) Shall maintain at least one in-person voting location at the
21 office of the county clerk at which a voter in a precinct subject to a
22 plan under this section approved by the Secretary of State may receive
23 and cast a ballot which shall be open on the day of the election from the
24 time for opening the polls pursuant to section 32-908 through the
25 deadline provided in subsection (1) of this section for the receipt of
26 ballots;

27 (d) Shall maintain in-person early voting opportunities as described
28 in section 32-942; and

29 (e) May provide additional secure ballot drop-boxes and in-person
30 voting locations that need not be open according to the requirements of
31 subdivisions (b) and (c) of this subsection.

1 Sec. 29. Section 32-962, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 32-962 (1) For poll watchers eligible under subdivision (1)(a)(i) of
4 section 32-961, the election commissioner or county clerk shall provide a
5 credential as an election observer for each poll watcher for whom the
6 election commissioner or county clerk receives notice of appointment
7 under section 32-961. The election commissioner or county clerk may
8 approve, as a credential, a name badge provided by the person who
9 appointed the poll watcher if the name badge includes the name of the
10 poll watcher and the name of the person or organization who appointed the
11 poll watcher and if the name badge does not contain any campaign
12 materials advocating a vote for or against any candidate, political
13 party, or position on a ballot question.

14 (2) For poll watchers eligible under subdivision (1)(a)(ii) of
15 section 32-961, the Secretary of State shall provide the national or
16 international election monitoring organization with the proper
17 credentials for each poll watcher for whom the Secretary of State
18 receives notice. The Secretary of State shall also notify the election
19 commissioner or county clerk in each of the counties in which the poll
20 ~~watchers~~ ~~workers~~ would be observing, and the notice shall include the
21 name of the organization, a list of the poll watchers, a description of
22 the credential that will be worn by the poll watchers, and the plans of
23 the organization for election day, including which counties and precincts
24 the organization plans to observe.

25 Sec. 30. Section 32-1031, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 32-1031 (1) The election commissioner or county clerk shall, prior
28 to 1 p.m. on election day, post in a conspicuous place in the office of
29 such election commissioner or county clerk a notice stating the day and
30 hour when the county canvassing board will convene.

31 (2) ~~(1)~~ After counting the ballots under section 32-1027 but no

1 earlier than twenty-four hours after the notice is posted as required
2 under subsection (1) of this section, the county canvassing board shall
3 proceed with the official canvass of votes cast on election day. If in
4 the process of canvassing the votes for any candidate or measure in any
5 precinct the election commissioner or county clerk or the canvassing
6 board determines that there is an obvious error in the certification of
7 the votes, the error shall be corrected. The county canvassing board may
8 open the ballots-cast container and recount the ballots for any candidate
9 or any measure which appears to be in error. If the county canvassing
10 board finds and corrects any such error, it shall make the correction
11 entry in the precinct sign-in register, the precinct list of registered
12 voters, and the official summary or summaries of votes cast and shall
13 attach a letter of explanation to each book where the correction was
14 made. The letter shall be signed by all members of the county canvassing
15 board.

16 (3) ~~(2)~~ When it has been determined that the returns in all
17 precincts are correct, the county canvassing board shall provide a record
18 of the results to the election commissioner or county clerk either in a
19 ledger or by using a computer printout. The election commissioner or
20 county clerk shall preserve the record of the results for the period of
21 time specified by the State Records Administrator pursuant to the Records
22 Management Act, and then it may be transferred to the State Archives of
23 the Nebraska State Historical Society for permanent preservation.

24 (4) ~~(3)~~ Any recesses or adjournments of the county canvassing board
25 shall be to a fixed time and publicly announced. When a recess is called,
26 all ballots that have not been counted and all other supplies shall be
27 placed in a fireproof safe or other suitable location which is locked
28 until such board reconvenes.

29 Sec. 31. Section 32-1033, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-1033 The election commissioner or county clerk shall, on or

1 ~~before the sixth Monday within forty days~~ after the election, prepare,
 2 sign, and deliver a certificate of nomination or a certificate of
 3 election to each person whom the county canvassing board has declared to
 4 have received the highest vote for county, city, or village offices. No
 5 person shall be issued a certificate of nomination as a candidate of a
 6 political party unless such person has received a number of votes at
 7 least equal to five percent of the total ballots cast at the primary
 8 election by registered voters affiliated with that political party in the
 9 district which the office for which he or she is a candidate serves. The
 10 certificate shall be substantially as follows:

11 State of Nebraska. At an election held on the day of
 12 20.., was elected to the office of for the term
 13 of years from the day of 20.. (or when filling
 14 a vacancy, for the residue of the term ending on the day of
 15 20..). Given at this day of 20.. .

16 Sec. 32. Section 32-1121, Revised Statutes Cumulative Supplement,
 17 2020, is amended to read:

18 32-1121 If any candidate failed to be nominated or elected by more
 19 than the margin provided in section 32-1119, the losing candidate may
 20 submit a certified written request for a recount at such candidate's his
 21 ~~or her~~ expense. The request shall be filed with the filing officer with
 22 whom the candidate filed for election not later than the fifth ~~tenth~~ day
 23 after the county canvassing board or the board of state canvassers
 24 concludes. The recount shall be conducted as provided in section 32-1119.
 25 Prior to conducting the recount, the cost of the recount shall be
 26 determined by the election commissioner or county clerk and the
 27 requesting candidate shall be so notified. The candidate requesting the
 28 recount shall pay the estimated cost of the recount before the recount is
 29 scheduled to be conducted. If the recount involves more than one county,
 30 the election commissioner or county clerk shall certify the cost to the
 31 Secretary of State. The Secretary of State shall then notify the

1 candidate of the determined cost, and the cost shall be paid before any
2 recount is scheduled to be conducted. The candidate shall pay the cost on
3 demand to the county treasurer of each county involved, and such sums
4 shall be placed in the county general fund to help defray the cost of the
5 recount. If the actual expense is less than the determined cost, the
6 candidate may file a claim with the county board for overpayment of the
7 recount. If the recount determines the candidate to be the winner, all
8 costs which he or she paid shall be refunded. Refunds shall be made from
9 the county general fund.

10 Sec. 33. Section 32-1203, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

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

28 (2) The charge for each primary and general election shall be
29 determined by (a) ascertaining the total cost of all chargeable costs as
30 described in section 32-1202, (b) dividing the total cost by the number
31 of precincts participating in the election to fix the cost per precinct,

1 (c) prorating the cost per precinct by the inked ballot inch in each
2 precinct for each political subdivision, and (d) totaling the cost for
3 each precinct for each political subdivision, except that the minimum
4 charge for each primary and general election for each political
5 subdivision shall be one hundred dollars.

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

9 (4) In lieu of the charge determined pursuant to subsection (2) of
10 this section, the election commissioner or county clerk may bill school
11 districts directly for the costs of an election held under section
12 10-703.01.

13 Sec. 34. Section 32-1306, Revised Statutes Cumulative Supplement,
14 2020, is amended to read:

15 32-1306 (1) If the recall petition is found to be sufficient, the
16 filing clerk shall notify the official whose removal is sought and the
17 governing body of the affected political subdivision that sufficient
18 signatures have been gathered. Notification of the official sought to be
19 removed may be by any method specified in section 25-505.01 or, if
20 notification cannot be made with reasonable diligence by any of the
21 methods specified in section 25-505.01, by leaving such notice at the
22 official's usual place of residence and mailing a copy by first-class
23 mail to the official's last-known address.

24 (2) The governing body of the political subdivision shall, within
25 twenty-one days after receipt of the notification from the filing clerk
26 pursuant to subsection (1) of this section, order an election. The date
27 of the election shall be the first available date that complies with
28 section 32-405 and that can be certified to the election commissioner or
29 county clerk at least fifty days prior to the election, except that if
30 any other election is to be held in that political subdivision within
31 ninety days after such notification, the governing body of the political

1 subdivision shall provide for the holding of the recall election on the
2 same day.

3 (3) All resignations shall be tendered as provided in section
4 32-562. If the official whose removal is sought resigns before the recall
5 election is held, the governing body may cancel the recall election if
6 the governing body notifies the election commissioner or county clerk of
7 the cancellation on or before the fourth Thursday ~~at least twenty-four~~
8 ~~days~~ prior to the election, otherwise the recall election shall be held
9 as scheduled.

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

16 Sec. 35. Section 32-1405, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

18 32-1405 (1) Prior to obtaining any signatures on an initiative or
19 referendum petition, a statement of the object of the petition and the
20 text of the measure shall be filed with the Secretary of State together
21 with a sworn statement containing the names and street addresses of every
22 person, corporation, or association sponsoring the petition.

23 (2) Upon receipt of the filing, the Secretary of State shall
24 transmit the text of the proposed measure to the Revisor of Statutes. The
25 Revisor of Statutes shall review the proposed measure and suggest changes
26 as to form and draftsmanship. The revisor shall complete the review
27 within ten business days after receipt from the Secretary of State. The
28 Secretary of State shall provide the results of the review and suggested
29 changes to the sponsor but shall otherwise keep the proposed measure, ~~and~~
30 the review, and the sworn statement confidential for five days after
31 receipt of the review by the sponsor. The Secretary of State shall then

1 maintain the proposed measure, ~~and the opinion, and the sworn statement~~
2 as public information and as a part of the official record of the
3 initiative. ~~The suggested changes may be accepted or rejected by the~~
4 ~~sponsor may make any changes recommended by the Revisor of Statutes and~~
5 ~~shall submit final language to the Secretary of State. If the final~~
6 ~~language is different from the initial filing or the changes recommended~~
7 ~~by the Revisor of Statutes, the Secretary of State shall reject it.~~

8 (3) The Secretary of State shall prepare the form ~~five camera-ready~~
9 ~~copies~~ of the petition from the final language ~~information~~ filed by the
10 sponsor ~~and any changes accepted by the sponsor~~ and shall provide a copy
11 of the form of the petition ~~the copies~~ to the sponsor within five
12 business days after receipt of the final language of the proposed measure
13 ~~review required in subsection (2) of this section.~~ The sponsor shall
14 print the petitions to be circulated from the forms provided. Prior to
15 circulation, the sponsor shall file a sample ~~final blank~~ copy of the
16 petition to be circulated with the Secretary of State.

17 Sec. 36. Section 32-1524, Revised Statutes Cumulative Supplement,
18 2020, is amended to read:

19 32-1524 (1) For purposes of this section:

20 (a) Electioneering means the deliberate, visible display or audible
21 or physical dissemination of information for the purpose of advocating
22 for or against:

23 (i) Any candidate on the ballot for the election at which such
24 display or dissemination is occurring;

25 (ii) Any elected officeholder of a state constitutional office or
26 federal office at the time of the election at which such display or
27 dissemination is occurring;

28 (iii) Any political party on the ballot for the election at which
29 such display or dissemination is occurring; or

30 (iv) Any measure on the ballot for the election at which such
31 display or dissemination is occurring; and

1 (b) Information includes:

2 (i) Such a candidate's name, likeness, logo, or symbol;

3 (ii) Such a ballot measure's number, title, subject matter, logo, or
4 symbol;

5 (iii) A button, hat, pencil, pen, shirt, sign, or sticker containing
6 information prohibited by this section;

7 (iv) Audible information prohibited by this section; and

8 (v) Literature or any writing or drawing referring to a candidate,
9 officeholder, or ballot measure described in subdivision (a) of this
10 subsection.

11 (2) No judge or clerk of election or precinct or district inspector
12 shall do any electioneering while acting as an election official.

13 (3) No person shall do any electioneering or circulate petitions
14 within any polling place or any building designated for voters to cast
15 ballots by the election commissioner or county clerk pursuant to the
16 Election Act while the polling place or building is set up for voters to
17 cast ballots or within two hundred feet of any such polling place or
18 building except as otherwise provided in subsection (5) ~~(4)~~ of this
19 section.

20 (4) No person shall do any electioneering or circulate a petition
21 within two hundred feet of any secure ballot drop-box.

22 (5) ~~(4)~~ Subject to any local ordinance, a person may display yard
23 signs on private property within two hundred feet of a polling place or
24 building designated for voters to cast ballots if the property is not
25 under common ownership with the property on which the polling place or
26 building is located.

27 (6) ~~(5)~~ Any person violating this section shall be guilty of a Class
28 V misdemeanor.

29 Sec. 37. Section 32-1525, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 32-1525 (1) No person shall conduct an exit poll, a public opinion

1 poll, or any other interview with voters on election day seeking to
2 determine voter preference within twenty feet of the entrance of any
3 polling place or, if inside the polling place or building, within one
4 hundred feet of any voting booth.

5 (2) No person shall conduct an exit poll, a public opinion poll, or
6 any other interview with a voter seeking to determine voter preference
7 within twenty feet of any secure ballot drop-box.

8 ~~(3)(a) (2)(a)~~ No poll watcher shall interfere with any voter in the
9 preparation or casting of such voter's ballot or prevent any election
10 worker from performing the worker's duties.

11 (b) A poll watcher shall not provide assistance to a voter as
12 described in section 32-918 unless selected by the voter to provide
13 assistance as provided in section 32-918.

14 (c) A poll watcher shall not engage in electioneering as defined in
15 section 32-1524 while engaged in observing at a polling place.

16 (d) A poll watcher shall maintain a distance of at least eight feet
17 from the sign-in table, the sign-in register, the polling booths, the
18 ballot box, and any ballots which have not been cast, except that if the
19 polling place is not large enough for a distance of eight feet, the judge
20 of election shall post a notice of the minimum distance the poll watcher
21 must maintain from the sign-in table, the sign-in register, the polling
22 booths, the ballot box, and any ballots which have not been cast. The
23 posted notice shall be clearly visible to the voters and shall be posted
24 prior to the opening of the polls on election day. The minimum distance
25 shall not be determined to exclude a poll watcher from being in the
26 polling place.

27 (4) (3) Any person violating this section shall be guilty of a Class
28 V misdemeanor.

29 Sec. 38. Section 42-1207, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 42-1207 (1) A program participant who is otherwise qualified to vote

1 may apply to vote early under sections 32-938 to 32-951. The county clerk
2 or election commissioner shall transmit the ballot for early voting to
3 the program participant at the address designated by the program
4 participant in his or her application as an early voter. Neither the name
5 nor the address of a program participant or a registered voter with a
6 court order issued as described under section 32-331 shall be included in
7 any list of registered voters available to the public.

8 (2) The county clerk or election commissioner shall not make a
9 program participant's address contained in voter registration records
10 available for public inspection or copying except under the following
11 circumstances:

12 (a) If requested by a law enforcement agency, to the law enforcement
13 agency; or

14 (b) If directed by a court order, to a person identified in the
15 order.

16 Sec. 39. Section 49-1494, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 49-1494 (1) An individual who files to appear on the ballot for
19 election to an elective office specified in section 49-1493 shall file a
20 statement of financial interests for the preceding calendar year with the
21 commission as provided in this section.

22 (2) Candidates for the elective offices specified in section 49-1493
23 who qualify other than by filing shall file a statement for the preceding
24 calendar year with the commission within five days after becoming a
25 candidate or being appointed to that elective office.

26 ~~(3) If the candidate for an elective office specified in section~~
27 ~~49-1493 files to appear on the ballot for election prior to January 1 of~~
28 ~~the year in which the election is held, the candidate shall file~~
29 ~~supplementary statements, covering the preceding calendar year, with the~~
30 ~~commission on or before March 1 of the year in which the election is held~~
31 ~~or, if the filing deadline for the elective office is after March 1 of~~

1 ~~the year in which the election is held, the candidate shall file such~~
2 ~~supplementary statements on or before the filing deadline for the~~
3 ~~elective office.~~

4 (3) (4) If the candidate for an elective office specified in section
5 49-1493 files to appear on the ballot for election during the calendar
6 year in which the election is held, the candidate shall file a statement
7 of financial interests for the preceding calendar year with the
8 commission on or before March 1 of the year in which the election is held
9 or, if the filing deadline for the elective office is after March 1 of
10 the year in which the election is held, the candidate shall file such
11 statement on or before the filing deadline for the elective office.

12 (4) (5) A candidate for an elective office specified in section
13 49-1493 who fails to file a statement of financial interests as required
14 in subsection (1) or (2) of this section within five days after the
15 deadline in subsection (3) or (4) of this section and section 49-1493
16 shall not appear on the ballot.

17 (5) (6) A statement of financial interests shall be preserved for a
18 period of not less than five years by the commission.

19 Sec. 40. Section 77-3444, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 77-3444 (1) A political subdivision may exceed the limits provided
22 in section 77-3442 or a final levy allocation determination as provided
23 in section 77-3443 by an amount not to exceed a maximum levy approved by
24 a majority of registered voters voting on the issue in a primary,
25 general, or special election at which the issue is placed before the
26 registered voters. A vote to exceed the limits provided in section
27 77-3442 or a final levy allocation as provided in section 77-3443 must be
28 approved prior to October 10 of the fiscal year which is to be the first
29 to exceed the limits or final levy allocation. The governing body of the
30 political subdivision may call for the submission of the issue to the
31 voters (a) by passing a resolution calling for exceeding the limits or

1 final levy allocation by a vote of at least two-thirds of the members of
2 the governing body and delivering a copy of the resolution to the county
3 clerk or election commissioner of every county which contains all or part
4 of the political subdivision or (b) upon receipt of a petition by the
5 county clerk or election commissioner of every county containing all or
6 part of the political subdivision requesting an election signed by at
7 least five percent of the registered voters residing in the political
8 subdivision. The resolution or petition shall include the amount of levy
9 which would be imposed in excess of the limits provided in section
10 77-3442 or the final levy allocation as provided in section 77-3443 and
11 the duration of the excess levy authority. The excess levy authority
12 shall not have a duration greater than five years. Any resolution or
13 petition calling for a special election shall be filed with the county
14 clerk or election commissioner on or before the fifth Friday prior to ~~no~~
15 ~~later than thirty days prior to the date of the election,~~ and the time of
16 publication and providing a copy of the notice of election required in
17 section 32-802 shall be no later than twenty days prior to the election.
18 The county clerk or election commissioner shall place the issue on the
19 ballot at an election as called for in the resolution or petition which
20 is at least thirty-one ~~thirty~~ days after receipt of the resolution or
21 petition. The election shall be held pursuant to the Election Act. For
22 petitions filed with the county clerk or election commissioner on or
23 after May 1, 1998, the petition shall be in the form as provided in
24 sections 32-628 to 32-631. Any excess levy authority approved under this
25 section shall terminate pursuant to its terms, on a vote of the governing
26 body of the political subdivision to terminate the authority to levy more
27 than the limits, at the end of the fourth fiscal year following the first
28 year in which the levy exceeded the limit or the final levy allocation,
29 or as provided in subsection (4) of this section, whichever is earliest.
30 A governing body may pass no more than one resolution calling for an
31 election pursuant to this section during any one calendar year. Only one

1 election may be held in any one calendar year pursuant to a petition
2 initiated under this section.

3 (2) The ballot question may include any terms and conditions set
4 forth in the resolution or petition and shall include the following:
5 "Shall (name of political subdivision) be allowed to levy a property tax
6 not to exceed cents per one hundred dollars of taxable
7 valuation in excess of the limits prescribed by law until fiscal
8 year for the purposes of (general operations; building
9 construction, remodeling, or site acquisition; or both general operations
10 and building construction, remodeling, or site acquisition)?" If a
11 majority of the votes cast upon the ballot question are in favor of such
12 tax, the county board shall authorize a tax in excess of the limits in
13 section 77-3442 or the final levy allocation in section 77-3443 but such
14 tax shall not exceed the amount stated in the ballot question. If a
15 majority of those voting on the ballot question are opposed to such tax,
16 the governing body of the political subdivision shall not impose such
17 tax.

18 (3) In lieu of the election procedures in subsection (1) of this
19 section, any political subdivision subject to section 77-3443 and
20 villages may approve a levy in excess of the limits in section 77-3442 or
21 the final levy allocation provided in section 77-3443 for a period of one
22 year at a meeting of the residents of the political subdivision or
23 village, called after notice is published in a newspaper of general
24 circulation in the political subdivision or village at least twenty days
25 prior to the meeting. At least ten percent of the registered voters
26 residing in the political subdivision or village shall constitute a
27 quorum for purposes of taking action to exceed the limits or final levy
28 allocation. A record shall be made of the registered voters residing in
29 the political subdivision or village who are present at the meeting. The
30 method of voting at the meeting shall protect the secrecy of the ballot.
31 If a majority of the registered voters present at the meeting vote in

1 favor of exceeding the limits or final levy allocation, a copy of the
2 record of that action shall be forwarded to the county board prior to
3 October 10 and the county board shall authorize a levy as approved by the
4 residents for the year. If a majority of the registered voters present at
5 the meeting vote against exceeding the limits or final allocation, the
6 limit or allocation shall not be exceeded and the political subdivision
7 shall have no power to call for an election under subsection (1) of this
8 section.

9 (4) A political subdivision may rescind or modify a previously
10 approved excess levy authority prior to its expiration by a majority of
11 registered voters voting on the issue in a primary, general, or special
12 election at which the issue is placed before the registered voters. A
13 vote to rescind or modify must be approved prior to October 10 of the
14 fiscal year for which it is to be effective. The governing body of the
15 political subdivision may call for the submission of the issue to the
16 voters (a) by passing a resolution calling for the rescission or
17 modification by a vote of at least two-thirds of the members of the
18 governing body and delivering a copy of the resolution to the county
19 clerk or election commissioner of every county which contains all or part
20 of the political subdivision or (b) upon receipt of a petition by the
21 county clerk or election commissioner of every county containing all or
22 part of the political subdivision requesting an election signed by at
23 least five percent of the registered voters residing in the political
24 subdivision. The resolution or petition shall include the amount and the
25 duration of the previously approved excess levy authority and a statement
26 that either such excess levy authority will be rescinded or such excess
27 levy authority will be modified. If the excess levy authority will be
28 modified, the amount and duration of such modification shall be stated.
29 The modification shall not have a duration greater than five years. The
30 county clerk or election commissioner shall place the issue on the ballot
31 at an election as called for in the resolution or petition which is at

1 least thirty-one ~~thirty~~ days after receipt of the resolution or petition,
2 and the time of publication and providing a copy of the notice of
3 election required in section 32-802 shall be no later than twenty days
4 prior to the election. The election shall be held pursuant to the
5 Election Act.

6 (5) For purposes of this section, when the political subdivision is
7 a sanitary and improvement district, registered voter means a person
8 qualified to vote as provided in section 31-735. Any election conducted
9 under this section for a sanitary and improvement district shall be
10 conducted and counted as provided in sections 31-735 to 31-735.06.

11 (6) For purposes of this section, when the political subdivision is
12 a school district or a multiple-district school system, registered voter
13 includes persons qualified to vote for the members of the school board of
14 the school district which is voting to exceed the maximum levy limits
15 pursuant to this section.

16 Sec. 41. Original sections 32-118, 32-235, 32-318.01, 32-326,
17 32-331, 32-559, 32-615, 32-623, 32-809, 32-905, 32-908, 32-918,
18 32-949.01, 32-1031, 32-1033, 42-1207, 49-1494, and 77-3444, Reissue
19 Revised Statutes of Nebraska, sections 17-503, 32-101, 32-103, 32-221,
20 32-223, 32-230, 32-231, 32-312, 32-956, 32-960, 32-962, 32-1121, 32-1203,
21 32-1306, 32-1405, 32-1524, and 32-1525, Revised Statutes Cumulative
22 Supplement, 2020, and section 32-330, Revised Statutes Supplement, 2021,
23 are repealed.