

AMENDMENTS TO LB541

Introduced by Government, Military and Veterans Affairs.

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

3 Section 1. Section 32-404, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 32-404 (1) When any political subdivision holds an election in
6 conjunction with the statewide primary or general election, the election
7 shall be held as provided in the Election Act. Any other election held by
8 a political subdivision shall be held as provided in the act unless
9 otherwise provided by the charter, code, or bylaws of the political
10 subdivision.

11 (2) No later than December 1 of each odd-numbered year, the
12 Secretary of State, election commissioner, or county clerk shall give
13 notice to each political subdivision of the filing deadlines for the
14 statewide primary election. No later than January 5 of each even-numbered
15 year, the governing board of each political subdivision which will hold
16 an election in conjunction with a statewide primary election shall
17 certify to the Secretary of State, the election commissioner, or the
18 county clerk the name of the subdivision, the number of officers to be
19 elected, the length of the terms of office, the vacancies to be filled by
20 election and length of remaining term, and the number of votes to be cast
21 by a registered voter for each office.

22 (3) No later than June 15 of each even-numbered year, the governing
23 board of each reclamation district, county weed district, village, county
24 under township organization, public power district receiving annual gross
25 revenue of less than five hundred ~~forty~~ million dollars, or educational
26 service unit which will hold an election in conjunction with a statewide
27 general election shall certify to the Secretary of State, the election

1 commissioner, or the county clerk the name of the subdivision, the number
2 of officers to be elected, the length of the terms of office, the
3 vacancies to be filled by election and length of remaining term, and the
4 number of votes to be cast by a registered voter for each office.

5 (4) The Secretary of State shall prescribe the forms to be used for
6 certification to him or her, and the election commissioner or county
7 clerk shall prescribe the forms to be used for certification to him or
8 her.

9 Sec. 2. Section 32-512, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 32-512 (1) After the selection of the original board of directors of
12 a public power district as provided for in sections 70-803 and 70-805 or
13 a district as provided for in sections 70-604 and 70-609, their
14 successors shall be:

15 (a) Nominated and elected on the partisan ballot for districts
16 receiving annual gross revenue of five hundred million dollars or more;
17 and

18 (b) Elected ~~nominated and elected~~ on the nonpartisan ballot for
19 districts receiving annual gross revenue of less than five hundred
20 million dollars. Candidates ~~, except that in districts receiving annual~~
21 gross revenue of less than forty million dollars, the candidates for the
22 board of directors in such districts shall not appear on the ballot in
23 the primary election.

24 (2) The term of each elected director shall be not more than six
25 years or until his or her successor is elected and qualified. Candidates
26 for the board of directors shall meet the qualifications found in
27 sections 70-610 and 70-619.

28 (3) ~~(2)~~ Registered voters residing within the chartered territory
29 and registered voters duly certified in accordance with section 70-604.03
30 shall be qualified to vote in the district as certified pursuant to
31 section 70-611. The registered voters of a subdivision created under

1 subsection (1) of section 70-612 may only cast their ballots for
2 candidates for directors to be elected from such subdivision and for
3 candidates for directors to be elected at large from the whole district.
4 The registered voters of a subdivision created under subsection (2) or
5 (3) of section 70-612 may only cast their ballots for candidates for
6 directors to be elected from such subdivision.

7 Sec. 3. Section 32-606, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 32-606 (1) Any candidate may place his or her name on the primary
10 election ballot by filing a candidate filing form prescribed by the
11 Secretary of State as provided in section 32-607. Except as otherwise
12 provided in subsection (4) of this section, if a candidate for an
13 elective office is an incumbent of any elective office, the filing period
14 for filing the candidate filing form shall be between January 5 and
15 February 15 prior to the date of the primary election. No incumbent who
16 resigns from elective office prior to the expiration of his or her term
17 shall file for any office after February 15 of that election year. All
18 other candidates shall file for office between January 5 and March 1
19 prior to the date of the primary election. A candidate filing form and a
20 copy of payment of the filing fee, if applicable, may be transmitted by
21 facsimile for the offices listed in subdivision (1) of section 32-607 if
22 (a) the transmission is received in the office of the filing officer by
23 the filing deadline and (b) the original filing form and payment of the
24 filing fee, if applicable, is mailed to the filing officer with a legible
25 postmark bearing a date on or prior to the filing deadline and is in the
26 office of the filing officer no later than seven days after the filing
27 deadline.

28 (2) Any candidate for a township office in a county under township
29 organization, the board of trustees of a village, the board of directors
30 of a reclamation district, the county weed district board, the board of
31 directors of a public power district receiving annual gross revenue of

1 less than five hundred forty million dollars, or the board of an
2 educational service unit may place his or her name on the general
3 election ballot by filing a candidate filing form prescribed by the
4 Secretary of State as provided in section 32-607. Except as otherwise
5 provided in subsection (4) of this section, if a candidate for an
6 elective office is an incumbent of any elective office, the filing period
7 for filing the candidate filing form shall be between January 5 and July
8 15 prior to the date of the general election. No incumbent who resigns
9 from elective office prior to the expiration of his or her term shall
10 file for any office after July 15 of that election year. All other
11 candidates shall file for office between January 5 and August 1 prior to
12 the date of the general election. A candidate filing form may be
13 transmitted by facsimile for the offices listed in subdivision (1) of
14 section 32-607 if (a) the transmission is received in the office of the
15 filing officer by the filing deadline and (b) the original filing form is
16 mailed to the filing officer with a legible postmark bearing a date on or
17 prior to the filing deadline and is in the office of the filing officer
18 no later than seven days after the filing deadline.

19 (3) Any city having a home rule charter may provide for filing
20 deadlines for any person desiring to be a candidate for the office of
21 council member or mayor.

22 (4) If a candidate for an elective office was appointed to an
23 elective office to fill a vacancy after the deadline for an incumbent to
24 file a candidate filing form in subsection (1) or (2) of this section but
25 before the deadline for all other candidates, the candidate may file a
26 candidate filing form for any office on or before the deadline for all
27 other candidates.

28 Sec. 4. Section 32-608, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 32-608 (1) Except as provided in subsection (4) or (5) of this
31 section, a filing fee shall be paid by or on behalf of each candidate

1 prior to filing for office. For candidates who file in the office of the
2 Secretary of State as provided in subdivision (1) of section 32-607, the
3 filing fee shall be paid to the Secretary of State who shall remit the
4 fee to the State Treasurer for credit to the Election Administration
5 Fund. For candidates for any city or village office, the filing fee shall
6 be paid to the city or village treasurer of the city or village in which
7 the candidate resides. For candidates who file in the office of the
8 election commissioner or county clerk, the filing fee shall be paid to
9 the election commissioner or county clerk in the county in which the
10 office is sought. The election commissioner or county clerk shall remit
11 the fee to the county treasurer. The fee shall be placed in the general
12 fund of the county, city, or village. No candidate filing forms shall be
13 filed until the proper payment or the proper receipt showing the payment
14 of such filing fee is presented to the filing officer. On the day of the
15 filing deadline, the city or village treasurer's office shall remain open
16 to receive filing fees until the hour of the filing deadline.

17 (2) Except as provided in subsection (4) or (5) of this section, the
18 filing fees shall be as follows:

19 (a) For the office of United States Senator, state officers,
20 including members of the Legislature, Representatives in Congress, county
21 officers, and city or village officers, except the mayor or council
22 members of cities having a home rule charter, a sum equal to one percent
23 of the annual salary as of November 30 of the year preceding the election
24 for the office for which he or she files as a candidate;

25 (b) For directors of public power and irrigation districts in
26 districts receiving annual gross revenue of five hundred forty million
27 dollars or more, twenty-five dollars, and in districts receiving annual
28 gross revenue of less than five hundred forty million dollars, ten
29 dollars;

30 (c) For directors of reclamation districts, ten dollars; and

31 (d) For Regents of the University of Nebraska, members of the State

1 Board of Education, and directors of metropolitan utilities districts,
2 twenty-five dollars.

3 (3) All declared write-in candidates shall pay the filing fees that
4 are required for the office at the time that they present the write-in
5 affidavit to the filing officer.

6 (4) No filing fee shall be required for any candidate filing for an
7 office in which a per diem is paid rather than a salary or for which
8 there is a salary of less than five hundred dollars per year. No filing
9 fee shall be required for any candidate for membership on a school board,
10 on the board of an educational service unit, on the board of governors of
11 a community college area, on the board of directors of a natural
12 resources district, or on the board of trustees of a sanitary and
13 improvement district.

14 (5) No filing fee shall be required of any candidate completing an
15 affidavit requesting to file for elective office in forma pauperis. A
16 pauper shall mean a person whose income and other resources for
17 maintenance are found under assistance standards to be insufficient for
18 meeting the cost of his or her requirements and whose reserve of cash or
19 other available resources does not exceed the maximum available resources
20 that an eligible individual may own. Available resources shall include
21 every type of property or interest in property that an individual owns
22 and may convert into cash except:

- 23 (a) Real property used as a home;
- 24 (b) Household goods of a moderate value used in the home; and
- 25 (c) Assets to a maximum value of three thousand dollars used by a
26 recipient in a planned effort directed towards self-support.

27 (6) If any candidate dies prior to an election, the spouse of the
28 candidate may file a claim for refund of the filing fee with the proper
29 governing body prior to the date of the election. Upon approval of the
30 claim by the proper governing body, the filing fee shall be refunded.

31 Sec. 5. Section 32-609, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 32-609 The candidate filing form filed pursuant to sections 32-606
3 and 32-607 by each candidate for the State Board of Education, member of
4 the Legislature, Regent of the University of Nebraska, director of a
5 public power and irrigation district receiving annual gross revenue of
6 less than five hundred million dollars, reclamation district, or natural
7 resources district, every other nonpartisan office created by law, member
8 of a school board of a Class IV or V school district, and candidate for
9 elective office of a city of the first or second class or a village shall
10 not in any way refer to or designate the political affiliation of the
11 candidate except as otherwise provided pursuant to section 32-557.

12 Sec. 6. Section 70-611, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 70-611 (1) Not later than January 5 in each even-numbered year, the
15 secretary of the district in districts grossing five hundred forty
16 million dollars or more annually shall certify to the Secretary of State
17 on forms prescribed by the Secretary of State the names of the counties
18 in which all registered voters are eligible to vote for public power
19 district candidates and for other counties the names of the election
20 precincts within each county excluding the municipalities in which voters
21 are not eligible to vote on public power district candidates. The
22 secretary shall also certify the number of directors to be elected and
23 the length of terms for which each is to be elected.

24 (2) Districts grossing less than five hundred forty million dollars
25 annually shall prepare the same type of certification as districts
26 grossing over five hundred forty million dollars annually and file such
27 certification with the Secretary of State not later than June 15 of each
28 even-numbered year.

29 (3) The secretary of each district shall, at the time of filing the
30 certification, cause to be published once in a newspaper or newspapers of
31 general circulation within the district a list of the incumbent directors

1 and naming the counties or election precincts excluding those
2 municipalities in which voters are not eligible to vote for public power
3 district candidates in the same general form as the certification filed
4 with the Secretary of State. A certified copy of the published notice
5 shall be filed with the Secretary of State within ten days after such
6 publication.

7 Sec. 7. Original sections 32-512 and 32-609, Reissue Revised
8 Statutes of Nebraska, and sections 32-404, 32-606, 32-608, and 70-611,
9 Revised Statutes Cumulative Supplement, 2022, are repealed.