



Hundred Legislature - First Session - 2007
Introducer's Statement of Intent
LB 18

Chairperson: Ray Aguilar
Committee: Government, Military and Veterans Affairs
Date of Hearing: January 19, 2007

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 18 would change provisions relating to the recall of elected officials. The bill would require the individual(s) seeking recall to submit a statement alleging facts which, if true, would establish one of three grounds for which recall of the official is sought: malfeasance in office, misfeasance in office, or nonfeasance in office. Under current law, an individual need not set forth a specific reason—recall efforts do not have to be based on any wrongdoing or misconduct on the part of the elected official.

The bill would create a process for the official to respond to the statement, giving him/her the option of submitting a defense statement that would be printed on the petition papers, or the official could file an action in the district court to challenge the sufficiency of the allegations. There would be no hearing or cost to either party and the court would presume the allegations in the statement to be true and construe them in the light most favorable to the principal circulator(s). The court would then determine whether the allegations in the statement establish one of the three required grounds.

If the allegations were found to be sufficient to establish the existence of one of the grounds, the individual whose removal is sought could then submit the aforementioned defense statement to be printed on the petition papers. However, if the allegations were found not to be sufficient, the filing clerk would not issue petition papers and the recall effort would go no further.

Principal Introducer: _____
Senator Mick Mines