

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 932

Introduced by Krist, 10.

Read first time January 10, 2012

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to elections; to amend section 31-735.05, Reissue
2 Revised Statutes of Nebraska; to provide for voting
3 rights for registered voters of sanitary and improvement
4 districts as prescribed; and to repeal the original
5 section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 31-735.05, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 31-735.05 (1) Not later than June first of each year, the
4 election commissioner or county clerk shall determine which sanitary
5 and improvement districts in the county are required to hold
6 elections in such year, including elections under subsections (2)
7 through (6) of this section, and shall so notify the clerk of each
8 such district on or before July first of such year. The entire costs
9 of conducting the election shall be borne by the sanitary and
10 improvement district holding the election, and such costs shall
11 include all expenses such as procuring a list of the property owners
12 of record in each such district, printing and mailing notices of the
13 elections to such property owners, printing, preparing, and mailing
14 ballots, paying compensation and mileage for the election boards
15 conducting such elections, and also indirect expenses, such as the
16 pro rata amount of any additional clerical expense or other
17 miscellaneous expenses to be incurred by the election commissioner or
18 county clerk in conducting all of such elections to be held in such
19 calendar year. Within sixty days after the elections have been held,
20 each district shall be charged and billed for all of the actual
21 expenses incurred by the election commissioner or county clerk
22 attributable to such district. Payment of the total amount billed to
23 the district shall be in currency and made by the attorney for the
24 sanitary and improvement district to the election commissioner or
25 county clerk within sixty days after receipt of such billing.

1 (2) The registered voters residing in a sanitary and
2 improvement district shall be entitled to vote for officials and
3 issues as determined under subsection (6) of this section which are
4 on the ballot at an election in a city, village, or township and for
5 which, but for this section, only some or all of the registered
6 voters of such city, village, or township are entitled to vote, if
7 the election commissioner or county clerk determines that the
8 sanitary and improvement district meets the requirements of this
9 section.

10 (3) In order to determine whether the registered voters
11 residing in a sanitary and improvement district are entitled to vote
12 as provided in subsection (2) of this section, the election
13 commissioner or county clerk shall, for each sanitary and improvement
14 district located in the county served by the election commissioner or
15 county clerk, determine (a) if the district has included an
16 annexation plan in its articles of association that indicates planned
17 annexation by a particular city, village, or township or if there is
18 an annexation plan in the process of implementation with a particular
19 city, village, or township or (b) if the district is within the
20 extraterritorial jurisdiction of a particular city or village.

21 (4) If the election commissioner or county clerk
22 determines that there is an annexation plan for a sanitary and
23 improvement district, the election commissioner or county clerk shall
24 inform the clerk of the city, village, or township which is
25 referenced by or a party to such plan that the registered voters

1 residing in the sanitary and improvement district are entitled to
2 vote as determined under subsection (6) of this section in the
3 elections in which, but for this section, only some or all of the
4 residents of the city are entitled to vote.

5 (5) If the election commissioner or county clerk
6 determines that there is no annexation plan for a sanitary and
7 improvement district but that the sanitary and improvement district
8 is within the extraterritorial jurisdiction of a particular city or
9 village the election commissioner or county clerk shall inform the
10 clerk of such city or village that the registered voters residing in
11 the sanitary and improvement district are entitled to vote as
12 determined under subsection (6) of this section in the elections in
13 which, but for this section, only some or all of the residents of
14 such city are entitled to vote. If the sanitary and improvement
15 district is within the extraterritorial jurisdiction of more than one
16 city or village, then the registered voters residing in the sanitary
17 and improvement district are entitled to vote in the elections in the
18 city or village encompassing the territory which contains the most
19 registered voters residing in the district and the election
20 commissioner or county clerk shall so inform the clerk of such city
21 or village.

22 (6) The clerk of any city, village, or township
23 designated pursuant to subsection (4) or (5) of this section shall
24 assist the election commissioner or county clerk in determining which
25 officials and issues would be subject to this section. If there are

1 officials elected by district, the election commissioner or county
2 clerk shall assign the registered voters of the sanitary and
3 improvement district, in whole or in part, to districts for purposes
4 of voting for officials of the city, village, township, or other
5 political subdivision who are nominated or elected by district based
6 on geographical proximity to the applicable district. If the
7 assignment of the registered voters causes any district to vary by
8 ten percent or more from the standard deviation for such districts,
9 the election commissioner or county clerk shall draw new district
10 boundaries for the applicable political subdivision.

11 Sec. 2. Original section 31-735.05, Reissue Revised
12 Statutes of Nebraska, is repealed.