

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT (CORRECTED)
LB1121

Hearing Date: Tuesday February 07, 2012
Committee On: Urban Affairs
Introducer: Lambert
One Liner: Change signature requirements for recall petitions for sanitary and improvement districts

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Ashford, Coash, Cook, Krist, Lambert, McGill, Smith
Nay:
Absent:
Present Not Voting:

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| Proponents: | Representing: |
| Senator Lambert | Self |
| Janet McCartney | Cass County |
| Nancy Josoff | Cass County |

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| Opponents: | Representing: |
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| Neutral: | Representing: |
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Summary of purpose and/or changes:

LB 1121 is a bill to make clear that the rights of a particular category of Sanitary Improvement District property owners are the same when they sign petitions to request a recall of a member of the board of trustees, as when they owners vote to elect the member to the board.

For some of the trustee board member positions, property owners are allowed to cast a number of votes equal to the number of parcels of property they own. This is designed to recognize the fact that there are owners of property in the district who do not reside there, or may be entities such as corporations or partnerships, rather than individual persons, and these owners should have a voice in electing the board. For other board member positions, each property owner who actually resides in the district has one vote.

Currently, in the event of a recall petition, election commissioners are required to verify that the petition was signed by qualified voters who represent at least thirty-five percent of the number of votes cast for the trustee who received the most votes in the last district election. The term represent is not defined in statute. The election commissioners foresee problems applying our current law when they are required to validate signatures on a recall petition that is aimed at one of the trustee positions for which multiple voting was allowed.

Election commissioners believe that a person signing the recall petition should be granted the same voice in the recall petition process that they had at the election. This bill would make adjustments to the law to make this process clear in statute.

Comments/Analysis:

Section 1 of the bill amends Neb.Rev.Stat., by removing the language requiring thirty-five percent of the number of votes cast for the trustee who received the most votes in the last district election, and replaces most of this section with new language that states a petition for an election to recall a trustee shall be sufficient if it complies with the requirements of this section.

Subsection (2) specifies that the signers of the petition shall be the people who were, on the date signed, eligible to vote in the district election pursuant to. The language makes clear that a person's eligibility to sign a petition shall be the same as a person's eligibility to cast one or more votes at a district election. This section also clearly states that one person only is allowed to sign on behalf of joint owners of property, or on or behalf of a public, private or municipal corporate property owner in the district. It also provides for the situation when the recall being sought was for a trustee who was elected only by a vote of the resident owners. This section additionally separates the definitions of resident owner, all qualified resident voters, and all qualified property owning voters.

Subsection (3) requires the filing clerk to assign to each signature on the recall petition a count equal to the number of votes that the signer was eligible to cast on the date he or she signed.

Subsection (4) specifies that the filing clerk shall total the count assigned to the signatures on the petition, and states the petition shall be considered sufficient if the total is at least equal to thirty-five percent of the highest number of votes that were cast for a candidate at the previous district election for the trustee positions in the same category as the trustee whose recall is sought by the petition. This makes it clear in statute the differences in the types of trustees on the board and the differences in the way they are elected by the categories of voters in the district.

Section (2) of the bill harmonizes references in law based on the changes made in section 1 of the bill.

Explanation of amendments:

LB 1121 is a bill to make clear that the rights of a particular category of Sanitary Improvement District property owners are the same when they sign petitions to request a recall of a member of the board of trustees, as when they owners vote to elect the member to the board.

For some of the trustee board member positions, property owners are allowed to cast a number of votes equal to the number of parcels of property they own. This is designed to recognize the fact that there are owners of property in the district who do not reside there, or may be entities such as corporations or partnerships, rather than individual persons, and these owners should have a voice in electing the board. For other board member positions, each property owner who actually resides in the district has one vote.

Currently, in the event of a recall petition, election commissioners are required to verify that the petition was signed by qualified voters who represent at least thirty-five percent of the number of votes cast for the trustee who received the most votes in the last district election. The term represent is not defined in statute. The election commissioners foresee problems applying our current law when they are required to validate signatures on a recall petition that is aimed at one of the trustee positions for which multiple voting was allowed.

Election commissioners believe that a person signing the recall petition should be granted the same voice in the recall petition process that they had at the election. This bill would make adjustments to the law to make this process clear in statute.

Comments/Analysis:

Section 1 of the bill amends Neb.Rev.Stat. 31-787, by removing the language requiring thirty-five percent of the number of votes cast for the trustee who received the most votes in the last district election, and replaces most of this section with new language that states a petition for an election to recall a trustee shall be sufficient if it complies with the requirements of this section.

Subsection (2) specifies that the signers of the petition shall be the people who were, on the date signed, eligible to vote in the district election pursuant to 31-735. The language makes clear that a person's eligibility to sign a petition shall be the same as a person's eligibility to cast one or more votes at a district election. This section also clearly states that one person only is allowed to sign on behalf of joint owners of property, or on or behalf of a public, private or municipal corporate property owner in the district. It also provides for the situation when the recall being sought was for a trustee who was elected only by a vote of the resident owners. This section additionally separates the definitions of resident owner, all qualified resident voters, and all qualified property owning voters.

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Subsection (4) specifies that the filing clerk shall total the count assigned to the signatures on the petition, and states the petition shall be considered sufficient if the total is at least equal to thirty-five percent of the highest number of votes that were cast for a candidate at the previous district election for the trustee positions in the same category as the trustee whose recall is sought by the petition. This makes it clear in statute the differences in the types of trustees on the board and the differences in the way they are elected by the categories of voters in the district.

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Amanda McGill, Chairperson