

LEGISLATIVE BILL 226

Approved by the Governor March 1, 2001

Introduced by Thompson, 14; Bruning, 3; Hartnett, 45

AN ACT relating to elections; to amend sections 32-208, 32-209, and 32-211, Reissue Revised Statutes of Nebraska; to change residency requirements for election commissioners and chief deputy election commissioners; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 32-208, Reissue Revised Statutes of Nebraska, is amended to read:

32-208. The election commissioner in counties having a population of more than one hundred thousand inhabitants shall be a registered voter, a resident of such county for at least ~~five years~~ one year, and of good moral character and integrity and capacity. No person who is a candidate for any elective office or is a deputy, clerk, or employee of any person who is a candidate for any elective office shall be eligible for the office of election commissioner. The election commissioner shall not hold any other elective office and shall not be eligible to any elective office or to become a candidate for an elective office during his or her term of office or within three months after his or her term has expired whether or not he or she served the full term.

Sec. 2. Section 32-209, Reissue Revised Statutes of Nebraska, is amended to read:

32-209. (1) The election commissioner in counties having a population of more than one hundred thousand inhabitants shall appoint a chief deputy election commissioner in the manner provided in section 32-210. The chief deputy election commissioner shall be a member of a different political party than the election commissioner, ~~and~~ shall be a registered voter in the county and of the party he or she is to represent, and shall be a resident of such county for at least one year.

(2) The chief deputy election commissioner shall hold office until the term of the election commissioner expires.

(3) The chief deputy election commissioner shall give bond to the State of Nebraska in the sum of five thousand dollars with security to be approved by the Governor conditioned on the faithful performance of the duties of such office.

(4) The chief deputy election commissioner shall perform duties assigned by the election commissioner. In the absence of the election commissioner, the chief deputy election commissioner shall perform all the duties of the election commissioner consistent with the policies and procedures established by the election commissioner. The chief deputy election commissioner shall also be responsible for carrying out any directions properly made and given by the election commissioner prior to his or her absence.

Sec. 3. Section 32-211, Reissue Revised Statutes of Nebraska, is amended to read:

32-211. The office of election commissioner may be created for each county having a population of not less than twenty thousand nor more than one hundred thousand inhabitants. Such office may be created by resolution of the county board establishing such office, and the election commissioner shall be appointed by the county board. The appointment of a chief deputy election commissioner shall be at the option of the county board. If a chief deputy election commissioner is appointed, he or she shall be a member of a different political party than the election commissioner. The election commissioner and chief deputy election commissioner shall be registered voters, residents of such county for at least ~~five years~~ one year, and of good moral character and integrity and capacity. The election commissioner and chief deputy election commissioner shall serve for terms of four years from the date of their initial appointment or until their successors have been appointed and qualified. The county board may by resolution eliminate the office of election commissioner at the end of a term or upon a vacancy in the office. The county board shall not appoint any county official who is serving an elected term to the office of election commissioner or chief deputy election commissioner. If a vacancy occurs in either office, the county board shall appoint an election commissioner or chief deputy election commissioner to serve for the unexpired term.

Sec. 4. Original sections 32-208, 32-209, and 32-211, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.