

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 311
Final Reading

Introduced by Scheer, 19.

Read first time January 17, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to official bonds and oaths; to amend sections
2 11-105 and 11-115, Reissue Revised Statutes of Nebraska;
3 to change provisions relating to filing requirements; and
4 to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 11-105, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 11-105 (1) Official bonds, with the oath endorsed
4 thereon, shall be filed in the proper office within the following
5 time:

6 (a) Of all officers elected at any general election,
7 following receipt of their election certificate and not later than
8 ten days before the first Thursday after the first Tuesday in January
9 next succeeding the election;

10 (b) ~~Of~~ of all appointed officers, within thirty days
11 after their appointment; and

12 (c) ~~Of~~ of officers elected at any special election, and
13 city and village officers, within thirty days after the canvass of
14 the votes of the election at which they were chosen.

15 (2) The filing of the bond with the oath endorsed thereon
16 does not authorize a person to take any official action prior to the
17 beginning of his or her term of office pursuant to Article XVII,
18 section 5, of the Constitution of Nebraska.

19 (3) In counties which provide a bond for county officers
20 pursuant to subdivision (22) of section 11-119, such county officers
21 are not required to comply with the timing requirements of subsection
22 (1) of this section with regard to their official bond but shall file
23 their oaths of office in the proper offices prior to the beginning of
24 their terms of office.

25 Sec. 2. Section 11-115, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 11-115 If any person elected or appointed to any office
3 ~~shall neglect~~ neglects to have his or her official bond executed and
4 approved as provided by law⁷ and filed for record within the time
5 limited by sections 11-101 to 11-122, the officer with whom the bond
6 is required to be filed shall immediately issue an order to such
7 person to show cause why he or she has failed to properly file such
8 bond and why his or her office should not be declared vacant. If such
9 person properly files the official bond within ten days of the
10 issuance of the show cause order for appointed officials or before
11 the date for taking office for elected officials, such filing shall
12 be deemed to be in compliance with sections 11-101 to 11-122. If such
13 person does not file the bond within ten days of the issuance of such
14 order for appointed officials or before the date for taking office
15 for elected officials⁷ and sufficient cause is not shown within that
16 time, his or her office shall thereupon ipso facto become vacant, and
17 such vacancy shall thereupon immediately be filled by election or
18 appointment as the law may direct in other cases of vacancy in the
19 same office. This section does not apply to county officers covered
20 pursuant to subdivision (22) of section 11-119.

21 Sec. 3. Original sections 11-105 and 11-115, Reissue
22 Revised Statutes of Nebraska, are repealed.