

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 284

Introduced By: Karpisek, 32; Adams, 24; Avery, 28; Carlson, 38;
Dubas, 34; Lathrop, 12; McGill, 26; Nantkes, 46;
Pankonin, 2; Preister, 5; Rogert, 16; Wallman, 30;
White, 8

Read first time: January 10, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend section 32-1119,
2 Reissue Revised Statutes of Nebraska; to require recounts to
3 be done manually at the office of the election commissioner
4 or county clerk; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-1119, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-1119. (1) If it appears as evidenced by the abstract of
4 votes that any candidate failed to be nominated or elected by a margin
5 of (a) one percent or less of the votes received by the candidate who
6 received the highest number of votes for the office at an election in
7 which more than five hundred total votes were cast or (b) two percent
8 or less of the votes received by the candidate who received the
9 highest number of votes for the office at an election in which five
10 hundred or less total votes were cast, then such candidate shall be
11 entitled to a recount. Any losing candidate may waive his or her right
12 to a recount by filing a written statement with the Secretary of
13 State, election commissioner, or county clerk with whom he or she made
14 his or her filing. All expenses of a recount under this section shall
15 be paid by those political subdivisions involved in the recount.

16 (2) Recounts shall be made by the county canvassing board
17 which officiated in making the official county canvass of the election
18 returns. If any member of the county canvassing board cannot
19 participate in the recount, another person shall be appointed by the
20 election commissioner or county clerk to take the member's place.

21 (3) Recounts for candidates who filed with the Secretary of
22 State shall be made on the fifth Wednesday after the election and
23 shall commence at 9 a.m. The Secretary of State shall inform each
24 election commissioner or county clerk of the names of the candidates
25 for which the board of state canvassers deems a recount to be
26 necessary.

27 (4) The election commissioner or county clerk shall be

1 responsible for recounting the ballots for those candidates for whom
2 the county canvassing board deems a recount to be necessary. The
3 recount shall be made as soon as possible after the adjournment of the
4 county canvassing board, except that if a recount is required under
5 subsection (3) of this section, the recounts may be conducted
6 concurrently.

7 (5) The Secretary of State, election commissioner, or county
8 clerk shall notify all candidates whose ballots will be recounted of
9 the time, date, and place of the recount. Candidates whose ballots
10 will be recounted may be present or be represented by an agent
11 appointed by the candidate.

12 ~~(6) The procedures for the recounting of ballots shall be~~
13 ~~the same as those used for the counting of ballots on election day.~~
14 The recount audit shall be done manually and shall be conducted
15 at the ~~county courthouse, except that if vote counting devices are~~
16 ~~used for the counting or recounting, such counting or recounting may~~
17 ~~be accomplished at the site of the devices. Counties counting ballots~~
18 ~~by using a vote counting device shall first recount the ballots by~~
19 ~~use of the device. If substantial changes are found, the ballots~~
20 ~~shall then be counted using such device in any precinct which might~~
21 ~~reflect a substantial change. office of the election commissioner~~
22 ~~or county clerk.~~

23 Sec. 2. Original section 32-1119, Reissue Revised Statutes
24 of Nebraska, is repealed.