

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT (UPDATED)
LB521

Hearing Date: Thursday February 20, 2025
Committee On: Government, Military and Veterans Affairs
Introducer: Sanders
One Liner: Change and eliminate provisions relating to the Election Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Sanders, Andersen, Cavanaugh, J., Guereca, Hunt, Lonowski, McKeon, Wordekemper
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Rita Sanders
Wayne Bena
Brian W. Kruse

Beth Bazyn Ferrell

Representing:

Opening Presenter
Nebraska Secretary of State
Douglas County Co-Chair Nebraska Association of
County Officials Election Law Committee
Nebraska Association of County Officials (NACO)

Opponents:

Brad Christian-Sallis
Heidi Uhing
Shirley Niemeyer

Representing:

Nebraska Civic Engagement Table
Civic Nebraska
Self

Neutral:

Connie Reinke

Representing:

Nebraska Voter Accuracy Project

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

This bill is the annual Election Act update bill with recommended changes from the Nebraska Secretary of State.

It would provide an exception to the definition of "candidate" for a candidate for delegate to a county, state, or national political party convention.

It includes hospice and disability services as entities whose photographic patient record may serve as a photographic



voter identification document.

It cleans up obsolete language relating to duties of the Department of Motor Vehicles.

It provides for notice to a voter from an election commissioner or county clerk satisfying a request from that voter to cancel their voter registration.

It changes the timing of special elections held close in time to a legal holiday.

The bill also provides the specific form and contents for petitions for partisan and nonpartisan candidates for President of the United States and other elective offices, as well as petitions for the establishment of a new political party. It would change the process for filing to be a write-in candidate and for withdrawing as a write-in candidate. It would change the filing deadline for partisan ballot access petitions.

It would provide that a filing officer may stop verifying petition signatures when verified signatures exceed one hundred ten percent of the required number for candidate ballot access and for the formation of a new political party.

It specifies a procedure for circumstances where a qualified candidate declines placement on a general election ballot.

It provides a procedure for differentiating candidates with the same first and last name on the same ballot. Possible means of differentiation would include middle name, initials, or city of residence.

It would remove the Secretary of State's authority to rule on objections to certain candidate's filings.

It would provide a procedure for evaluating objections to a candidate's filing form in special elections.

It would clarify the qualifications required for a petition signer for different varieties of petitions.

It would require that petitions be submitted "as one instrument" rather than in batches. The bill would also authorize the Secretary of State to purchase or otherwise obtain software to assist in processing petitions. The bill would specify that the deadline for a petition signer to request removal of their name from a petition is the day the petition is filed. The bill would clarify that local election officials shall verify signatures on identification envelopes using signatures from voter registration records.

It would also change the location for the meetings of the state board of canvassers from the State Capitol to a location designated by the Secretary of State, in order to provide flexibility in cases where the State Capitol may be unavailable or an inappropriate venue for the meeting.

The bill would modify the procedures for use of vote counting devices and provide that a zero report be obtained from any such device before conducting a ballot count.

It would also instruct local election officials to implement processes for verifying voter signatures on ballot envelopes and verifying valid photographic identification as well as verifying provisional ballots and specifying anticipated dates for convening of counting and canvassing boards.

The bill would substantially revise the margins of victory below which a losing candidate is entitled to a recount, and it specifies who may observe the recount in the candidate's place if the candidate is personally unavailable.



Notifications from the Secretary of State relating to the determination of a petition's constitutional and legal sufficiency would be made by the "most expeditious method available."

The bill proposes prohibiting petition circulation within two hundred feet of a secure ballot drop-box. The bill also proposes a minimum distance of eight feet from ballots, ballot boxes, sign-in registers, and counting devices for counting watchers or observers in vote counting locations.

The bill has split operative dates, with some measures taking effect immediately under the emergency clause, some taking effect three calendar months after adjournment of the legislative session, and some taking effect on January 1, 2026.

Explanation of amendments:

AM 1152 makes changes to the original provisions of LB 521 and also incorporates the provisions of LB 19 (Cavanaugh, J.), LB 238(Cavanaugh, M.), LB 243(Sanders), and LB 659(Andersen).

Section 1 is a revised version of section 1 from LB 19 and makes the changes for metropolitan class cities permissive instead of mandatory.

Section 2 is section 2 from LB 19.

Section 3 is section 3 from LB 19.

Section 4 is section 4 from LB 19.

Section 5 is section 5 from LB 19.

Section 6 is section 6 from LB 19.

Section 7 is section 7 from LB 19.

Section 8 is section 8 from LB 19.

Section 9 is section 9 from LB 19.

Section 10 is section 10 from LB 19.

Section 11 is section 11 from LB 19.

Section 12 is section 12 from LB 19.

Section 13 is section 13 from LB 19.

Section 14 is section 14 from LB 19.

Section 15 is section 15 from LB 19.

Section 16 is section 16 from LB 19.



Section 17 is an amendment to the subject matter of LB 19 and makes permissive changes relating to the timing of city elections in cities of the primary class.

Section 18 is section 1 from AM 1145 to LB 243.

Section 19 combines the changes proposed by section 1 of LB 521 and section 1 of LB 659, amending the title section of the Election Act.

Section 20 is section 2 from LB 521.

Section 21 is section 3 from LB 521.

Section 22 is section 4 from LB 521.

Section 23 is section 5 from LB 521.

Section 24 is section 5 from LB 521.

Section 25 is section 7 from LB 521.

Section 26 is section 8 from LB 521.

Section 27 is section 9 from LB 521.

Section 28 is section 10 from LB 521.

Section 29 is section 11 from LB 521.

Section 30 is section 12 from LB 521.

Section 31 is section 13 from LB 521.

Section 32 is section 17 from LB 19.

Section 33 is section 14 from LB 521.

Section 34 is section 18 from LB 19.

Section 35 is section 19 from LB 19.

Section 36 is section 15 from LB 521.

Section 37 is section 16 from LB 521.

Section 38 is section 17 from LB 521.

Section 39 is section 18 from LB 521.

Section 40 is section 19 from LB 521.



Section 41 is section 20 from LB 521.

Section 42 is section 21 from LB 521.

Section 43 is section 22 from LB 521.

Section 44 is section 23 from LB 521.

Section 45 is section 24 from LB 521.

Section 46 is section 25 from LB 521.

Section 47 is section 26 from LB 521.

Section 48 is section 27 from LB 521.

Section 49 is section 28 from LB 521.

Section 50 is section 29 from LB 521.

Section 51 is section 30 from LB 521.

Section 52 is section 31 from LB 521.

Section 53 is a revised version of section 32 from LB 521. The revisions eliminate the expanded authority originally proposed in LB 521 for Secretary of State with respect to the verification of petition signatures.

Section 54 is section 33 from LB 521.

Section 55 is section 34 from LB 521.

Section 56 is section 35 from LB 521.

Section 57 is section 36 from LB 521.

Section 58 is section 37 from LB 521.

Section 59 is section 38 from LB 521.

Section 60 is section 39 from LB 521.

Section 61 is section 40 from LB 521.

Section 62 is section 41 from LB 521.

Section 63 is section 42 from LB 521.

Section 64 is section 43 from LB 521.



Section 65 is section 44 from LB 521.

Section 66 is section 45 from LB 521.

Section 67 is section 46 from LB 521.

Section 68 is section 47 from LB 521.

Section 69 is section 48 from LB 521.

Section 70 is section 49 from LB 521.

Section 71 is section 2 from LB 659.

Section 72 includes the provisions of section 50 from LB 521 and the provisions of section 3 from LB 659.

Section 73 is section 51 from LB 521.

Section 74 is section 52 from LB 521.

Section 75 is section 53 from LB 521.

Section 76 is a revised version of section 54 from LB 521 that does not include the expanded role for the Secretary of State in the process of petition signature verification that was originally proposed in LB 521.

Section 77 is section 55 from LB 521.

Section 78 is section 56 from LB 521.

Section 79 is section 57 from LB 521.

Section 80 is section 1 from LB 238.

Section 81 is section 2 from LB 238.

Section 82 is section 2 from AM 1145 to LB 243.

Section 83 is section 3 from AM 1145 to LB 243.

Section 84 is section 4 from AM 1145 to LB 243.

Section 85 contains split operative dates for the several sections of the amendment.

Sections 86, 87, and 88 contain the partial repealers.

Section 89 contains outright repealers.

Section 90 contains the emergency clause.



Summaries by bill

LB 19

This bill would move municipal primary and general elections in cities of the metropolitan class to coincide with statewide primary and general elections during presidential election years. This election timing change would become effective in the 2028 election cycle. As of 2025, the City of Omaha is the only city of the metropolitan class.

LB 238

This bill proposes exempting local foster care review boards from the requirements imposed by the Open Meetings Act. It also makes harmonizing changes.

LB 243

This bill opens a section of statute relating to special sidewalk assessments. It contains no substantive changes and appears to be a shell bill.

AM1038/AM1145 to LB 243

AM 1038 to LB 243 corrects unattended sunset language from LB287(2023) replacing notice requirements for the Open Meetings Act. Secondly it addresses a scenario where notice is properly given to a newspaper but not properly and/or timely published.

AM 1145 to LB 243 includes all the language of AM 1038 and inserts "if available" on pg 9: 19, 24 and pg 10: 6, 11, 26. This additional language prevents noncompliance when the statewide website for public notices is inaccessible.

LB 659

This bill proposes changes to the Election Act.

Section 1 changes the title section to incorporate Section 2 of the bill into the Act.

Section 2 would elaborate on the existing requirement that county election officials using a vote counting device conduct at least three independent tests before counting actual ballots cast in an election. These tests would be to confirm the accuracy of the counting process, including the computer software utilized during such processes. Three people would conduct the tests: the county clerk or election commissioner, the chief deputy election commissioner or a registered voter from a different political party than the clerk or commissioner, and either the person who installed the counting software or the person charged with operating the counting device. Watchers may also be appointed to observe the tests, with up to one from each political party. County election officials may also permit other observers to be present or watching via closed circuit television or similar means. The county clerk or election commissioner would then certify to the Secretary of State that the testing was completed on some date certain, and this information would subsequently be posted to the Secretary of State's website.

Section 3 strikes language from section 32-1049 containing the existing requirement for testing vote-counting processes. It adds language requiring that county election officials notify the Secretary of State of an anticipated completion date for the testing required under Section 2.

Section 4 contains the repealer.

Testifiers on LB659:



Proponents:

Senator Bob Andersen , Opening Presenter
Wayne Bena, Nebraska Secretary of State
David Cygan, Self
Gavin Geis, Common Cause
Connie Reinke, Nebraska Voter Accuracy Project

Opponents: None

Neutral: None

Committee vote to attach LB659:

Yes: 8 Sanders, Andersen, Cavanaugh, J., Guereca, Hunt, Lonowski, McKeon, Wordekemper;

No: 0;

Absent: 0;

Present Not Voting: 0;

Testifiers on LB238:

Proponents:

Senator Machaela Cavanaugh, M. , Opening Presenter
Monika Gross, Foster Care Review Office

Opponents: None

Neutral:

Ben Kinnison, Nebraska Attorney General's Office

Committee vote to attach LB238:

Yes: 8 Sanders, Andersen, Cavanaugh, J., Guereca, Hunt, Lonowski, McKeon, Wordekemper;

No: 0;

Absent: 0;

Present Not Voting: 0;

Testifiers on LB19:

Proponents:

Senator John Cavanaugh, J. , Opening Presenter
Dave Richardson, Self

Opponents:

Jim Suttle, Self
Sean Kelley, Omaha City Council

Neutral:

Carter Thiele, Lincoln Independent Business Association
Eric Gerrard, City of Lincoln

Committee vote to attach LB19:



Yes: 8 Sanders, Andersen, Cavanaugh, J., Guereca, Hunt, Lonowski, McKeon, Wordekemper;
No: 0;
Absent: 0;
Present Not Voting: 0;

Testifiers on LB243:

Proponents:

Senator Rita Sanders , Opening Presenter

Opponents: None

Neutral: None

Committee vote to attach LB243:

Yes: 8 Sanders, Andersen, Cavanaugh, J., Guereca, Hunt, Lonowski, McKeon, Wordekemper;
No: 0;
Absent: 0;
Present Not Voting: 0;

Testifiers on AM1038 to LB243

Proponents:

Benson Wallace on behalf of Senator Rita Sanders, Opening Presenter

Lynn Rex, League of Nebraska Municipalities

Elaine Menzel, Nebraska Association of County Officials

Colby Coash, Nebraska Association of School Boards

Opponents: None

Neutral: None

Committee vote to amend LB243 with AM1038

Yes: 8 Sanders, Andersen, Cavanaugh, J., Guereca, Hunt, Lonowski, McKeon, Wordekemper;
No: 0;
Absent: 0;
Present Not Voting: 0;

Rita Sanders, Chairperson

