

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 514

Introduced by Brewer, 43.

Read first time January 17, 2023

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 16-202,
2 18-2518, 32-307, 32-613, 32-617, 32-630, 32-632, 32-1205, 32-1301,
3 32-1304, and 32-1308, Reissue Revised Statutes of Nebraska, and
4 sections 32-101, 32-103, 32-318.01, 32-320.01, 32-330, 32-404,
5 32-606, 32-607, 32-608, 32-615, 32-716, 32-802, 32-808.01, 32-947,
6 32-950.01, 32-1203, 32-1303, 32-1305, 32-1306, 32-1405, 32-1407,
7 32-1524, and 32-1525, Revised Statutes Cumulative Supplement, 2022;
8 to change a provision relating to a remonstrance petition; to change
9 provisions relating to the Municipal Initiative and Referendum Act;
10 to define a term; to change provisions under the Election Act
11 relating to voter registration, duties of political subdivisions,
12 candidate filings, name changes, petitions, notices, ballots, secure
13 ballot drop-boxes, recall procedures, initiatives and referendums,
14 and electioneering; to provide a penalty for false swearing; to
15 harmonize provisions; and to repeal the original sections.

16 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 16-202, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 16-202 (1) Except as otherwise provided in subsection (4) of this
4 section, the power to sell and convey any real estate owned by a city of
5 the first class, including park land, shall be exercised by ordinance
6 directing the conveyance of such real estate and the manner and terms
7 thereof. Notice of such sale and the terms thereof shall be published for
8 three consecutive weeks in a legal newspaper in or of general circulation
9 in such city immediately after the passage and publication of such
10 ordinance.

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

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

1 constitute a valid petition. The election commissioner or county clerk
2 shall deliver the petition and the certifications to the city council
3 within forty days after the receipt of the petition from the city
4 council. The delivery shall be by hand carrier, by use of law enforcement
5 officials, or by certified mail, return receipt requested. Not more than
6 twenty signatures on one signature page shall be counted.

7 (3) The city council shall, within thirty days after the receipt of
8 the petition and certifications from the election commissioner or county
9 clerk, hold a public hearing to review the petition and certifications
10 and receive testimony regarding them. The city council shall, following
11 the hearing, vote on whether or not the petition is valid and shall
12 uphold the petition if sufficient valid signatures have been received.

13 (4) This section does not apply to (a) real estate used in the
14 operation of public utilities, (b) real estate for state armory sites for
15 the use of the State of Nebraska as expressly provided in section 16-201,
16 or (c) real estate for state veterans' cemetery sites for the use of the
17 State of Nebraska as expressly provided in section 12-1301.

18 Sec. 2. Section 18-2518, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 18-2518 (1) Each signed petition ~~Signed petitions~~ shall be filed
21 with the city clerk for signature verification. The city clerk shall
22 immediately notify the county clerk or election commissioner of the
23 signed petition. Upon the filing of a petition, a municipality, upon
24 passage of a resolution by the governing body of such municipality, and
25 the county clerk or election commissioner of the county in which such
26 municipality is located may by mutual agreement provide that the county
27 clerk or election commissioner shall ascertain whether the petition is
28 signed by the requisite number of voters. The municipality shall
29 reimburse the county for any costs incurred by the county clerk or
30 election commissioner. When the verifying official has determined that
31 one hundred percent of the necessary signatures required by the Municipal

1 Initiative and Referendum Act have been obtained, he or she shall notify
2 the governing body of the municipality of that fact and shall immediately
3 forward to the governing body a copy of the petition.

4 (2) In order for an initiative or referendum proposal to be
5 submitted to the governing body and the voters, the necessary signatures
6 shall be on file with the city clerk within six months from the date the
7 prospective petition was authorized for circulation. If the necessary
8 signatures are not obtained by such date, the petition shall be void.

9 Sec. 3. Section 32-101, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 32-101 Sections 32-101 to 32-1551 and sections 5, 14, 23, and 38 of
12 this act shall be known and may be cited as the Election Act.

13 Sec. 4. Section 32-103, Revised Statutes Cumulative Supplement,
14 2022, is amended to read:

15 32-103 For purposes of the Election Act, the definitions found in
16 sections 32-104 to 32-120 and section 5 of this act shall be used.

17 Sec. 5. (1) Electioneering means the deliberate, visible display or
18 audible or physical dissemination of information for the purpose of
19 advocating for or against:

20 (a) Any candidate for an office on the ballot for the election at
21 which such display or dissemination is occurring;

22 (b) Any elected officeholder of a state constitutional office or
23 federal office at the time of the election at which such display or
24 dissemination is occurring;

25 (c) Any political party on the ballot for the election at which such
26 display or dissemination is occurring; or

27 (d) Any measure on the ballot for the election at which such display
28 or dissemination is occurring.

29 (2) For purposes of this section, information includes: (a) A
30 candidate's name, likeness, logo, or symbol; (b) a ballot measure's
31 number, title, subject matter, logo, or symbol; (c) a button, hat,

1 pencil, pen, shirt, sign, or sticker containing information described by
2 this section; and (d) audible information or any literature, writing, or
3 drawing referring to a candidate, an officeholder, or a ballot measure
4 described in this section.

5 Sec. 6. Section 32-307, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-307 ~~No person shall engage in electioneering materials advocating~~
8 ~~or advertising any political issue, candidate, or party shall be~~
9 ~~displayed or distributed~~ within fifty feet of any voter registration
10 site. No alcohol shall be served within fifty feet of any voter
11 registration site. The registration procedure shall be conducted in a
12 neutral manner and shall not be connected with anything unrelated to the
13 object of registering electors except as otherwise provided in sections
14 32-308 to 32-310.

15 Sec. 7. Section 32-318.01, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

17 32-318.01 (1)(a) Except as provided by subsection (2) of this
18 section, a person who registers to vote by mail after January 1, 2003,
19 and has not previously voted in an election within the state shall
20 present a photographic identification which is current and valid or a
21 copy of a utility bill, bank statement, government check, paycheck, or
22 other government document which is dated within the sixty days
23 immediately prior to the date of presentation and which shows the same
24 name and residence address of the person provided on the registration
25 application in order to avoid identification requirements at the time of
26 voting pursuant to section 32-914 or 32-947.

27 (b) Such documentation may be presented at the time of application
28 for registration, after submission of the application for registration,
29 or at the time of voting. The documentation must be received by the
30 election commissioner or county clerk not later than 6 p.m. on the second
31 Friday preceding the election to avoid additional identification

1 requirements at the time of voting at the polling place if the voter
2 votes in person. If the voter is voting using a ballot for early voting,
3 the documentation must be received by the election commissioner or county
4 clerk prior to the date on which the ballot is mailed to the voter to
5 avoid additional identification requirements at the time of voting.
6 Documentation received after the ballot has been mailed to the voter but
7 not later than the deadline for the receipt of ballots specified in
8 subsection (2) of section 32-908 will be considered timely for purposes
9 of determining the applicant's eligibility to vote in the election.

10 (c) Such documentation may be presented in person, by mail, ~~or~~ by
11 facsimile transmission, or by electronic mail.

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

15 (2) A person who registers to vote by mail after January 1, 2003,
16 and has not previously voted in an election within the state shall not be
17 required to present identification if he or she:

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

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

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

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

31 (e) Resides outside the United States and but for such residence

1 would be qualified to vote in the state if the state was the last place
2 in which the person was domiciled before leaving the United States; or

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

6 Sec. 8. Section 32-320.01, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 32-320.01 (1) Except as provided in subsection (2) of this section,
9 any person or organization distributing voter registration applications
10 by mail shall:

11 (a) Use ~~use~~ the form prescribed by the Secretary of State. The form
12 shall contain on the top of the first page in bold type (i) ~~(a)~~ the
13 identity of the person or organization distributing the form and (ii) ~~(b)~~
14 the following statements:

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

18 (b) If enclosing a return envelope, have either a blank address or
19 the address of the election commissioner or county clerk printed on the
20 envelope.

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

25 Sec. 9. Section 32-330, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 32-330 (1) Except as otherwise provided in subsection (3) of section
28 32-301, the voter registration register shall be a public record. Any
29 person may examine the register at the office of the election
30 commissioner or county clerk, but no person other than the Secretary of
31 State, the election commissioner, the county clerk, or law enforcement

1 shall be allowed to make copies of the register. Copies of the register
2 shall only be used for list maintenance as provided in section 32-329 or
3 law enforcement purposes. The electronic records of the original voter
4 registrations created pursuant to section 32-301 may constitute the voter
5 registration register. The Secretary of State, election commissioner, or
6 county clerk shall withhold information in the register designated as
7 confidential under section 32-331. No portion of the register made
8 available to the public and no list distributed pursuant to this section
9 shall include the digital signature of any voter.

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

22 (3)(a) The Secretary of State, election commissioner, or county
23 clerk shall withhold from any list of registered voters distributed
24 pursuant to subsection (2) of this section any information in the voter
25 registration records which is designated as confidential under section
26 32-331 or marked private on the voter registration application or voter
27 registration record.

28 (b) Except as otherwise provided in subdivision (a) of this
29 subsection, a list of registered voters distributed pursuant to
30 subsection (2) of this section shall contain no more than the following
31 information:

- 1 (i) The registrant's name;
- 2 (ii) The registrant's residential address;
- 3 (iii) The registrant's mailing address;
- 4 (iv) The registrant's telephone number;
- 5 (v) The registrant's voter registration status;
- 6 (vi) The registrant's voter identification number;
- 7 (vii) The registrant's birth year;
- 8 (viii) The registrant's date of voter registration;
- 9 (ix) The registrant's voting precinct;
- 10 (x) The registrant's polling site;
- 11 (xi) The registrant's political party affiliation;
- 12 (xii) The political subdivisions in which the registrant resides;
- 13 and
- 14 (xiii) The registrant's voter history.

15 (4) Any person who acquires a list of registered voters under
 16 subsection (2) of this section shall provide his or her name, address,
 17 telephone number, email address, and campaign committee name or
 18 organization name, if applicable, the state of organization, if
 19 applicable, and the reason for requesting the list, and shall take and
 20 subscribe to an oath in substantially the following form:

21 I hereby swear that I will use the list of registered voters
 22 of County, Nebraska, (or the State of Nebraska) only for the
 23 purposes prescribed in section 32-330 and for no other purpose, that I
 24 will not permit the use or copying of such list for unauthorized
 25 purposes, and that I will not post, display, or make such list accessible
 26 on the Internet.

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

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

30 (Signature of person acquiring list)

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

1 (Signature of officer)
2 (Name and official title of officer)

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

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

14 (7) The Secretary of State shall make available to each jury
15 commissioner a list of registered voters that contains the information
16 authorized in this section and in subsection (1) of section 25-1654 the
17 ~~registrant's motor vehicle operator's license number or state~~
18 ~~identification card number.~~

19 (8) Nothing in this section shall prevent a political party or
20 candidate from using the list of registered voters for campaign
21 activities.

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

27 Sec. 10. Section 32-404, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 32-404 (1) When any political subdivision holds an election in
30 conjunction with the statewide primary or general election, the election
31 shall be held as provided in the Election Act. Any other election held by

1 a political subdivision shall be held as provided in the act unless
2 otherwise provided by the charter, code, or bylaws of the political
3 subdivision.

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

15 (3) No later than June 15 of each even-numbered year, the governing
16 board of each reclamation district, county weed district, village, county
17 under township organization, public power district receiving annual gross
18 revenue of less than forty million dollars, or educational service unit
19 which will hold an election in conjunction with a statewide general
20 election shall certify to the Secretary of State, the election
21 commissioner, or the county clerk the name of the subdivision, the number
22 of officers to be elected, the length of the terms of office, the
23 vacancies to be filled by election and length of remaining term, and the
24 number of votes to be cast by a registered voter for each office.

25 (4) The Secretary of State shall prescribe the forms to be used for
26 certification to him or her, and the election commissioner or county
27 clerk shall prescribe the forms to be used for certification to him or
28 her.

29 (5) Each city, village, township, school district, public power
30 district, sanitary and improvement district, metropolitan utilities
31 district, fire district, natural resources district, regional

1 metropolitan transit authority, community college area, learning
2 community coordinating council, educational service unit, hospital
3 district, reclamation district, library board, and airport authority
4 shall furnish to the Secretary of State and election commissioner or
5 county clerk any maps and additional information which the Secretary of
6 State and election commissioner or county clerk may require in the proper
7 performance of their duties in the conduct of elections and certification
8 of results.

9 Sec. 11. Section 32-606, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 32-606 (1) Any candidate may place his or her name on the primary
12 election ballot by filing a candidate filing form prescribed by the
13 Secretary of State as provided in section 32-607. Except as otherwise
14 provided in subsection (4) of this section, if a candidate for an
15 elective office is an incumbent of any elective office, the filing period
16 for filing the candidate filing form shall be between January 5 and
17 February 15 prior to the date of the primary election. No incumbent who
18 resigns from elective office prior to the expiration of his or her term
19 shall file for any office after February 15 of that election year. All
20 other candidates shall file for office between January 5 and March 1
21 prior to the date of the primary election. A candidate filing form and a
22 copy of payment of the filing fee, if applicable, may be transmitted by
23 facsimile for the offices listed in subdivision (2)(a) ~~(1)~~ of section
24 32-607 if (a) the transmission is received in the office of the filing
25 officer by the filing deadline and (b) the original filing form and
26 payment of the filing fee, if applicable, is mailed to the filing officer
27 with a legible postmark bearing a date on or prior to the filing deadline
28 and is in the office of the filing officer no later than seven days after
29 the filing deadline.

30 (2) Any candidate for a township office in a county under township
31 organization, the board of trustees of a village, the board of directors

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

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

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

30 Sec. 12. Section 32-607, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 32-607 (1)(a) All candidate filing forms shall contain the
2 following statement: I hereby swear that I will abide by the laws of the
3 State of Nebraska regarding the results of the primary and general
4 elections, that I am a registered voter and qualified to be elected, and
5 that I will serve if elected. Candidate filing forms shall also contain
6 the following information regarding the candidate: Name, as provided
7 under subdivision (b) of this subsection; residence address; mailing
8 address if different from the residence address; telephone number; office
9 sought; party affiliation if the office sought is a partisan office; a
10 statement as to whether or not civil penalties are owed pursuant to the
11 Nebraska Political Accountability and Disclosure Act; and, if civil
12 penalties are owed, whether or not a surety bond has been filed pursuant
13 to subdivision (4)(b) of section 32-602. An email address shall also be
14 included on the filing form as an optional field.

15 (b) The name contained on a candidate filing form shall be the name
16 by which the candidate is generally known in the community and shall not
17 contain titles, characterizations, or designations.

18 (2) Candidate filing forms shall be filed with the following filing
19 officers:

20 (a) {1} For candidates for national, state, or congressional office,
21 directors of public power and irrigation districts, directors of
22 reclamation districts, directors of natural resources districts,
23 directors of metropolitan utilities districts, members of the boards of
24 educational service units, members of governing boards of community
25 colleges, delegates to national conventions, and other offices filled by
26 election held in more than one county and judges desiring retention, in
27 the office of the Secretary of State;

28 (b) {2} For officers elected within a county, in the office of the
29 election commissioner or county clerk;

30 (c) {3} For officers in school districts which include land in
31 adjoining counties, in the office of the election commissioner or county

1 clerk of the county in which the greatest number of registered voters
2 entitled to vote for the officers reside; and

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

5 (3) Objections to the name of a candidate submitted on a candidate
6 filing form may be made and passed upon in the same manner as objections
7 to a candidate filing form pursuant to section 32-624.

8 Sec. 13. Section 32-608, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 32-608 (1) Except as provided in subsection (4) or (5) of this
11 section, a filing fee shall be paid by or on behalf of each candidate
12 prior to filing for office. For candidates who file in the office of the
13 Secretary of State as provided in subdivision (2)(a) ~~(1)~~ of section
14 32-607, the filing fee shall be paid to the Secretary of State who shall
15 remit the fee to the State Treasurer for credit to the Election
16 Administration Fund. For candidates for any city or village office, the
17 filing fee shall be paid to the city or village treasurer of the city or
18 village in which the candidate resides. For candidates who file in the
19 office of the election commissioner or county clerk, the filing fee shall
20 be paid to the election commissioner or county clerk in the county in
21 which the office is sought. The election commissioner or county clerk
22 shall remit the fee to the county treasurer. The fee shall be placed in
23 the general fund of the county, city, or village. No candidate filing
24 forms shall be filed until the proper payment or the proper receipt
25 showing the payment of such filing fee is presented to the filing
26 officer. On the day of the filing deadline, the city or village
27 treasurer's office shall remain open to receive filing fees until the
28 hour of the filing deadline.

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

31 (a) For the office of United States Senator, state officers,

1 including members of the Legislature, Representatives in Congress, county
2 officers, and city or village officers, except the mayor or council
3 members of cities having a home rule charter, a sum equal to one percent
4 of the annual salary as of November 30 of the year preceding the election
5 for the office for which he or she files as a candidate;

6 (b) For directors of public power and irrigation districts in
7 districts receiving annual gross revenue of forty million dollars or
8 more, twenty-five dollars, and in districts receiving annual gross
9 revenue of less than forty million dollars, ten dollars;

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

11 (d) For Regents of the University of Nebraska, members of the State
12 Board of Education, and directors of metropolitan utilities districts,
13 twenty-five dollars.

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

17 (4) No filing fee shall be required for any candidate filing for an
18 office in which a per diem is paid rather than a salary or for which
19 there is a salary of less than five hundred dollars per year. No filing
20 fee shall be required for any candidate for membership on a school board,
21 on the board of an educational service unit, on the board of governors of
22 a community college area, on the board of directors of a natural
23 resources district, or on the board of trustees of a sanitary and
24 improvement district.

25 (5) No filing fee shall be required of any candidate completing an
26 affidavit requesting to file for elective office in forma pauperis. A
27 pauper shall mean a person whose income and other resources for
28 maintenance are found under assistance standards to be insufficient for
29 meeting the cost of his or her requirements and whose reserve of cash or
30 other available resources does not exceed the maximum available resources
31 that an eligible individual may own. Available resources shall include

1 every type of property or interest in property that an individual owns
2 and may convert into cash except:

3 (a) Real property used as a home;

4 (b) Household goods of a moderate value used in the home; and

5 (c) Assets to a maximum value of three thousand dollars used by a
6 recipient in a planned effort directed towards self-support.

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

11 Sec. 14. (1) Any person who has filed for elective office pursuant
12 to subsection (1) of section 32-606 whose legal name has changed since
13 filing may change the name to appear on the ballot to reflect the
14 person's changed legal name by March 1 before the primary election. The
15 candidate shall provide any paperwork documenting the legal name change
16 to the filing officer by March 1.

17 (2) Any person who has filed for elective office pursuant to
18 subsection (2) of section 32-606 or a nominee for elective office for the
19 general election whose legal name has changed since filing may change the
20 name to appear on the ballot to reflect the person's changed legal name
21 by September 1 before the general election. The candidate shall provide
22 any paperwork documenting the legal name change to the filing officer by
23 September 1.

24 (3) Any candidate may file such a name change on or before the
25 filing deadline, and such name change shall conform to the requirements
26 of subdivision (1)(b) of section 32-607.

27 Sec. 15. Section 32-613, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 32-613 Any petition to place a person's name on the primary election
30 ballot for President of the United States shall contain the names of not
31 less than one hundred voters registered with the appropriate political

1 party from each congressional district of the state, except that if the
2 political party dissolves as provided in subsection (2) of section
3 32-720, the Secretary of State shall not accept a petition under this
4 section. The name of the candidate for President shall be placed upon the
5 ballot only when written consent of such person has been filed with the
6 Secretary of State not less than sixty days before the primary election.
7 The form of the petition shall comply with the requirements of section
8 32-628 and shall as nearly as possible conform to the form prescribed by
9 the Secretary of State. All signed petitions not filed with the Secretary
10 of State shall become invalid if not filed by August 1 of the
11 presidential election year.

12 Sec. 16. Section 32-615, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

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

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

30 (3) A candidate submitting an affidavit under this section for a
31 partisan office on the statewide primary election ballot shall be a

1 registered voter of the political party named in the affidavit unless the
2 political party allows candidates not affiliated with the party by not
3 adopting a rule under section 32-702.

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

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

16 Sec. 17. Section 32-617, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 32-617 (1) Petitions for nomination for partisan and nonpartisan
19 offices shall conform to the requirements of section 32-628. Petitions
20 shall state the office to be filled and the name and address of the
21 candidate. Petitions for partisan office shall also indicate the party
22 affiliation of the candidate. A sample copy of the petition shall be
23 filed with the filing officer prior to circulation. Petitions shall be
24 signed by registered voters residing in the district or political
25 subdivision in which the officer is to be elected and shall be filed with
26 the filing officer in the same manner as provided for candidate filing
27 forms in section 32-607. Petition signers and petition circulators shall
28 conform to the requirements of sections 32-629 and 32-630. No petition
29 for nomination shall be filed unless there is attached thereto a receipt
30 showing the payment of the filing fee required pursuant to section
31 32-608. Such petitions shall be filed by September 1 in the year of the

1 general election, and all signed petitions not filed with the Secretary
2 of State by such date shall become invalid.

3 (2) The filing officer shall verify the signatures according to
4 section 32-631. Within three days after the signatures on a petition for
5 nomination have been verified pursuant to such section and the filing
6 officer has determined that pursuant to section 32-618 a sufficient
7 number of registered voters signed the petitions, the filing officer
8 shall notify the candidate so nominated by registered or certified mail
9 or electronic mail, and the candidate shall, within five days after the
10 date of receiving such notification, file with such officer his or her
11 acceptance of the nomination or his or her name will not be printed on
12 the ballot.

13 (3) A candidate placed on the ballot by petition shall be termed a
14 candidate by petition. The words BY PETITION shall be printed upon the
15 ballot after the name of each candidate by petition.

16 Sec. 18. Section 32-630, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 32-630 (1) Each person who signs a petition shall, at the time of
19 and in addition to signing, personally affix the date, print his or her
20 last name and first name in full, and affix his or her date of birth and
21 address, including the street and number or a designation of a rural
22 route or voting precinct and the city or village or a post office
23 address. A person signing a petition may use his or her initials in place
24 of his or her first name if such person is registered to vote under such
25 initials. ~~No signer shall use ditto marks as a means of personally~~
26 ~~affixing the date or address to any petition.~~ A spouse wife shall not use
27 his or her spouse's husband's first name when he or she signs a petition
28 but shall personally affix his or her first name and his or her last name
29 by marriage or his or her surname. Any signature using ~~ditto marks as a~~
30 ~~means of personally affixing the date or address of any petition or any~~
31 ~~signature using~~ a spouse's first name instead of his or her own shall be

1 invalid.

2 (2) Each circulator of a petition shall personally witness the
3 signatures on the petition and shall sign the circulator's affidavit.

4 (3) No person shall:

5 (a) Sign any name other than his or her own to any petition;

6 (b) Knowingly sign his or her name more than once for the same
7 petition effort or measure;

8 (c) Sign a petition if he or she is not a registered voter and
9 qualified to sign the same except as provided in section 32-1404;

10 (d) Falsely swear to any signature upon any such petition;

11 (e) Accept money or other thing of value for signing any petition;

12 or

13 (f) Offer money or other thing of value in exchange for a signature
14 upon any petition.

15 Sec. 19. Section 32-632, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 32-632 (1) Any person may remove his or her name from a petition by
18 an affidavit signed and sworn to by such person before the election
19 commissioner, the county clerk, or a notary public. Name removal
20 affidavits shall be filed with the following officers:

21 (a) For initiative and referendum petitions, new political party
22 petitions, and petitions for President of the United States, with the
23 Secretary of State;

24 (b) For candidate petitions, with the filing officer prescribed in
25 section 32-607;

26 (c) For recall petitions, with the filing officer prescribed in
27 section 32-1301; and

28 (d) For all other petitions, with the applicable election
29 commissioner, county clerk, or city clerk.

30 (2) The affidavit shall be presented to the officer prescribed in
31 subsection (1) of this section by the following deadlines:

1 (a) For initiative and referendum petitions, by the deadline for
2 filing petitions pursuant to section 32-1407;

3 (b) For new political party petitions, prior to or on the day the
4 petition is filed for verification with the Secretary of State;

5 (c) For petitions for President of the United States, by the
6 deadline for filing petitions pursuant to section 32-613 for the primary
7 election or section 32-620 for the general election;

8 (d) For candidate petitions, by the deadline for filing petitions
9 pursuant to section 32-617; and

10 (e) For all other petitions, prior to or on the day the petition is
11 filed for verification with the election commissioner, county clerk, or
12 city clerk Secretary of State, election commissioner, or county clerk
13 prior to or on the day the petition is filed for verification with the
14 election commissioner or county clerk.

15 Sec. 20. Section 32-716, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

17 32-716 (1) Any person, group, or association desiring to form a new
18 political party shall present to the Secretary of State petitions
19 containing signatures totaling not less than one percent of the total
20 votes cast for Governor at the most recent general election for such
21 office. The signatures of registered voters on such petitions shall be so
22 distributed as to include registered voters totaling at least one percent
23 of the votes cast for Governor in the most recent gubernatorial election
24 in each of the three congressional districts in this state. Petition
25 signers and petition circulators shall conform to the requirements of
26 sections 32-629 and 32-630. The petitions shall be filed with the
27 Secretary of State no later than January 15 before any statewide primary
28 election for the new political party to be entitled to have ballot
29 position in the primary election of that year. If the new political party
30 desires to be established and have ballot position for the general
31 election and not in the primary election of that year, the petitions

1 shall be filed with the Secretary of State on or before July 15 of that
2 year. Prior to the circulation of petitions to form a new political
3 party, a sample copy of the petitions shall be filed with the Secretary
4 of State by the person, group, or association seeking to establish the
5 new party. The sample petition shall be accompanied by the name and
6 address of the person or the names and addresses of the members of the
7 group or association sponsoring the petition to form a new political
8 party. Sponsors of the petition may be added or removed with the
9 unanimous written consent of the original sponsor or sponsors at any time
10 prior to or on the day the petition is filed for verification with the
11 Secretary of State. The sponsor or sponsors of the petition shall file,
12 as one instrument, all petition papers comprising a new political party
13 petition for signature verification with the Secretary of State. All
14 signed petitions in circulation but not filed with the Secretary of State
15 shall become invalid after July 15 in the year of the statewide general
16 election.

17 (2) The petition shall conform to the requirements of section
18 32-628. The Secretary of State shall prescribe the form of the petition
19 for the formation of a new political party. The petition shall be
20 addressed to and filed with the Secretary of State and shall state its
21 purpose and the name of the party to be formed. Such name shall not be or
22 include the name of any political party then in existence or any word
23 forming any part of the name of any political party then in existence,
24 and in order to avoid confusion regarding party affiliation of a
25 candidate or registered voter, the name of the party to be formed shall
26 not include the word "independent" or "nonpartisan". The petition shall
27 contain a statement substantially as follows:

28 We, the undersigned registered voters of the State of Nebraska and
29 the county of, being severally qualified to sign this
30 petition, respectfully request that the above-named new political party
31 be formed in the State of Nebraska, and each for himself or herself says:

1 I have personally signed this petition on the date opposite my name; I am
2 a registered voter of the State of Nebraska and county of
3 and am qualified to sign this petition; and my date of birth and city,
4 village, or post office address and my street and number or voting
5 precinct are correctly written after my name.

6 Sec. 21. Section 32-802, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 32-802 The notice of election for any election shall state the date
9 on which the election is to be held and the hours the polls will be open
10 and list all offices, candidates, and issues that will appear on the
11 ballots. The notice of election shall be printed in English and in any
12 other language required pursuant to the Voting Rights Act Language
13 Assistance Amendments of 1992. In the case of a primary election, the
14 notice of election shall list all offices and candidates that are being
15 forwarded to the general election. The notice of election shall only
16 state that amendments or referendums will be voted upon and that the
17 Secretary of State will publish a true copy of the title and text of any
18 amendments or referendums once each week for three consecutive weeks
19 preceding the election. Such notice of election shall appear in at least
20 one newspaper designated by the election commissioner, county clerk, city
21 council, or village board no later than forty-two days prior to the
22 election. The election commissioner or county clerk shall, not later than
23 forty-two days prior to the election, (1) post in his or her office the
24 same notice of election published in the newspaper and (2) provide a copy
25 of the notice to the political subdivisions appearing on the notice of
26 election ~~ballot~~. The election commissioner or county clerk shall correct
27 the ballot to reflect any corrections received within five days after
28 mailing the notice as provided in section 32-819. The notice of election
29 shall be posted in lieu of sample ballots until such time as sample
30 ballots are printed. If joint elections are held in conjunction with the
31 statewide primary or general election by a county, city, or village, only

1 one notice of election need be published and signed by the election
2 commissioner or county clerk.

3 Sec. 22. Section 32-808.01, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 32-808.01 (1) Except as provided in subsection (2) of this section,
6 any person or organization distributing an application by mail for a
7 ballot for early voting shall:

8 (a) Use ~~use~~ the form prescribed by the Secretary of State. The form
9 shall contain on the top of the first page in bold type (i) ~~(a)~~ the
10 identity of the person or organization distributing the form and (ii) ~~(b)~~
11 the following statements:

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

15 (b) If enclosing a return envelope, have either a blank address or
16 the address of the election commissioner or county clerk printed on the
17 envelope.

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

21 Sec. 23. If a person becomes a naturalized citizen of the United
22 States after the voter registration deadline for any election, such
23 person may register to vote after the voter registration deadline by
24 completing the necessary voter registration application in the office of
25 the election commissioner or county clerk of the county of such person's
26 residence no later than noon of the day before the election. After
27 completing the voter registration application and the citizenship
28 attestation provided by section 32-928, such person shall then be allowed
29 to vote in the office of the election commissioner or county clerk.

30 Sec. 24. Section 32-947, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 32-947 (1) Upon receipt of an application or other request for a
 2 ballot to vote early, the election commissioner or county clerk shall
 3 determine whether the applicant is a registered voter and is entitled to
 4 vote as requested. If the election commissioner or county clerk
 5 determines that the applicant is a registered voter entitled to vote
 6 early and the application was received not later than the close of
 7 business on the second Friday preceding the election, the election
 8 commissioner or county clerk shall deliver a ballot to the applicant in
 9 person or by nonforwardable mail, postage paid. The election commissioner
 10 or county clerk or any employee of the election commissioner or county
 11 clerk shall write or cause to be affixed his or her customary signature
 12 or initials on the ballot.

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

16 VOTER'S OATH

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

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

23 (a) I,, am a registered voter
 24 in County;

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

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

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

30 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION
 31 IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS

1 IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY
2 FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO YEARS AND TWELVE
3 MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED TEN THOUSAND
4 DOLLARS, OR BOTH.

5 I also understand that failure to sign below will invalidate my
6 ballot.

7 Signature

8 (3) If the ballot and identification envelope will be returned by
9 mail or by someone other than the voter, the election commissioner or
10 county clerk shall include with the ballot an identification envelope
11 upon the face of which shall be printed the official title and post
12 office address of the election commissioner or county clerk.

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

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

22 (b) A registration application and the oath pursuant to section
23 32-946, if the voter is without a residence address, with instructions
24 that the residence address of the voter shall be deemed that of the
25 office of the election commissioner or county clerk of the county of the
26 voter's prior residence and that failure to return the completed and
27 signed application and oath to the election commissioner or county clerk
28 by the close of the polls on election day will result in the ballot not
29 being counted; or

30 (c) Written instructions directing the voter to submit a copy of an
31 identification document pursuant to section 32-318.01 if the voter is

1 required to present identification under such section and advising the
2 voter that failure to submit identification to the election commissioner
3 or county clerk by the close of the polls on election day will result in
4 the ballot not being counted.

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

9 Sec. 25. Section 32-950.01, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 32-950.01 (1) If an election commissioner or county clerk maintains
12 a secure ballot drop-box for voters to deposit completed ballots, the
13 election commissioner or county clerk shall ensure that the secure ballot
14 drop-box:

15 (a) Is securely fastened to the ground or a concrete slab connected
16 to the ground;

17 (b) Is secured by a lock that can only be opened by the election
18 commissioner or county clerk or by an election official designated by the
19 election commissioner or county clerk; and

20 (c) Complies with the federal Americans with Disabilities Act of
21 1990 and is accessible as determined by the election commissioner or
22 county clerk.

23 (2) The election commissioner or county clerk shall inform the
24 Secretary of State of each secure ballot drop-box's location no later
25 than forty-two days prior to any statewide primary or general election.

26 (3) Except for a secure ballot drop-box for an election conducted
27 under section 32-960, the The election commissioner or county clerk or an
28 election official designated by the election commissioner or county clerk
29 shall open each secure ballot drop-box no later than the sixth Friday
30 prior to any statewide primary or general election and no later than the
31 fourth Friday prior to any special election. For any statewide primary or

1 general election, each secure ballot drop-box shall remain accessible to
2 voters until the deadline for the receipt of ballots as provided in
3 section 32-908. For any special election, at least one secure ballot
4 drop-box shall remain accessible to voters until the deadline for the
5 receipt of ballots as provided in section 32-954.

6 (4) After a secure ballot drop-box is made available for depositing
7 ballots, the election commission or county clerk shall ensure that
8 ballots deposited in such secure ballot drop-box are collected and
9 returned to the office of the election commissioner or county clerk at
10 least once during each business day.

11 Sec. 26. Section 32-1203, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

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

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

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

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

10 (4) In lieu of the charge determined pursuant to subsection (2) of
11 this section, the election commissioner or county clerk may bill school
12 districts directly for the costs of an election held under section
13 10-703.01.

14 Sec. 27. Section 32-1205, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 32-1205 A political subdivision in which a recall petition is
17 issued, a recall election is held, an official is recalled, or a vacancy
18 needs to be filled as the result of a recall petition shall pay the costs
19 of the recall procedure and any special election held as a result of a
20 recall election. If a recall election is canceled pursuant to section
21 32-1306, the political subdivision shall be responsible for costs
22 incurred related to the canceled election. The costs shall include all
23 chargeable costs as provided in section 32-1202 associated with preparing
24 for and conducting a recall or special election.

25 Sec. 28. Section 32-1301, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 32-1301 For purposes of sections 32-1301 to 32-1309, filing officer
28 means (1) clerk shall mean the election commissioner or county clerk for
29 recall of elected officers of cities, villages, counties, irrigation
30 districts, school districts, and hospital districts and (2) the Secretary
31 of State for recall of elected officers of natural resources districts,

1 public power districts, ~~school districts,~~ community college areas,
2 educational service units, ~~hospital districts,~~ and metropolitan utilities
3 districts.

4 Sec. 29. Section 32-1303, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 32-1303 (1) A petition demanding that the question of removing an
7 elected official or member of a governing body listed in section 32-1302
8 be submitted to the registered voters shall be signed by registered
9 voters equal in number to at least thirty-five percent of the total vote
10 cast for that office in the last general election, except that (a) for an
11 office for which more than one candidate is chosen, the petition shall be
12 signed by registered voters equal in number to at least thirty-five
13 percent of the number of votes cast for the person receiving the most
14 votes for such office in the last general election and (b) for a member
15 of a governing body of a village, the petition shall be signed by
16 registered voters of the village equal in number to at least forty-five
17 percent of the total vote cast for the person receiving the most votes
18 for that office in the last general election. The signatures shall be
19 affixed to petition papers and shall be considered part of the petition.

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

22 (3) The petition papers shall be procured from the filing officer
23 ~~clerk~~. Prior to the issuance of such petition papers, a recall petition
24 filing form shall be signed and filed with the filing officer ~~clerk~~ by at
25 least one registered voter. Such voter or voters shall be deemed to be
26 the principal circulator or circulators of the recall petition. The
27 filing form shall state the name and office of the official sought to be
28 removed, shall include in concise language of sixty words or less the
29 reason or reasons for which recall is sought, and shall request that the
30 filing officer ~~clerk~~ issue initial petition papers to the principal
31 circulator for circulation. The filing officer ~~clerk~~ shall notify the

1 official sought to be removed by any method specified in section
2 25-505.01 or, if notification cannot be made with reasonable diligence by
3 any of the methods specified in section 25-505.01, by leaving a copy of
4 the filing form at the official's usual place of residence and mailing a
5 copy by first-class mail to the official's last-known address. If the
6 official chooses, he or she may submit a defense statement in concise
7 language of sixty words or less for inclusion on the petition. Any such
8 defense statement shall be submitted to the filing officer ~~clerk~~ within
9 twenty days after the official receives the copy of the filing form. The
10 filing officer ~~clerk~~ shall prepare the petition papers within five
11 business days after receipt of the defense statement. The principal
12 circulator or circulators shall gather the petition papers within twenty
13 days after being notified by the filing officer ~~clerk~~ that the petition
14 papers are available. The filing officer ~~clerk~~ shall notify the principal
15 circulator or circulators that the necessary signatures must be gathered
16 within thirty days from the date of issuing the petitions.

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

28 (5) Petition signers shall conform to the requirements of sections
29 32-629 and 32-630. Each signer of a recall petition shall be a registered
30 voter and qualified by his or her place of residence to vote for the
31 office in question.

1 Sec. 30. Section 32-1304, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-1304 (1) The Secretary of State shall design the uniform petition
4 papers to be distributed by all filing officers ~~clerks~~ and shall keep a
5 sufficient number of such blank petition papers on file for distribution
6 to any filing officer ~~clerk~~ requesting recall petitions. The petition
7 papers shall as nearly as possible conform to the requirements of section
8 32-628.

9 (2) In addition to the requirements specified in section 32-628, for
10 the purpose of preventing fraud, deception, and misrepresentation, every
11 sheet of each petition paper presented to a registered voter for his or
12 her signature shall have upon it, above the lines for signatures, (a) a
13 statement that the signatories must be registered voters qualified by
14 residence to vote for the office in question and support the holding of a
15 recall election and (b) in letters not smaller than sixteen-point type in
16 red print (i) the name and office of the individual sought to be
17 recalled, (ii) the reason or reasons for which recall is sought, (iii)
18 the defense statement, if any, submitted by the official, and (iv) the
19 name of the principal circulator or circulators of the recall petition.
20 The decision of a county attorney to prosecute or not to prosecute any
21 individual shall not be stated on a petition as a reason for recall.

22 (3) Every sheet of each petition paper presented to a registered
23 voter for his or her signature shall have upon it, below the lines for
24 signatures, an affidavit as required in subsection (3) of section 32-628
25 which also includes language substantially as follows: "and that the
26 affiant stated to each signer, before the signer affixed his or her
27 signature to the petition, the following: (a) The name and office of the
28 individual sought to be recalled, (b) the reason or reasons for which
29 recall is sought as printed on the petition, (c) the defense statement,
30 if any, submitted by the official as printed on the petition, and (d) the
31 name of the principal circulator or circulators of the recall petition".

1 (4) Each petition paper shall contain a statement entitled
2 Instructions to Petition Circulators prepared by the Secretary of State
3 to assist circulators in understanding the provisions governing the
4 petition process established by sections 32-1301 to 32-1309. The
5 instructions shall include the following statements:

6 (a) No one circulating this petition paper in an attempt to gather
7 signatures shall sign the circulator's affidavit unless each person who
8 signed the petition paper did so in the presence of the circulator.

9 (b) No one circulating this petition paper in an attempt to gather
10 signatures shall allow a person to sign the petition until the circulator
11 has stated to the person (i) the object of the petition as printed on the
12 petition, (ii) the name and office of the individual sought to be
13 recalled, (iii) the reason or reasons for which recall is sought as
14 printed on the petition, (iv) the defense statement, if any, submitted by
15 the official as printed on the petition, and (v) the name of the
16 principal circulator or circulators of the recall petition.

17 Sec. 31. Section 32-1305, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 32-1305 (1) The principal circulator or circulators shall file, as
20 one instrument, all petition papers comprising a recall petition for
21 signature verification with the filing officer ~~clerk~~ within thirty days
22 after the filing officer ~~clerk~~ issues the initial petition papers to the
23 principal circulator or circulators as provided in section 32-1303.

24 (2) If the filing officer ~~clerk~~ is the subject of a recall petition,
25 the signature verification process shall be conducted by two election
26 commissioners or county clerks appointed by the Secretary of State which
27 shall not include the filing officer. Mileage and expenses incurred by
28 officials appointed pursuant to this subsection shall be reimbursed by
29 the political subdivision involved in the recall.

30 (3) Within fifteen business days after the filing of the petition,
31 the filing officer ~~clerk~~ shall ascertain whether or not the petition is

1 signed by the requisite number of registered voters. No new signatures
2 may be added after the initial filing of the petition papers. No
3 signatures may be removed unless the filing officer ~~clerk~~ receives an
4 affidavit signed by the person requesting his or her signature be removed
5 before the petitions are filed with the filing officer ~~clerk~~ for
6 signature verification. If the petition is found to be sufficient, the
7 filing officer ~~clerk~~ shall attach to the petition a certificate showing
8 the result of such examination. If the requisite number of signatures has
9 not been gathered, the filing officer ~~clerk~~ shall file the petition in
10 his or her office without prejudice to the filing of a new petition for
11 the same purpose.

12 Sec. 32. Section 32-1306, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 32-1306 (1) If the recall petition is found to be sufficient, the
15 filing officer ~~clerk~~ shall notify the official whose removal is sought
16 and the governing body of the affected political subdivision that
17 sufficient signatures have been gathered. Notification of the official
18 sought to be removed may be by any method specified in section 25-505.01
19 or, if notification cannot be made with reasonable diligence by any of
20 the methods specified in section 25-505.01, by leaving such notice at the
21 official's usual place of residence and mailing a copy by first-class
22 mail to the official's last-known address.

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

1 same day.

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

8 (4) If a filing officer ~~clerk~~ is subject to a recall election, the
9 Secretary of State shall conduct the recall election.

10 Sec. 33. Section 32-1308, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 32-1308 (1) If a majority of the votes cast at a recall election are
13 against the removal of the official named on the ballot or the election
14 results in a tie, the official shall continue in office for the remainder
15 of his or her term but may be subject to further recall attempts as
16 provided in section 32-1309.

17 (2) If a majority of the votes cast at a recall election are for the
18 removal of the official named on the ballot, he or she shall, regardless
19 of any technical defects in the recall petition, be deemed removed from
20 office unless a recount is ordered. If the official is deemed removed,
21 the removal shall result in a vacancy in the office which shall be filled
22 as provided in this section and sections 32-567 to 32-570 and 32-574.

23 (3) If the election results show a margin of votes equal to one
24 percent or less between the removal or retention of the official in
25 question, the Secretary of State, election commissioner, or county clerk
26 shall order a recount of the votes cast unless the official named on the
27 ballot files a written statement with the filing officer ~~clerk~~ that he or
28 she does not want a recount.

29 (4) If there are vacancies in the offices of one-half or more of the
30 members of any governing body at one time due to the recall of such
31 members, a special election to fill such vacancies shall be conducted as

1 expeditiously as possible by the Secretary of State, election
2 commissioner, or county clerk.

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

8 Sec. 34. Section 32-1405, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 32-1405 (1) Prior to obtaining any signatures on an initiative or
11 referendum petition, a statement of the object of the petition and the
12 text of the measure shall be filed with the Secretary of State together
13 with a sworn statement containing the names and street addresses of every
14 person, corporation, or association sponsoring the petition. Sponsors of
15 the petition may be added or removed with the unanimous written consent
16 of the original sponsor or sponsors at any time prior to or on the day
17 the petition is filed for verification with the Secretary of State.

18 (2) Upon receipt of the filing, the Secretary of State shall
19 transmit the text of the proposed measure to the Revisor of Statutes. The
20 Revisor of Statutes shall review the proposed measure and suggest changes
21 as to form and draftsmanship. The revisor shall complete the review
22 within ten business days after receipt from the Secretary of State. The
23 Secretary of State shall provide the results of the review and suggested
24 changes to the sponsor but shall otherwise keep the proposed measure, the
25 review, and the sworn statement confidential for five days after receipt
26 of the review by the sponsor. The Secretary of State shall then maintain
27 the proposed measure, the opinion, and the sworn statement as public
28 information and as a part of the official record of the initiative. The
29 sponsor may make any changes recommended by the Revisor of Statutes and
30 shall submit final language to the Secretary of State. If the final
31 language is addressing a subject that is substantially different in form

1 or substance from the initial filing or the changes recommended by the
2 Revisor of Statutes, the Secretary of State shall reject it.

3 (3) The Secretary of State shall prepare the form of the petition
4 from the final language filed by the sponsor and shall provide a copy of
5 the form of the petition to the sponsor within five business days after
6 receipt of the final language of the proposed measure. The sponsor shall
7 print the petitions to be circulated from the forms provided. Prior to
8 circulation, the sponsor shall file a sample copy of the petition to be
9 circulated with the Secretary of State.

10 Sec. 35. Section 32-1407, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 32-1407 (1) Initiative petitions shall be filed in the office of the
13 Secretary of State at least four months prior to the general election at
14 which the proposal would be submitted to the voters.

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

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

27 (4) At the time of filing the signed petitions, at least one sponsor
28 shall sign an affidavit certifying that the petitions contain a
29 sufficient number and distribution of signatures pursuant to Article III,
30 section 2, of the Constitution of Nebraska to place the issue on the
31 ballot if such number and distribution of signatures were found to be

1 valid.

2 Sec. 36. Section 32-1524, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 32-1524 ~~(1) For purposes of this section:~~

5 ~~(a) Electioneering means the deliberate, visible display or audible~~
6 ~~or physical dissemination of information for the purpose of advocating~~
7 ~~for or against:~~

8 ~~(i) Any candidate on the ballot for the election at which such~~
9 ~~display or dissemination is occurring;~~

10 ~~(ii) Any elected officeholder of a state constitutional office or~~
11 ~~federal office at the time of the election at which such display or~~
12 ~~dissemination is occurring;~~

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

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

17 ~~(b) Information includes:~~

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

19 ~~(ii) Such a ballot measure's number, title, subject matter, logo, or~~
20 ~~symbol;~~

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

23 ~~(iv) Audible information prohibited by this section; and~~

24 ~~(v) Literature or any writing or drawing referring to a candidate,~~
25 ~~officeholder, or ballot measure described in subdivision (a) of this~~
26 ~~subsection.~~

27 ~~(1) (2)~~ No judge or clerk of election or precinct or district
28 inspector shall do any electioneering while acting as an election
29 official.

30 ~~(2) (3)~~ No person shall do any electioneering or circulate petitions
31 within any polling place or any building designated for voters to cast

1 ballots by the election commissioner or county clerk pursuant to the
2 Election Act while the polling place or building is set up for voters to
3 cast ballots or within two hundred feet of the entries to any such
4 polling place or building except as otherwise provided in subsection (4)
5 ~~(5)~~ of this section.

6 ~~(3)~~ ~~(4)~~ No person shall do any electioneering within two hundred
7 feet of any secure ballot drop-box.

8 ~~(4)~~ ~~(5)~~ Subject to any local ordinance, a person may display yard
9 signs on private real property within two hundred feet of a polling
10 place, ~~or~~ building, or secure ballot drop-box designated for voters to
11 cast ballots if the property is not under common ownership with the
12 property on which the polling place, ~~or~~ building, or secure ballot drop-
13 box is located.

14 ~~(5)~~ ~~(6)~~ Any person violating this section shall be guilty of a Class
15 V misdemeanor.

16 Sec. 37. Section 32-1525, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 32-1525 (1) No person shall conduct an exit poll, a public opinion
19 poll, or any other interview with voters on election day seeking to
20 determine voter preference within twenty feet of the entrance of any
21 polling place or, if inside the polling place or building, within one
22 hundred feet of any voting booth.

23 (2)(a) No poll watcher shall interfere with any voter in the
24 preparation or casting of such voter's ballot or prevent any election
25 worker from performing the worker's duties.

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

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

31 (d) A poll watcher shall maintain a distance of at least eight feet

1 from the sign-in table, the sign-in register, the polling booths, the
2 ballot box, and any ballots which have not been cast, except that if the
3 polling place is not large enough for a distance of eight feet, the judge
4 of election shall post a notice of the minimum distance the poll watcher
5 must maintain from the sign-in table, the sign-in register, the polling
6 booths, the ballot box, and any ballots which have not been cast. The
7 posted notice shall be clearly visible to the voters and shall be posted
8 prior to the opening of the polls on election day. The minimum distance
9 shall not be determined to exclude a poll watcher from being in the
10 polling place.

11 (3) Any person violating this section shall be guilty of a Class V
12 misdemeanor.

13 Sec. 38. Any person who knowingly and falsely swears to a sponsor's
14 affidavit on a petition filed under section 32-1407 shall be guilty of a
15 Class I misdemeanor.

16 Sec. 39. Original sections 16-202, 18-2518, 32-307, 32-613, 32-617,
17 32-630, 32-632, 32-1205, 32-1301, 32-1304, and 32-1308, Reissue Revised
18 Statutes of Nebraska, and sections 32-101, 32-103, 32-318.01, 32-320.01,
19 32-330, 32-404, 32-606, 32-607, 32-608, 32-615, 32-716, 32-802,
20 32-808.01, 32-947, 32-950.01, 32-1203, 32-1303, 32-1305, 32-1306,
21 32-1405, 32-1407, 32-1524, and 32-1525, Revised Statutes Cumulative
22 Supplement, 2022, are repealed.