

AMENDMENTS TO LB 39

(Amendments to Standing Committee amendments, AM116)

Introduced by Schimek, 27

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

3           Section 1. Section 32-629, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           32-629 (1) Except as otherwise provided in section  
6 32-1404 for initiative and referendum petitions, only a registered  
7 voter of the State of Nebraska shall qualify as a valid signer of a  
8 petition and may sign petitions under the Election Act.

9           (2) Only an elector of the State of Nebraska shall  
10 qualify as a valid circulator of a petition and may circulate  
11 petitions under the Election Act.

12          Sec. 3. Section 32-1303, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14          32-1303 (1) A petition demanding that the question of  
15 removing an elected official or member of a governing body listed  
16 in section 32-1302 be submitted to the registered voters shall be  
17 signed by registered voters equal in number to at least thirty-five  
18 percent of the total vote cast for that office in the last general  
19 election, except that (a) for an office for which more than one  
20 candidate is chosen, the petition shall be signed by registered  
21 voters equal in number to at least thirty-five percent of the  
22 number of votes cast for the person receiving the most votes for

1 such office in the last general election, (b) for a member of a  
2 board of a Class I school district, the petition shall be signed  
3 by registered voters of the school district equal in number to at  
4 least twenty-five percent of the total number of registered voters  
5 residing in the district on the date that the recall petitions  
6 are first checked out from the filing clerk by the principal  
7 circulator, and (c) for a member of a governing body of a village,  
8 the petition shall be signed by registered voters equal in number  
9 to at least forty-five percent of the total vote cast for the  
10 person receiving the most votes for that office in the last general  
11 election. The signatures shall be affixed to petition papers and  
12 shall be considered part of the petition.

13 (2) Petition circulators shall conform to the  
14 requirements of ~~section~~ sections 32-629 and 32-630.

15 (3) The petition papers shall be procured from the  
16 filing clerk. Prior to the issuance of such petition papers, an  
17 affidavit shall be signed and filed with the filing clerk by  
18 at least one registered voter. Such voter or voters shall be  
19 deemed to be the principal circulator or circulators of the recall  
20 petition. The affidavit shall state the name and office of the  
21 official sought to be removed, shall include in typewritten form  
22 in concise language of sixty words or less the reason or reasons  
23 for which recall is sought, and shall request that the filing  
24 clerk issue initial petition papers to the principal circulator  
25 for circulation. The filing clerk shall notify the official sought  
26 to be removed by any method specified in section 25-505.01 or,  
27 if notification cannot be made with reasonable diligence by any

1 of the methods specified in section 25-505.01, by leaving a copy  
2 of the affidavit at the official's usual place of residence and  
3 mailing a copy by first-class mail to the official's last-known  
4 address. If the official chooses, he or she may submit a defense  
5 statement in typewritten form in concise language of sixty words  
6 or less for inclusion on the petition. Any such defense statement  
7 shall be submitted to the filing clerk within twenty days after the  
8 official receives the copy of the affidavit. The filing clerk shall  
9 notify the principal circulator or circulators that the necessary  
10 signatures must be gathered within thirty days from the date of  
11 issuing the petitions.

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

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

1                   Sec. 4. Section 32-1404, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   32-1404 A signer of an initiative and referendum petition  
4 shall be a registered voter of the State of Nebraska on or  
5 before the date on which the petition is required to be filed  
6 with the Secretary of State and shall meet the requirements of  
7 section 32-630. A person who circulates initiative and referendum  
8 petitions ~~need not be a registered voter but~~ shall comply with the  
9 requirements of section 32-629 and subsection (2) of section 32-630  
10 and with the prohibitions contained in subdivisions (3)(a), (d),  
11 ~~and (f), and (g)~~ of section 32-630.

12                   2. On page 7, line 26, strike "32-630" and insert  
13 "32-629, 32-630, 32-1303".

14                   3. Renumber the remaining sections accordingly.