

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014
COMMITTEE STATEMENT
LB946

Hearing Date: Wednesday February 05, 2014
Committee On: Government, Military and Veterans Affairs
Introducer: Murante
One Liner: Change provisions relating to elections

Roll Call Vote - Final Committee Action:

Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Avery, Bloomfield, Garrett, Karpisek, Murante, Scheer, Wallman
Nay:		
Absent:	1	Senator Lautenbaugh
Present Not Voting:		

Proponents:

Senator John Murante
Wayne Bena
David Shively
Beth Bazyn Ferrell

Representing:

Introducer
Sarpy County Election Commissioner
Lancaster County Election Commissioner
Nebraska Association of County Officials

Opponents:

Representing:

Neutral:

Adam Morfeld

Representing:

Nebraskans for Civic Reform

Summary of purpose and/or changes:

LB 946 makes several changes to the Election Act.

LB 946 provides that the persons appointed to the counting board for the purpose of counting ballots for school district bonds will receive wages at no less than the minimum wage for each hour of service.

The bill eliminates the requirement that election commissioners not become candidates for office within 6 months after leaving office.

Chief deputy election commissioners will take and subscribe an oath before entering their duties.

The bill allows a special election for a Class IV or Class V school district to be held in conjunction with the primary or general election for a city of the primary or metropolitan class which is governed by a home rule charter.

The filing fee for the office of US Senator, state officers, Representatives of Congress, county officers, and city or village officers is the sum equal to one percent of the annual salary as of November 30 of the year preceding the election for the office for which he or she files as a candidate. Current language bases the filing fee on the salary the candidate will receive if he or she is elected.

In a special election by mail, the election commissioner or county clerk may choose not to mail a ballot to all registered voters who have been sent a notice under section 32-239 and failed to respond. If the ballots are not mailed to such voters, the election commissioner or county clerk will mail a notice to all such registered voters explaining how to obtain a ballot. Section 32-329 deals with voters who have indicated they have moved and have been sent a confirmation letter by the election official.

The deadline for delivering a statement to the election commissioner or county clerk in special elections when a ballot is destroyed, spoiled, lost, or not received is changed from noon to 5 p.m. on the date of the election.

Under the bill, election commissioners or county clerks will make public any record or list of registered voters who have returned their ballots during a special election by mail. Current law prohibits such lists being made public until after the election.

Finally, the bill includes the overtime costs of all permanent employees of the election commissioner or county clerk relating to elections to the list of expenses chargeable to the political subdivisions in which such elections are held.

Explanation of amendments:

The committee amendment contains several provisions, including the provisions of four legislative bills.

First, the committee amendment reinstates language prohibiting an election commissioner from holding elective office or becoming a candidate for elective office within six months after leaving office.

Second, the amendment changes the time when a voter may receive a replacement early ballot. With the change, the voter will return the statement declaring the original early ballot was lost or destroyed to the office of the election commissioner or county clerk by 8 p.m. on the day of the election. The current time is noon.

The amendment also changes back reporting thresholds in the Nebraska Political Accountability and Disclosure Act. For example, the amendment changes reporting thresholds for contributions from "\$250 or more" to "more than \$250." Other thresholds being changed from "or more" to "more than" include: expenditures, loans, independent expenditures, out-of-state contributions, and when a committee is formed and subject to the Accountability and Disclosure Act.

Provisions of LB 726:

LB 726 changes the number of school board members for Class II and Class III school districts.

The school board of a Class II school district will have no fewer than five members and no more than nine members. Currently, Class II school districts have six members.

The number of members to be elected at the statewide general election and the terms for which they will be elected will be determined by the county election official with the aid of the secretary of the school board. Terms will be staggered so that approximately half of the members are elected to the board at the general election for four year terms.

The school board of a Class III school district will have no fewer than five members and no more than nine members. Currently, Class III school districts have either six or nine members.

The school board of a Class II or Class III school district may, by resolution adopted in an odd-numbered year, provide for a change in the number of members on the school board to a minimum of five and a maximum of nine. The change will be effective at the beginning of the term of office for school board members elected at the next statewide general election.

LB 726 outlines what needs to be included in the resolution including: the change in the number of members to be added or eliminated; when the changes take effect; and whether the members are nominated or elected by district or

ward.

Provisions of LB 743:

LB 743 provides that the term of any person elected to serve a four-year term in a governmental body starts on the day of the meeting of the body at which members are sworn into office. The second half of the term starts on the day of the meeting of the body at which members are sworn into office in the second calendar year after the term begins.

These provisions do not apply to the State Board of Education.

Provisions of LB 833:

Except when county offices are consolidated, in each county having a population of less than 150,000 inhabitants, the question of electing a county surveyor in the county will be submitted to the voters of the county at the statewide general election in 2020.

If a majority of votes cast are against the election of a county surveyor, the office of county surveyor will cease as an elected office. The office will be filled by the county board employing a surveyor on a part-time or full-time basis.

If a majority of the votes cast are in favor of the election of a county surveyor, the office will continue to be elected. If there is no county surveyor in the office, a county surveyor will be elected at the next general election.

The provisions of LB 833 also provide that if a county has an elected surveyor in office on January 1, 2020, the county board may, prior to February 1, 2020, following a public hearing, adopt a resolution to continue to elect the county surveyor and not to submit the question to the voters at the statewide general election in 2020.

A county board, beginning in 2021, may submit the question of electing a county surveyor to the registered voters if the county board adopts a resolution or a petition is signed by at least 10% of the registered voters. The form of the submission upon the ballot will be: for election of county surveyor; against election of county surveyor. If a majority of the votes are against the election of a county surveyor, the office will cease as an elected office and the county board will employ a surveyor. If a majority of votes are in favor of the election of a county surveyor, the office will continue to be elected, or if there is no elected surveyor in office, the surveyor will be elected at the next statewide general election.

Provisions of LB 1084:

LB 1084 adds cities to section 32-567 and provides that vacancies in the office of city council will be filled according to section 32-568 or 32-569, as applicable. Section 32-568 and 32-569 deal with who fills vacancies and the procedure for filling the vacancies in municipalities.

Finally, the amendment adds a severability clause and an operative date of January 1, 2015.

Bill Avery, Chairperson