

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 311

FINAL READING

Introduced by Aguilar, 35

Read first time January 11, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Election Act; to amend section
2 32-1409, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to petition signature verification;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-1409, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-1409 (1) Upon the receipt of the petitions, the
4 Secretary of State, with the aid and assistance of the election
5 commissioner or county clerk, shall determine the validity and
6 sufficiency of signatures on the pages of the filed petition.
7 The Secretary of State shall deliver the various pages of the
8 filed petition to the election commissioner or county clerk by
9 hand carrier, by use of law enforcement officials, or by certified
10 mail, return receipt requested. Upon receipt of the pages of the
11 petition, the election commissioner or county clerk shall issue
12 to the Secretary of State a written receipt that the pages of
13 the petition are in the custody of the election commissioner or
14 county clerk. The election commissioner or county clerk shall
15 compare the signature of each person signing upon each of the
16 pages of the petition with the voter registration records to
17 determine if each signer was a registered voter on or before the
18 date on which the petition was required to be filed with the
19 Secretary of State. The election commissioner or county clerk shall
20 also compare the signer's signature, printed name, date of birth,
21 street name and number or voting precinct, and city, village,
22 or post office address with the voter registration records to
23 determine whether the signer was a registered voter. ~~The signature,~~
24 ~~date of birth,~~ and address shall be presumed to be valid only
25 if the election commissioner or county clerk finds the printed

1 name, date of birth, street and number of voting precinct, and
2 city, village, or post office address to match the registration
3 records and that the registration was received on or before the
4 date on which the petition was required to be filed with the
5 Secretary of State. Any signature which is not accompanied by
6 the information required by section 32-630 shall be invalid. The
7 ~~finding~~ determination of the election commissioner or county clerk
8 may be rebutted by any credible evidence which the Secretary of
9 State election commissioner or county clerk finds sufficient. The
10 express purpose of the comparison of names and addresses with the
11 voter registration records, in addition to helping to determine
12 the validity of such petition, the sufficiency of such petition,
13 and the qualifications of the signer, shall be to prevent fraud,
14 deception, and misrepresentation in the petition process.

15 (2) Upon completion of the ~~comparison~~ of names and
16 addresses with the voter registration records, determination of
17 registration, the election commissioner or county clerk shall
18 prepare in writing a certification under seal setting forth the
19 name and address of each signer found not to be a registered
20 voter and the petition page number and line number where the
21 name is found, and if the reason for the invalidity of the
22 signature or address is other than the nonregistration of the
23 signer, the election commissioner or county clerk shall set forth
24 the reason for the invalidity of the signature. If the election
25 commissioner or county clerk determines that a signer has affixed

1 his or her signature more than once to any page or pages of
2 the petition and that only one person is registered by that
3 name, the election commissioner or county clerk shall prepare
4 in writing a certification under seal setting forth the name of
5 the duplicate signature and shall count only the earliest dated
6 signature. The election commissioner or county clerk shall deliver
7 all pages of the petition and the certifications to the Secretary
8 of State within forty days after the receipt of such pages from
9 the Secretary of State. The delivery shall be by hand carrier,
10 by use of law enforcement officials, or by certified mail, return
11 receipt requested. The Secretary of State may grant to the election
12 commissioner or county clerk an additional ten days to return all
13 pages of the petition in extraordinary circumstances.

14 (3) Upon receipt of the pages of the petition, the
15 Secretary of State shall issue a written receipt indicating the
16 number of pages of the petition that are in his or her custody.
17 When all the petitions and certifications have been received by
18 the Secretary of State, he or she shall strike from the pages
19 of the petition all but the earliest dated signature of any
20 duplicate signatures and such stricken signatures shall not be
21 added to the total number of valid signatures. Not more than
22 twenty signatures on one sheet shall be counted. All signatures
23 secured in a manner contrary to sections 32-1401 to 32-1416 shall
24 not be counted. Clerical and technical errors in a petition shall
25 be disregarded if the forms prescribed in sections 32-1401 to

1 32-1403 are substantially followed. The Secretary of State shall
2 total the valid signatures and determine if constitutional and
3 statutory requirements have been met. The Secretary of State shall
4 immediately serve a copy of such determination by certified or
5 registered mail upon the person filing the initiative or referendum
6 petition. If the petition is found to be valid and sufficient,
7 the Secretary of State shall proceed to place the measure on the
8 general election ballot.

9 (4) The Secretary of State may adopt and promulgate
10 rules and regulations for the issuance of all necessary forms and
11 procedural instructions to carry out this section.

12 Sec. 2. Original section 32-1409, Reissue Revised
13 Statutes of Nebraska, is repealed.