

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1094

Introduced by Harms, 48.

Read first time January 18, 2012

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend section 32-960, Revised
2 Statutes Cumulative Supplement, 2010; to provide for an
3 election in certain counties to authorize county clerks
4 to conduct elections by mail; and to repeal the original
5 section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-960, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 32-960 (1) In any county with less than ten thousand or
4 fewer inhabitants, (a) the county board may, by resolution, place the
5 question of holding all elections by mail before the voters at a
6 primary, general, or special election held as provided in section
7 32-559 or (b) the question of holding all elections by mail shall be
8 placed on the ballot for submission to the voters upon the petition
9 of registered voters equal in number to ten percent of the total vote
10 cast for Governor in such county at the preceding general election.
11 The registered voters signing such petitions shall be so distributed
12 as to include ten percent of the registered voters of each of one-
13 half of the voting precincts in the county. Such petitions shall be
14 filed with the county clerk not later than two months preceding the
15 next general election if the question is to be placed on the ballot
16 at the general election. The county clerk shall examine the petitions
17 filed in his or her office to determine whether they are in proper
18 form and signed by a sufficient number of registered voters. Not
19 later than thirty days after the petitions are filed in his or her
20 office, he or she shall certify the determination to the county
21 board. If the petitions are in proper form and signed by a sufficient
22 number of registered voters, the question shall be placed on the
23 ballot at the next general election or at a special election called
24 for such purpose and held at least two months after the filing of the
25 petitions.

1 (2) A majority of all votes cast in the affirmative on
2 the question shall be necessary for all subsequent elections to be
3 held by mail in such county. The county clerk shall certify the
4 results of the election to the Secretary of State.

5 (3) If the vote is in the affirmative, the county clerk
6 ~~may shall~~ apply to the Secretary of State to mail ballots for all
7 elections held after approval of the application to registered voters
8 of ~~any or all of~~ the precincts in the county in lieu of establishing
9 polling places for such precincts. The application shall include a
10 written plan for the conduct of the election, including a timetable
11 for the conduct of the election and provisions for the notice of
12 election to be published and for the application for ballots for
13 early voting notwithstanding other statutory provisions regarding the
14 content and publication of a notice of election or the application
15 for ballots for early voting. If the Secretary of State ~~approves such~~
16 ~~application for one or more precincts in the county,~~ finds
17 deficiencies in the application, the Secretary of State shall notify
18 the county clerk of the deficiencies and work with the county clerk
19 to resolve the deficiencies. When the deficiencies are resolved, the
20 county clerk shall follow the applicable procedures in sections
21 32-953 to 32-959 for conducting elections by mail, except that the
22 deadline for receipt of the ballots shall be 8 p.m. on the day of the
23 election.

24 Sec. 2. Original section 32-960, Revised Statutes
25 Cumulative Supplement, 2010, is repealed.