

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 525

Introduced by Haar, 21.

Read first time January 23, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 2-1604, 2-3215,
2 10-702, 18-1208, 18-2713, 19-405, 32-404, 32-554, 32-559,
3 32-564, 32-565, 32-566, 32-619.01, 32-621, 32-622,
4 32-624, 32-625, 32-711, 32-712, 32-716, 32-801, 32-1409,
5 32-1410, 49-209, 49-219, 51-201.03, 51-201.04, 53-122,
6 70-611, and 79-549, Reissue Revised Statutes of Nebraska,
7 and sections 32-519, 32-524, 32-570, 32-606, 32-617,
8 32-623, 32-627, 32-710, 77-27,142.02, 79-1217, and
9 86-704, Revised Statutes Cumulative Supplement, 2012, to
10 change deadlines for filings, certifications, and other
11 activities under the Election Act; to harmonize
12 provisions; and to repeal the original sections.

13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-1604, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 2-1604 If on or before ~~September 1~~ August 20 of any even-
4 numbered year a petition is filed with the county clerk containing
5 the names of twenty percent or more of the farm operators of any
6 county, as determined by the last available federal census, asking
7 the submission to the voters of the question of whether county funds
8 should be appropriated for the continuance or support of county
9 agricultural extension work in the county on January 1 after the
10 filing of the petition, the clerk of the county shall place upon the
11 ballot at the election following the filing of the petition the
12 question, Shall an appropriation be made annually from the general
13 fund of the county for the support of agricultural extension work?
14 Yes ... No ...

15 If a majority of the votes cast on this question are
16 opposed to such appropriation, the county board shall deny the
17 appropriation. If a majority of the votes cast on this question are
18 in favor of the appropriation, the county board may annually set
19 aside in the general fund of the county an amount equal to the county
20 extension budget established under section 2-1606 or 2-1607. Such
21 amount shall not exceed thirty thousand dollars or an amount equal to
22 a levy of two and one-tenth cents on each one hundred dollars upon
23 the taxable value of all the taxable property in such county,
24 whichever is the greater. As claims are approved by the board of
25 directors or by a joint board established pursuant to section 2-1607

1 and filed with the county clerk, the county board may order warrants
2 to be drawn upon the general fund of the county in payment of such
3 claims. In counties where extension work is being conducted in
4 accordance with sections 2-1110 to 2-1117, C.S.Supp., 1937, which
5 sections have been repealed, the county board may continue to
6 appropriate funds for the continuance of extension work until such
7 support is denied by vote as provided for in this section. If any
8 county has an organization recognized as the sponsoring organization
9 for extension work by the director of extension service within a
10 county not then receiving a county appropriation and can show on
11 August 1 of any odd-numbered year that it has a membership of not
12 less than twenty-five percent of the farm operators of the county
13 included within the organization as petitioners and members, the
14 county board of commissioners or supervisors may appropriate funds
15 for extension work within that county for one year and the county
16 clerk shall submit the question of continued support at the next
17 general election.

18 Sec. 2. Section 2-3215, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 2-3215 (1) In addition to the events listed in section
21 32-560, a vacancy on the board shall exist in the event of the
22 removal from the district or subdistrict of any director. After
23 notice and hearing, a vacancy shall also exist in the event of the
24 absence of any director from more than two consecutive regular
25 meetings of the board unless such absences are excused by a majority

1 of the remaining board members.

2 (2) In the event of a vacancy from any of such causes or
3 otherwise, the board of directors shall give notice of the date the
4 vacancy occurred, the office vacated, and the length of the unexpired
5 term (a) in writing to the Secretary of State and (b) to the public
6 by a notice published in a newspaper of general circulation within
7 the district or by posting in three public places in the district.
8 The vacancy shall be filled by the board of directors. The person so
9 appointed shall have the same qualifications as the person whom he or
10 she succeeds. Such appointments shall be in writing and until a
11 successor is elected and qualified. The written appointment shall be
12 filed with the Secretary of State.

13 (3)(a) If the vacancy occurs during the first year of the
14 unexpired term or prior to ~~August 1~~ July 20 of the second year of the
15 unexpired term, the appointee shall serve until the first Thursday
16 after the first Tuesday in January next succeeding the next regular
17 general election and at such regular general election a director
18 shall be elected to succeed the appointee and serve the remainder of
19 the unexpired term.

20 (b) If the vacancy occurs on or after ~~August 1~~ July 20 of
21 the second year of the unexpired term or during the third or fourth
22 year of the unexpired term, the appointee shall serve until the term
23 expires.

24 Sec. 3. Section 10-702, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 10-702 The question of issuing school district bonds may
2 be submitted at a special election or such question may be voted on
3 at an election held in conjunction with the statewide primary or
4 statewide general election. No bonds shall be issued until the
5 question has been submitted to the qualified electors of the district
6 and a majority of all the qualified electors voting on the question
7 have voted in favor of issuing the same, at an election called for
8 the purpose, upon notice given by the officers of the district at
9 least twenty days prior to such election. If the election for issuing
10 bonds is held as a special election, the procedures provided in
11 section 10-703.01 shall be followed. The question of bond issues in
12 such districts, when defeated, shall not, except in case of fire or
13 other disaster or in the case of a newly created district, be
14 resubmitted in substance for a period of six months from and after
15 the date of such election.

16 When the question of issuing bonds is to be submitted at
17 a statewide primary or statewide general election as ordered by a
18 resolution of a majority of the members of the board of education,
19 such order shall be made in writing and filed with the county clerk
20 or election commissioner not less than ~~fifty-sixty~~ days prior to the
21 statewide primary or statewide general election. The order calling
22 for the school bond election shall be filed with the county clerk or
23 election commissioner in the county having the greatest number of
24 electors entitled to vote on the question. The county clerk or
25 election commissioner receiving such order shall conduct the school

1 bond election for the school district as provided in the Election
2 Act.

3 A special notice of the election shall be published by
4 the board of education in a newspaper or newspapers of general
5 circulation within the district stating the day of the election, the
6 hours during which the polls will be open, and any other information
7 deemed necessary in informing the public of the bond issue. The
8 notice shall be made at least twenty days prior to the election.

9 If the question of submitting bonds for the school
10 district is voted upon in one or more counties and the ballots have
11 been certified across county lines, the election boards in the
12 counties where the ballots are cast shall count the ballots on
13 election day the same as all other ballots are counted and seal the
14 same in their ballots-cast container along with other ballots.

15 The canvassing boards in each county shall canvass the
16 returns in the same manner as other returns are canvassed.

17 The county clerk or election commissioner in any
18 adjoining county voting on the bond issue shall certify the returns
19 to the county clerk or election commissioner of the county having the
20 greatest number of electors entitled to vote on the question of
21 issuing bonds.

22 The county clerk or election commissioner in such county
23 shall enter the total returns from any adjoining county or counties
24 to the total votes recorded in his or her official book of votes cast
25 and shall certify the returns to the board of education for which

1 such bond election was held.

2 Sec. 4. Section 18-1208, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 18-1208 (1) Except as otherwise provided in this section,
5 after July 19, 2012, a municipality may impose a new occupation tax
6 or increase the rate of an existing occupation tax, which new
7 occupation tax or increased rate of an existing occupation tax is
8 projected to generate annual occupation tax revenue in excess of the
9 applicable amount listed in subsection (2) of this section, pursuant
10 to section 14-109, 15-202, 15-203, 16-205, or 17-525 if the question
11 of whether to impose the tax or increase the rate of an existing
12 occupation tax has been submitted at an election held within the
13 municipality and in which all registered voters shall be entitled to
14 vote on the question. The officials of the municipality shall order
15 the submission of the question by submitting a certified copy of the
16 resolution proposing the tax or tax rate increase to the election
17 commissioner or county clerk at least ~~fifty~~sixty days before the
18 election. The election shall be conducted in accordance with the
19 Election Act. If a majority of the votes cast upon the question are
20 in favor of the new tax or increased rate of an existing occupation
21 tax, then the governing body of such municipality shall be empowered
22 to impose the new tax or to impose the increased tax rate. If a
23 majority of those voting on the question are opposed to the new tax
24 or increased rate, then the governing body of the municipality shall
25 not impose the new tax or increased rate but shall maintain any

1 existing occupation tax at its current rate.

2 (2) The applicable amount of annual revenue for each new
3 occupation tax or annual revenue raised by the increased rate for an
4 existing occupation tax for purposes of subsection (1) of this
5 section is:

6 (a) For cities of the metropolitan class, six million
7 dollars;

8 (b) For cities of the primary class, three million
9 dollars;

10 (c) For cities of the first class, seven hundred thousand
11 dollars; and

12 (d) For cities of the second class and villages, three
13 hundred thousand dollars.

14 (3) After July 19, 2012, a municipality shall not be
15 required to submit the following questions to the registered voters:

16 (a) Whether to change the rate of an occupation tax
17 imposed for a specific project which does not provide for deposit of
18 the tax proceeds in the municipality's general fund; or

19 (b) Whether to terminate an occupation tax earlier than
20 the determinable termination date under the original question
21 submitted to the registered voters.

22 This subsection applies to occupation taxes imposed prior
23 to, on, or after July 19, 2012.

24 (4) The provisions of this section do not apply to an
25 occupation tax subject to section 86-704.

1 Sec. 5. Section 18-2713, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 18-2713 Before adopting an economic development program,
4 a city shall submit the question of its adoption to the registered
5 voters at an election. The governing body of the city shall order the
6 submission of the question by filing a certified copy of the
7 resolution proposing the economic development program with the
8 election commissioner or county clerk not later than forty-one days
9 prior to a special election or not later than ~~fifty-sixty~~ days prior
10 to a primary or general election. The question on the ballot shall
11 briefly set out the terms, conditions, and goals of the proposed
12 economic development program, including the length of time during
13 which the program will be in existence, the year or years within
14 which the funds from local sources of revenue are to be collected,
15 the source or sources from which the funds are to be collected, the
16 total amount to be collected for the program from local sources of
17 revenue, and whether the city proposes to issue bonds pursuant to the
18 Local Option Municipal Economic Development Act to provide funds to
19 carry out the economic development program. The ballot question shall
20 also specify whether additional funds from other noncity sources will
21 be sought beyond those derived from local sources of revenue. In
22 addition to all other information, if the funds are to be derived
23 from the city's property tax, the ballot question shall state the
24 present annual cost of the economic development program per ten
25 thousand dollars of assessed valuation based upon the most recent

1 valuation of the city certified to the Property Tax Administrator
2 pursuant to section 77-1613.01. The ballot question shall state:
3 "Shall the city of (name of the city) establish an economic
4 development program as described here by appropriating annually from
5 local sources of revenue \$..... for years?". If the only
6 city revenue source for the proposed economic development program is
7 a local option sales tax that has not yet been approved at an
8 election, the ballot question specifications in this section may be
9 repeated in the sales tax ballot question.

10 If a majority of those voting on the issue vote in favor
11 of the question, the governing body may implement the proposed
12 economic development program upon the terms set out in the
13 resolution. If a majority of those voting on the economic development
14 program vote in favor of the question when the only city revenue
15 source is a proposed sales tax and a majority of those voting on the
16 local option sales tax vote against the question, the governing body
17 shall not implement the economic development program, and it shall
18 become null and void. If a majority of those voting on the issue vote
19 against the question, the governing body shall not implement the
20 economic development program.

21 Sec. 6. Section 19-405, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 19-405 (1) Any person desiring to become a candidate for
24 the office of council member provided for in section 19-404 shall
25 file a candidate filing form as provided in sections 32-606 and

1 32-607 and pay the filing fee as provided in section 32-608.

2 (2) Candidates shall be nominated at large either at the
3 statewide primary election or by filing a candidate filing form if
4 there are not more than two candidates who have filed for each
5 position or if the council waives the requirement for a primary
6 election.

7 (3) The council may waive the requirement for a primary
8 election by adopting an ordinance prior to January 5 of the year in
9 which the primary election would have been held. If the council
10 waives the requirement for a primary election, all candidates filing
11 candidate filing forms by ~~August 1~~ July 20 prior to the date of the
12 general election as provided in subsection (2) of section 32-606
13 shall be declared nominated. If the council does not waive the
14 requirement for a primary election and if there are not more than two
15 candidates filed for each position to be filled, all candidates
16 filing candidate filing forms by the deadline prescribed in
17 subsection (1) of section 32-606 shall be declared nominated as
18 provided in subsection (1) of section 32-811 and their names shall
19 not appear on the primary election ballot.

20 Sec. 7. Section 32-404, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-404 (1) When any political subdivision holds an
23 election in conjunction with the statewide primary or general
24 election, the election shall be held as provided in the Election Act.
25 Any other election held by a political subdivision shall be held as

1 provided in the act unless otherwise provided by the charter, code,
2 or bylaws of the political subdivision.

3 (2) No later than December 1 of each odd-numbered year,
4 the election commissioner or county clerk shall give notice to each
5 political subdivision of the filing deadlines for the statewide
6 primary election. No later than January 5 of each even-numbered year,
7 the governing board of each political subdivision which will hold an
8 election in conjunction with a statewide primary election shall
9 certify to the Secretary of State, the election commissioner, or the
10 county clerk the name of the subdivision, the number of officers to
11 be elected, the length of the terms of office, the vacancies to be
12 filled by election and length of remaining term, and the number of
13 votes to be cast by a registered voter for each office.

14 (3) No later than ~~July 1~~ June 20 of each even-numbered
15 year, the governing board of each reclamation district, county weed
16 district, village, county under township organization, public power
17 district receiving annual gross revenue of less than forty million
18 dollars, or educational service unit which will hold an election in
19 conjunction with a statewide general election shall certify to the
20 Secretary of State, the election commissioner, or the county clerk
21 the name of the subdivision, the number of officers to be elected,
22 the length of the terms of office, the vacancies to be filled by
23 election and length of remaining term, and the number of votes to be
24 cast by a registered voter for each office.

25 (4) The Secretary of State shall prescribe the forms to

1 be used for certification to him or her, and the election
2 commissioner or county clerk shall prescribe the forms to be used for
3 certification to him or her.

4 Sec. 8. Section 32-519, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 32-519 (1) Except as provided in section 22-417, at the
7 statewide general election in 1990 and each four years thereafter, a
8 county assessor shall be elected in each county having a population
9 of more than three thousand five hundred inhabitants and more than
10 one thousand two hundred tax returns. The county assessor shall serve
11 for a term of four years.

12 (2) The county board of any county shall order the
13 submission of the question of electing a county assessor in the
14 county to the registered voters of the county at the next statewide
15 general election upon presentation of a petition to the county board
16 (a) conforming to the provisions of section 32-628, (b) not less than
17 ~~sixty~~ seventy days before any statewide general election, (c) signed
18 by at least ten percent of the registered voters of the county
19 secured in not less than two-fifths of the townships or precincts of
20 the county, and (d) asking that the question be submitted to the
21 registered voters in the county. The form of submission upon the
22 ballot shall be as follows: For election of county assessor; Against
23 election of county assessor. If a majority of the votes cast on the
24 question are against the election of a county assessor in such
25 county, the duties of the county assessor shall be performed by the

1 county clerk and the office of county assessor shall either cease
2 with the expiration of the term of the incumbent or continue to be
3 abolished if no such office exists at such time. If a majority of the
4 votes cast on the question are in favor of the election of a county
5 assessor, the office shall continue or a county assessor shall be
6 elected at the next statewide general election.

7 (3) The county assessor shall meet the qualifications
8 found in sections 23-3202 and 23-3204. The county assessor shall be
9 elected on the partisan ballot.

10 Sec. 9. Section 32-524, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 32-524 (1) Except as provided in section 22-417:

13 (a) In counties having a population of seven thousand
14 inhabitants or more, there shall be elected one clerk of the district
15 court at the statewide general election in 1962 and every four years
16 thereafter; and

17 (b) In counties having a population of less than seven
18 thousand inhabitants, there shall be elected a clerk of the district
19 court at the first statewide general election following a
20 determination by the county board and the district judge for the
21 county that such officer should be elected and each four years
22 thereafter. When such a determination is not made in such a county,
23 the county clerk shall be ex officio clerk of the district court and
24 perform the duties by law devolving upon that officer, unless there
25 is an agreement between the State Court Administrator and the county

1 board that the clerk of the county court for such county shall be the
2 ex officio clerk of the district court and perform such duties.

3 (2) In any county upon presentation of a petition to the
4 county board (a) not less than ~~sixty~~seventy days before the
5 statewide general election in 1976 or every four years thereafter,
6 (b) signed by registered voters of the county equal in numbers to at
7 least fifteen percent of the total vote cast for Governor at the most
8 recent gubernatorial election in the county, secured in not less than
9 two-fifths of the townships or precincts of the county, and (c)
10 asking that the question of not electing a clerk of the district
11 court in the county be submitted to the registered voters therein,
12 the county board, at the next statewide general election, shall order
13 the submission of the question to the registered voters of the
14 county. The form of submission upon the ballot shall be as follows:

15 For election of a clerk of the district court;

16 Against election of a clerk of the district court.

17 (3) If a majority of the votes cast on the question are
18 against the election of a clerk of the district court in such county,
19 the duties of the clerk of the district court shall be performed by
20 the county clerk, unless there is an agreement between the State
21 Court Administrator and the county board that the clerk of the county
22 court for such county shall be the ex officio clerk of the district
23 court and perform such duties, and the office of clerk of the
24 district court shall either cease with the expiration of the term of
25 the incumbent or continue to be abolished if no such office exists at

1 such time.

2 (4) If a majority of the votes cast on the question are
3 in favor of the election of a clerk of the district court, the office
4 shall continue or a clerk of the district court shall be elected at
5 the next statewide general election as provided in subsection (1) of
6 this section.

7 (5) The term of the clerk of the district court shall be
8 four years or until his or her successor is elected and qualified.
9 The clerk of the district court shall meet the qualifications found
10 in section 24-337.04. The clerk of the district court shall be
11 elected on the partisan ballot.

12 Sec. 10. Section 32-554, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 32-554 (1)(a) Any city not under a home rule charter,
15 village, county, or school district nominating and electing members
16 to its governing board at large may at a general election submit the
17 question of nominating and electing members to its governing board by
18 district or ward.

19 (b) Any city not under a home rule charter, village,
20 county having not more than three hundred thousand inhabitants, or
21 school district nominating and electing members to its governing
22 board by district or ward may at a general election submit the
23 question of nominating and electing members to its governing board at
24 large.

25 (c) Any city of the first class, except a city having

1 adopted the commissioner or city manager plan of government,
2 nominating and electing members to its governing body by ward may at
3 a general election submit the question of nominating and electing
4 some of the members to its governing body by ward and some at large
5 either by ordinance by a vote of a majority of the members of the
6 governing body or by petition of the registered voters of the city.
7 No more than three members of the city council may be elected on an
8 at-large basis, and at least four members of the city council shall
9 be elected by ward. The ordinance or petition shall specify the
10 number of at-large members to be elected. At the first election in
11 which one or more at-large members are to be elected to the city
12 council, the members shall be elected to serve for initial terms of
13 office of the following lengths:

14 (i) If one at-large member is to be elected, he or she
15 shall serve for a four-year term;

16 (ii) If two at-large members are to be elected, the
17 candidate receiving the highest number of votes shall be elected to
18 serve for a four-year term and the other elected member shall be
19 elected to serve for a two-year term; and

20 (iii) If three at-large members are to be elected, the
21 two candidates receiving the highest number of votes shall be elected
22 to serve for four-year terms and the other elected member shall be
23 elected to serve for a two-year term. Following the initial term of
24 office, all at-large council members shall be elected to serve for
25 four-year terms. No candidate may file as both an at-large candidate

1 and a candidate by ward at the same election.

2 (2) Petitions for submission of the question shall be
3 signed by registered voters of the city, village, county, or school
4 district desiring to change the procedures for electing the governing
5 board of the city, village, county, or school district. The petition
6 or petitions shall be signed by registered voters equal in number to
7 twenty-five percent of the votes cast for the person receiving the
8 highest number of votes in the city, village, county, or school
9 district at the preceding general election for electing the last
10 member or members to its governing board. Each sheet of the petition
11 shall have printed the full and correct copy of the question as it
12 will appear on the official ballot. The petitions shall be filed with
13 the county clerk or election commissioner not less than ~~seventy~~
14 eighty days prior to the date of the general election, and no
15 signatures shall be added or removed from the petitions after they
16 have been so filed. Petitions shall be verified as provided in
17 section 32-631. If the petition or petitions are found to contain the
18 required number of valid signatures, the county clerk or election
19 commissioner shall place the question on a separate ballot to be
20 issued to the registered voters of the city, village, county, or
21 school district entitled to vote on the question.

22 (3)(a) Any city, village, county, or school district
23 voting to change from nominating and electing the members of its
24 governing board by district or ward to nominating and electing some
25 or all of such members at large shall notify the public and instruct

1 the filing officer to accept the appropriate filings on an at-large
2 basis. Candidates to be elected at large shall be nominated and
3 elected on an at-large basis at the next primary and general election
4 following submission of the question.

5 (b) Any city, village, county, or school district voting
6 to change from nominating and electing the members of its governing
7 board at large to nominating and electing by district or ward shall
8 notify the public and instruct the filing officer to accept all
9 filings by district or ward. Candidates shall be nominated and
10 elected by district or ward at the next primary and general election
11 following submission of the question. When district or ward elections
12 have been approved by the majority of the electorate, the governing
13 board of any city, village, county, or school district approving such
14 question shall establish districts substantially equal in population
15 as determined by the most recent federal decennial census except as
16 provided in subsection (2) of section 32-553.

17 (4) Except as provided in section 14-201, each city not
18 under a home rule charter, village, county, and school district which
19 votes to nominate and elect members to its governing board by
20 district or ward shall establish districts or wards so that
21 approximately one-half of the members of its governing board may be
22 nominated and elected from districts or wards at each election.
23 Districts or wards shall be created not later than October 1 in the
24 year following the general election at which the question was voted
25 upon. If the governing board fails to draw district boundaries by

1 October 1, the procedures set forth in section 32-555 shall be
2 followed.

3 Sec. 11. Section 32-559, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-559 Except as provided in section 77-3444, any issue
6 to be submitted to the registered voters at a special election by a
7 political subdivision shall be certified by the clerk of the
8 political subdivision to the election commissioner or county clerk at
9 least fifty days prior to the election. A special election may be
10 held by mail as provided in sections 32-952 to 32-959. Any other
11 special election under this section shall be subject to section
12 32-405.

13 In lieu of submitting the issue at a special election,
14 any political subdivision may submit the issue at a statewide primary
15 or general election or at any scheduled county election, except that
16 no such issue shall be submitted at a statewide election or scheduled
17 county election unless the issue to be submitted has been certified
18 by the clerk of the political subdivision to the election
19 commissioner or county clerk by March 1 for the primary election and
20 by ~~September 1~~ August 20 for the general election. After the election
21 commissioner or county clerk has received the certification of the
22 issue to be submitted, he or she shall be responsible for all matters
23 relating to the submission of the issue to the registered voters,
24 except that the clerk of the political subdivision shall be
25 responsible for the publication or posting of any required special

1 notice of the submission of such issue other than the notice required
2 to be given of the statewide election issues. The election
3 commissioner or county clerk shall prepare the ballots and issue
4 ballots for early voting and shall also conduct the submission of the
5 issue, including the receiving and counting of the ballots on the
6 issue. The election returns shall be made to the election
7 commissioner or county clerk. The ballots shall be counted and
8 canvassed at the same time and in the same manner as the other
9 ballots. Upon completion of the canvass of the vote by the county
10 canvassing board, the election commissioner or county clerk shall
11 certify the election results to the governing body of the political
12 subdivision. The canvass by the county canvassing board shall have
13 the same force and effect as if made by the governing body of the
14 political subdivision.

15 Sec. 12. Section 32-564, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 32-564 (1) Except as otherwise provided in subsection (2)
18 of this section:

19 (a) If a vacancy occurs in the office of Representative
20 in Congress on or after ~~August 1~~ July 20 in an even-numbered year and
21 prior to the statewide general election in such year, the Governor
22 shall order a special election to be held in conjunction with such
23 statewide general election. The only candidates who may appear on the
24 ballot for such office at such special election are those who were
25 nominated at the statewide primary election in such year, those who

1 comply with section 32-616, and those who comply with section 32-627
2 to fill a vacancy on the ballot if such a vacancy exists. The
3 candidate receiving the most votes at such special election shall
4 serve for the remainder of the vacated term and for the succeeding
5 term of office;

6 (b) If a vacancy occurs in the office of Representative
7 in Congress on or after the day of the statewide general election and
8 prior to the end of the term of the office which is vacated, no
9 special election shall be called; and

10 (c) If a vacancy occurs in such office at any time other
11 than as described in subdivision (a) or (b) of this subsection, the
12 Governor shall order a special election to be held within ninety days
13 after the vacancy occurs. Each political party which polled at least
14 five percent of the entire vote in the district in which the vacancy
15 occurs may select a candidate following the applicable procedures in
16 subsection (2) of section 32-627, except that the certificate and
17 filing fee shall be submitted at least sixty-five days prior to the
18 day of the election. Any candidate so selected shall have his or her
19 name placed on the ballot with the appropriate political party
20 designation. Any other person may have his or her name placed on the
21 ballot without a political party designation by filing petitions
22 pursuant to sections 32-617 and 32-618 and paying the filing fee as
23 provided by section 32-608, except that the deadline for filing the
24 petitions and paying the fee shall be sixty-five days prior to the
25 day of the election. The candidate receiving the most votes at such

1 special election shall serve for the remainder of the vacated term.

2 (2)(a) If the Speaker of the United States House of
3 Representatives announces that there are more than one hundred
4 vacancies in the House of Representatives requiring special elections
5 according to 2 U.S.C. 8, as such section existed on July 18, 2008,
6 and there is any vacancy in the office of Representative in Congress
7 representing Nebraska, the Governor shall issue a writ of election.
8 The writ of election shall specify the date of a special election to
9 fill such vacancy to be held within forty-nine days after the
10 Speaker's announcement.

11 (b) The Secretary of State shall notify the chairperson
12 and secretary of each political party which polled at least five
13 percent of the entire vote in the district in which the vacancy
14 occurs that the party may select a candidate following the applicable
15 procedures in subsection (2) of section 32-627, except that the
16 certificate and filing fee shall be submitted within seven days after
17 notification by the Secretary of State. Any candidate so selected
18 shall have his or her name placed on the ballot with the appropriate
19 political party designation.

20 (c) The ballot for any voter meeting the criteria of
21 section 32-939 shall be transmitted to such voter within fifteen days
22 after the Speaker's announcement and shall be accepted if received by
23 the election commissioner or county clerk within forty-five days
24 after transmission to the voter.

25 (d) The candidate receiving the most votes at such

1 special election shall serve for the remainder of the vacated term.

2 Sec. 13. Section 32-565, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-565 (1) When a vacancy occurs in the representation of
5 the State of Nebraska in the Senate of the United States, the office
6 shall be filled by the Governor. The Governor shall appoint a
7 suitable person possessing the qualifications necessary for senator
8 to fill such vacancy.

9 (2)(a) If the vacancy occurs ~~sixty~~seventy days or less
10 prior to a statewide general election and if the term vacated expires
11 on the following January 3, the appointee shall serve until the
12 following January 3.

13 (b) If the vacancy occurs ~~sixty~~seventy days or less
14 prior to a statewide general election and if the term extends beyond
15 the following January 3, the appointee shall serve until January 3
16 following the second statewide general election next succeeding his
17 or her appointment and at such election a senator shall be elected to
18 serve the unexpired term if any.

19 (3) If the vacancy occurs more than ~~sixty~~seventy days
20 prior to a statewide general election, the appointee shall serve
21 until January 3 following the statewide general election and at such
22 election a senator shall be elected to serve the unexpired term if
23 any.

24 Sec. 14. Section 32-566, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 32-566 When a vacancy occurs in the Legislature, the
2 office shall be filled by the Governor. The Governor shall appoint a
3 suitable person possessing the qualifications necessary for a member
4 of the Legislature. If the vacancy occurs within ~~sixty-seventy~~ days
5 of a regular general election and if the term vacated expires on the
6 first Tuesday following the first Monday in the following January,
7 the appointee shall serve until the first Tuesday following the first
8 Monday in January, and if the term extends beyond the first Tuesday
9 following the first Monday in the following January, the appointee
10 shall serve until the first Tuesday following the first Monday in
11 January following the second regular general election next succeeding
12 his or her appointment. If the vacancy occurs more than ~~sixty-seventy~~
13 days before a regular general election, the appointee shall serve
14 until the first Tuesday following the first Monday in January
15 following such regular general election and at the regular general
16 election a member of the Legislature shall be elected to serve the
17 unexpired term.

18 Sec. 15. Section 32-570, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 32-570 (1) A vacancy in the membership of a school board
21 shall occur as set forth in section 32-560 or in the case of
22 absences, unless excused by a majority of the remaining members of
23 the board, when a member is absent from the district for a continuous
24 period of sixty days at one time or from more than two consecutive
25 regular meetings of the board. The resignation of a member or any

1 other reason for a vacancy shall be made a part of the minutes of the
2 school board. The school board shall give notice of the date the
3 vacancy occurred, the office vacated, and the length of the unexpired
4 term (a) in writing to the election commissioner or county clerk and
5 (b) by a notice published in a newspaper of general circulation in
6 the school district.

7 (2) A person appointed to fill a vacancy on the school
8 board of a Class I school district by the remaining members of the
9 board shall hold office until the beginning of the next school year.
10 A board member of a Class I school district elected to fill a vacancy
11 at a regular or special school district meeting shall serve for the
12 remainder of the unexpired term or until a successor is elected and
13 qualified.

14 (3) Except as provided in subsection (4) of this section,
15 a vacancy in the membership of a school board of a Class II, III, IV,
16 V, or VI school district resulting from any cause other than the
17 expiration of a term shall be filled by appointment of a qualified
18 registered voter by the remaining members of the board. If the
19 vacancy occurs in a Class II school district prior to ~~July 1~~ June 20
20 preceding the general election in the middle of the vacated term, the
21 appointee shall serve until a registered voter is elected at such
22 general election for the remainder of the unexpired term. If the
23 vacancy occurs in a Class III, IV, V, or VI school district prior to
24 February 1 preceding the general election in the middle of the
25 vacated term, the appointee shall serve until a registered voter is

1 nominated at the next primary election and elected at the following
2 general election for the remainder of the unexpired term. If the
3 vacancy occurs on or after the applicable deadline, the appointment
4 shall be for the remainder of the unexpired term. A registered voter
5 appointed or elected pursuant to this subsection shall meet the same
6 requirements as the member whose office is vacant.

7 (4) Any vacancy in the membership of a school board of a
8 school district described in section 79-549 which does not nominate
9 candidates at a primary election and elect members at the following
10 general election shall be filled by appointment of a qualified
11 registered voter by the remaining members of the board. If the
12 vacancy occurs at least twenty days prior to the first regular caucus
13 to be held during the term that was vacated, the appointee shall
14 serve until a registered voter is nominated and elected to fill the
15 vacancy for the remainder of the term in the manner provided for
16 nomination and election of board members in the district. If the
17 vacancy occurred less than twenty days prior to the first regular
18 caucus and at least twenty days prior to the second regular caucus to
19 be held during the term that was vacated, the appointee shall serve
20 until a registered voter is nominated and elected to fill the vacancy
21 for the remainder of the term in the manner provided for nomination
22 and election of board members in the district. If the vacancy
23 occurred less than twenty days prior to the second regular caucus
24 held during the term that was vacated or after such caucus, the
25 appointment shall be for the remainder of the unexpired term.

1 (5) If any school board fails to fill a vacancy on the
2 board, the vacancy may be filled by election at a special election or
3 school district meeting called for that purpose. Such election or
4 meeting shall be called in the same manner and subject to the same
5 procedures as other special elections or school district meetings.

6 (6) If there are vacancies in the offices of one-half or
7 more of the members of a school board, the Secretary of State shall
8 conduct a special school district election to fill such vacancies.

9 Sec. 16. Section 32-606, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 32-606 (1) Any candidate may place his or her name on the
12 primary election ballot by filing a candidate filing form prescribed
13 by the Secretary of State as provided in section 32-607. If a
14 candidate for an elective office is an incumbent of any elective
15 office, the filing period for filing the candidate filing form shall
16 be between December 1 and February 15 prior to the date of the
17 primary election. No incumbent who resigns from elective office prior
18 to the expiration of his or her term shall file for any office after
19 February 15 of that election year. All other candidates shall file
20 for office between December 1 and March 1 prior to the date of the
21 primary election. A candidate filing form may be transmitted by
22 facsimile for the offices listed in subdivision (1) of section 32-607
23 if (a) the transmission is received in the office of the filing
24 officer by the filing deadline and (b) the original filing form is
25 mailed to the filing officer with a legible postmark bearing a date

1 on or prior to the filing deadline and is in the office of the filing
2 officer no later than seven days after the filing deadline.

3 (2) Any candidate for a township office in a county under
4 township organization, the board of trustees of a village, the board
5 of directors of a reclamation district, the county weed district
6 board, the board of directors of a public power district receiving
7 annual gross revenue of less than forty million dollars, the school
8 board of a Class II school district, or the board of an educational
9 service unit may place his or her name on the general election ballot
10 by filing a candidate filing form prescribed by the Secretary of
11 State as provided in section 32-607. If a candidate for an elective
12 office is an incumbent of any elective office, the filing period for
13 filing the candidate filing form shall be between December 1 and July
14 ~~15-5~~ prior to the date of the general election. No incumbent who
15 resigns from elective office prior to the expiration of his or her
16 term shall file for any office after July ~~15-5~~ of that election year.
17 All other candidates shall file for office between December 1 and
18 ~~August 1~~ July 20 prior to the date of the general election. A
19 candidate filing form may be transmitted by facsimile for the offices
20 listed in subdivision (1) of section 32-607 if (a) the transmission
21 is received in the office of the filing officer by the filing
22 deadline and (b) the original filing form is mailed to the filing
23 officer with a legible postmark bearing a date on or prior to the
24 filing deadline and is in the office of the filing officer no later
25 than seven days after the filing deadline.

1 (3) Any city having a home rule charter may provide for
2 filing deadlines for any person desiring to be a candidate for the
3 office of council member or mayor.

4 Sec. 17. Section 32-617, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 32-617 (1) Petitions for nomination for partisan and
7 nonpartisan offices shall conform to the requirements of section
8 32-628. Petitions shall state the office to be filled and the name
9 and address of the candidate. Petitions for partisan office shall
10 also indicate the party affiliation of the candidate. A sample copy
11 of the petition shall be filed with the filing officer prior to
12 circulation. Petitions shall be signed by registered voters residing
13 in the district or political subdivision in which the officer is to
14 be elected and shall be filed with the filing officer in the same
15 manner as provided for candidate filing forms in section 32-607.
16 Petition signers and petition circulators shall conform to the
17 requirements of sections 32-629 and 32-630. No petition for
18 nomination shall be filed unless there is attached thereto a receipt
19 showing the payment of the filing fee required pursuant to section
20 32-608. Such petitions shall be filed by ~~September 1~~ August 20 in the
21 year of the general election.

22 (2) The filing officer shall verify the signatures
23 according to section 32-631. Within three days after the signatures
24 on a petition for nomination have been verified pursuant to such
25 section and the filing officer has determined that pursuant to

1 section 32-618 a sufficient number of registered voters signed the
2 petitions, the filing officer shall notify the candidate so nominated
3 by registered or certified mail, and the candidate shall, within five
4 days after the date of receiving such notification, file with such
5 officer his or her acceptance of the nomination or his or her name
6 will not be printed on the ballot.

7 (3) A candidate placed on the ballot by petition shall be
8 termed a candidate by petition. The words BY PETITION shall be
9 printed upon the ballot after the name of each candidate by petition.

10 Sec. 18. Section 32-619.01, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-619.01 The candidate for Governor of each political
13 party receiving the highest number of votes in the primary election
14 shall select a candidate for Lieutenant Governor of the same
15 political party by filing an affidavit indicating his or her choice
16 with the Secretary of State. The candidate for Lieutenant Governor
17 shall file a written consent with the Secretary of State. Both the
18 affidavit and the written consent shall be filed on or before
19 ~~September 1~~ August 20 for the names to be on the general election
20 ballot. The written consent shall be in lieu of a candidate filing
21 form, and no filing fees shall be required for the candidate for
22 Lieutenant Governor.

23 Sec. 19. Section 32-621, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-621 When a new political party has been properly

1 established under section 32-716 prior to the general election and
2 after the primary election of the same year, all candidates except
3 candidates for President or Vice President of the United States shall
4 pay the filing fee as provided in section 32-608, file a candidate
5 filing form with the filing officer as provided in section 32-607 no
6 later than ~~September 1~~ August 20 prior to the general election
7 accompanied by a petition of nomination containing the names of not
8 less than twenty-five registered voters of the political party
9 obtained from the appropriate jurisdiction, and comply with the
10 Nebraska Political Accountability and Disclosure Act.

11 Sec. 20. Section 32-622, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 32-622 (1) If any person who has filed for elective
14 office pursuant to subsection (1) of section 32-606 notifies the
15 filing officer in writing duly acknowledged by March 1 before the
16 primary election that he or she declines to be a candidate, the name
17 shall not be printed on the primary election ballot, but no
18 declination shall be effective after such date. A filing of
19 nomination pursuant to section 32-611 shall extend the time for
20 declination until March 6 before the primary election.

21 (2) If any person who has filed for elective office
22 pursuant to subsection (2) of section 32-606 notifies the filing
23 officer in writing duly acknowledged by ~~August 1~~ July 20 before the
24 general election that he or she declines to be a candidate, the name
25 shall not be printed on the general election ballot, but no

1 declination shall be effective after such date.

2 (3) Any election commissioner or county clerk receiving
3 notice of declination for a candidate who originally filed with the
4 Secretary of State shall immediately notify the office of the
5 Secretary of State by telephone and forward the declination
6 statement.

7 Sec. 21. Section 32-623, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 32-623 If any person nominated for elective office for
10 the general election notifies the filing officer with whom the
11 candidate filing form or other acceptance of nomination was filed by
12 filing a statement, in writing and duly acknowledged, that he or she
13 declines such nomination on or before ~~September 1~~ August 20 before
14 the election, the person's name shall not be printed on the ballot,
15 but no declination shall be effective after such date. The filing
16 officer shall inform one or more persons whose names are attached to
17 the nomination if the candidate was nominated by a political party
18 convention or committee or, if nominated at a primary election, the
19 chairperson or secretary of the campaign or political party committee
20 of his or her political party if there is one within the jurisdiction
21 of the filing officer and, if not, at least three of the prominent
22 members of the candidate's political party within the jurisdiction of
23 the filing officer that such candidate has declined the nomination by
24 mailing or delivering to them personally notice of such fact. Such
25 declination shall create a vacancy on the ballot which may be filled

1 pursuant to section 32-627. In lieu of filing a declination with the
2 Secretary of State, the person so nominated may file a declination
3 with the election commissioner or county clerk in the county in which
4 he or she resides. Any election commissioner or county clerk
5 receiving such a declination shall within five days after its receipt
6 forward a copy of the written declination statement to the Secretary
7 of State. The Secretary of State shall make notifications required by
8 this section for all individuals for whom he or she receives a copy
9 of the written declination statement.

10 Sec. 22. Section 32-624, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-624 A candidate filing form which appears to conform
13 with sections 32-606 and 32-607 shall be deemed to be valid unless
14 objections are made in writing within seven days after the filing
15 deadline. If an objection is made, notice shall be mailed to all
16 candidates who may be affected thereby. Any political party committee
17 may institute actions in court based upon fraud or crime resorted to
18 in connection with the candidate filing forms or the acceptance of a
19 nomination. No county committee shall have the authority to bring
20 such action as to candidates for congressional or state office or as
21 to candidates to be elected from legislative districts composed of
22 more than one county. A state political party committee may institute
23 actions to determine the legality of any candidate for a state or
24 congressional office or for any district office if the district
25 composes more than one county. Objections to the use of the name of a

1 political party may also be made and passed upon in the same manner
2 as objections to a candidate filing form or other acceptance of
3 nomination.

4 The filing officer with whom the candidate filing form
5 was filed shall determine the validity of such objection, and his or
6 her decision shall be final unless an order is made in the matter by
7 a judge of the county court, district court, Court of Appeals, or
8 Supreme Court on or before the ~~fifty-fifth~~sixty-fifth day preceding
9 the election. Such order may be made summarily upon application of
10 any political party committee or other interested party and upon such
11 notice as the court or judge may require. The decision of the
12 Secretary of State or the order of the judge shall be binding on all
13 filing officers.

14 Sec. 23. Section 32-625, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 32-625 (1) If there is a vacancy on the ballot for a
17 nonpartisan office after the time for filing and before the primary
18 election, the vacancy may only be filled by a petition candidate
19 after the primary election pursuant to sections 32-617 and 32-618.

20 (2) A vacancy shall exist on the ballot for the general
21 election when (a) any person ceases to be a candidate for the office
22 for which he or she filed a candidate filing form in the primary
23 election and the number of candidates for office is less than twice
24 the number of positions to be filled, (b) no person was nominated for
25 the office in the primary election, or (c) one of the candidates who

1 received a certificate of nomination for a nonpartisan office as a
2 result of a primary election is ineligible, disqualified, deceased,
3 or for any other reason unable to assume the office for which he or
4 she was a candidate. If such a vacancy exists for a nonpartisan
5 office, such vacancy may be filled by filing petitions for nomination
6 pursuant to such sections no later than ~~September 1~~ August 20 prior
7 to the general election.

8 Sec. 24. Section 32-627, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 32-627 (1) If a vacancy on the ballot arises for any
11 partisan office except President and Vice President of the United
12 States before a general election, the vacancy shall be filled by the
13 majority vote of the proper committee of the same political party. If
14 the vacancy exists for an office serving only a particular district
15 of the state, only those members of the political party committee who
16 reside within that district shall participate in selecting the
17 candidate to fill the vacancy. No vacancy on the ballot shall be
18 deemed to have occurred if a political party makes no nomination of a
19 candidate at the primary election for the office. If a vacancy on the
20 ballot arises for Governor, the vacancy shall be filled by the
21 majority vote of the proper committee of the same political party,
22 and the candidate for Governor shall select a person of the same
23 political party to be the candidate for Lieutenant Governor on the
24 general election ballot. If a vacancy on the ballot arises for the
25 Lieutenant Governor on or before ~~September 1,~~ August 20, the

1 candidate for Governor shall select a new candidate for Lieutenant
2 Governor in the same manner as required in section 32-619.01.

3 (2) The chairperson and secretary of the executive
4 committee for the political party shall make and file with the filing
5 officer a certificate setting forth the cause of the vacancy, the
6 name of the person so nominated, the office for which he or she was
7 nominated, the name of the person for which the new nominee is to be
8 substituted, the place of residence of the person so nominated, the
9 street and number of the residence or place of business of the person
10 so nominated if such person resides in a city, and the name of the
11 political party with which the person so nominated affiliates which
12 such committee represents. The certificate shall be signed by the
13 chairperson and secretary with the name and places of their
14 residences and sworn to by them before some officer authorized to
15 administer oaths. If there is no executive committee of the political
16 party or in lieu of the executive committee filling such vacancy, a
17 mass convention of the political party may fill the vacancy and the
18 chairperson and secretary of such convention shall make and file with
19 the filing officer a certificate in form and manner substantially as
20 is required to be filed by the chairperson and secretary of the
21 executive committee under this subsection. The certificate shall be
22 filed by ~~September 1~~ August 20 for a general election and have the
23 same force and effect as the candidate filing form provided for in
24 section 32-607. The filing fee charged to candidates for such offices
25 shall accompany the filing of the certificate.

1 Sec. 25. Section 32-710, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 32-710 Each political party shall hold a state
4 postprimary convention biennially on a date to be fixed by the state
5 central committee but not later than ~~September 1.~~ August 20.
6 Candidates for elective offices may be nominated at such conventions
7 pursuant to section 32-627 or 32-721. Such nominations shall be
8 certified to the Secretary of State by the chairperson and secretary
9 of the convention. The certificates shall have the same force and
10 effect as nominations in primary elections. A political party may not
11 nominate a candidate at the convention for an office for which the
12 party did not nominate a candidate at the primary election except as
13 provided for new political parties in section 32-621. The convention
14 shall formulate and promulgate a state platform, select a state
15 central committee, select electors for President and Vice President
16 of the United States, and transact the business which is properly
17 before it. One presidential elector shall be chosen from each
18 congressional district, and two presidential electors shall be chosen
19 at large. The officers of the convention shall certify the names of
20 the electors to the Governor and Secretary of State.

21 Sec. 26. Section 32-711, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 32-711 Each political party shall hold a congressional
24 district postprimary convention in even-numbered years not later than
25 August 20. The convention shall be held at the same place as and

1 immediately after the adjournment of the state postprimary
2 convention. The delegates selected to the state postprimary
3 convention for the district shall be the delegates to the
4 congressional district postprimary convention. The congressional
5 district postprimary convention shall transact the business which is
6 properly before it.

7 Sec. 27. Section 32-712, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 32-712 Not later than September ~~8~~5 prior to any general
10 election at which candidates for President and Vice President of the
11 United States are to be voted upon by the registered voters of the
12 state, the appropriate officers of the various national political
13 party conventions shall certify the names and addresses of such
14 candidates selected by convention to the Secretary of State. The
15 Secretary of State shall then take appropriate steps to place the
16 names of the presidential and vice-presidential candidates on the
17 ballot.

18 Sec. 28. Section 32-716, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-716 (1) Any person, group, or association desiring to
21 form a new political party shall present to the Secretary of State
22 petitions containing signatures totaling not less than one percent of
23 the total votes cast for Governor at the most recent general election
24 for such office. The signatures of registered voters on such
25 petitions shall be so distributed as to include registered voters

1 totaling at least one percent of the votes cast for Governor in the
2 most recent gubernatorial election in each of the three congressional
3 districts in this state. Petition signers and petition circulators
4 shall conform to the requirements of sections 32-629 and 32-630. The
5 petitions shall be filed with the Secretary of State no later than
6 February 1 before any statewide primary election for the new
7 political party to be entitled to have ballot position in the primary
8 election of that year. If the new political party desires to be
9 established and have ballot position for the general election and not
10 in the primary election of that year, the petitions shall be filed
11 with the Secretary of State on or before ~~August 1~~ July 20 of that
12 year. Prior to the circulation of petitions to form a new political
13 party, a sample copy of the petitions shall be filed with the
14 Secretary of State by the person, group, or association seeking to
15 establish the new party. The sample petition shall be accompanied by
16 the name and address of the person or the names and addresses of the
17 members of the group or association sponsoring the petition to form a
18 new political party.

19 (2) The petition shall conform to the requirements of
20 section 32-628. The Secretary of State shall prescribe the form of
21 the petition for the formation of a new political party. The petition
22 shall be addressed to and filed with the Secretary of State and shall
23 state its purpose and the name of the party to be formed. Such name
24 shall not be or include the name of any political party then in
25 existence or any word forming any part of the name of any political

1 party then in existence, and in order to avoid confusion regarding
 2 party affiliation of a candidate or registered voter, the name of the
 3 party to be formed shall not include the word "independent" or
 4 "nonpartisan". The petition shall contain a statement substantially
 5 as follows:

6 We, the undersigned registered voters of the State of
 7 Nebraska and the county of, being severally qualified
 8 to sign this petition, respectfully request that the above-named new
 9 political party be formed in the State of Nebraska, and each for
 10 himself or herself says: I have personally signed this petition on
 11 the date opposite my name; I am a registered voter of the State of
 12 Nebraska and county of and am qualified to sign this
 13 petition; and my date of birth and city, village, or post office
 14 address and my street and number or voting precinct are correctly
 15 written after my name.

16 Sec. 29. Section 32-801, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 32-801 At least ~~fifty~~sixty days before any statewide
 19 primary or general election, the Secretary of State shall transmit in
 20 ballot form to each election commissioner or county clerk a
 21 certification of the candidates, offices, and issues that appear on
 22 the state ballot. The certification prior to the primary election
 23 shall name the office to be filled, the length of the term, the
 24 number of candidates to be voted for, the name of each candidate for
 25 whom candidate filing forms or petitions have been filed in the

1 office of the Secretary of State and who is entitled to be voted for
2 at such primary election, and the party affiliation or nonpartisan
3 status of each candidate. A separate statement of the city or village
4 of residence of each candidate shall be included with the
5 certification, but the city or village of residence shall not appear
6 on the official ballot. The certification prior to the general
7 election shall name the office to be filled, the length of the term,
8 the number of candidates to be voted for, the name of each candidate
9 who was nominated at the primary election or who filed by petition as
10 shown by the records in the office of the Secretary of State and who
11 is entitled to be voted for at the general election, and the party
12 affiliation or nonpartisan status of each candidate for partisan
13 offices.

14 Sec. 30. Section 32-1409, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 32-1409 (1) Upon the receipt of the petitions, the
17 Secretary of State, with the aid and assistance of the election
18 commissioner or county clerk, shall determine the validity and
19 sufficiency of signatures on the pages of the filed petition. The
20 Secretary of State shall deliver the various pages of the filed
21 petition to the election commissioner or county clerk by hand
22 carrier, by use of law enforcement officials, or by certified mail,
23 return receipt requested. Upon receipt of the pages of the petition,
24 the election commissioner or county clerk shall issue to the
25 Secretary of State a written receipt that the pages of the petition

1 are in the custody of the election commissioner or county clerk. The
2 election commissioner or county clerk shall determine if each signer
3 was a registered voter on or before the date on which the petition
4 was required to be filed with the Secretary of State. The election
5 commissioner or county clerk shall compare the signer's signature,
6 printed name, date of birth, street name and number or voting
7 precinct, and city, village, or post office address with the voter
8 registration records to determine whether the signer was a registered
9 voter. The determination of the election commissioner or county clerk
10 may be rebutted by any credible evidence which the election
11 commissioner or county clerk finds sufficient. The express purpose of
12 the comparison of names and addresses with the voter registration
13 records, in addition to helping to determine the validity of such
14 petition, the sufficiency of such petition, and the qualifications of
15 the signer, shall be to prevent fraud, deception, and
16 misrepresentation in the petition process.

17 (2) Upon completion of the determination of registration,
18 the election commissioner or county clerk shall prepare in writing a
19 certification under seal setting forth the name and address of each
20 signer found not to be a registered voter and the petition page
21 number and line number where the name is found, and if the reason for
22 the invalidity of the signature or address is other than the
23 nonregistration of the signer, the election commissioner or county
24 clerk shall set forth the reason for the invalidity of the signature.
25 If the election commissioner or county clerk determines that a signer

1 has affixed his or her signature more than once to any page or pages
2 of the petition and that only one person is registered by that name,
3 the election commissioner or county clerk shall prepare in writing a
4 certification under seal setting forth the name of the duplicate
5 signature and shall count only the earliest dated signature. The
6 election commissioner or county clerk shall deliver all pages of the
7 petition and the certifications to the Secretary of State within
8 ~~forty~~thirty days after the receipt of such pages from the Secretary
9 of State. The delivery shall be by hand carrier, by use of law
10 enforcement officials, or by certified mail, return receipt
11 requested. The Secretary of State may grant to the election
12 commissioner or county clerk an additional ten days to return all
13 pages of the petition in extraordinary circumstances.

14 (3) Upon receipt of the pages of the petition, the
15 Secretary of State shall issue a written receipt indicating the
16 number of pages of the petition that are in his or her custody. When
17 all the petitions and certifications have been received by the
18 Secretary of State, he or she shall strike from the pages of the
19 petition all but the earliest dated signature of any duplicate
20 signatures and such stricken signatures shall not be added to the
21 total number of valid signatures. Not more than twenty signatures on
22 one sheet shall be counted. All signatures secured in a manner
23 contrary to sections 32-1401 to 32-1416 shall not be counted.
24 Clerical and technical errors in a petition shall be disregarded if
25 the forms prescribed in sections 32-1401 to 32-1403 are substantially

1 followed. The Secretary of State shall total the valid signatures and
2 determine if constitutional and statutory requirements have been met.
3 The Secretary of State shall immediately serve a copy of such
4 determination by certified or registered mail upon the person filing
5 the initiative or referendum petition. If the petition is found to be
6 valid and sufficient, the Secretary of State shall proceed to place
7 the measure on the general election ballot.

8 (4) The Secretary of State may adopt and promulgate rules
9 and regulations for the issuance of all necessary forms and
10 procedural instructions to carry out this section.

11 Sec. 31. Section 32-1410, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 32-1410 (1) When an initiative petition is filed with the
14 Secretary of State to propose a measure to the registered voters of
15 the state, the Secretary of State shall transmit a copy of the
16 measure to the Attorney General. Within ten days after receiving the
17 copy, the Attorney General shall provide and return to the Secretary
18 of State a ballot title for such measure. The ballot title shall
19 express the purpose of the measure in not exceeding one hundred words
20 and shall not resemble, so far as to be likely to create confusion,
21 any title previously filed for any measure to be submitted at that
22 election. The Attorney General also shall prepare a statement to be
23 printed in italics immediately preceding the ballot title on the
24 official ballot. Such statement shall in clear and concise language
25 explain the effect of a vote for and against the measure in such

1 language that the statement will not be intentionally an argument or
2 likely to create prejudice, either for or against the measure. The
3 ballot title shall be so worded that those in favor of adopting the
4 measure shall vote For and those opposing the adoption of the measure
5 shall vote Against.

6 (2) When a referendum petition is filed with the
7 Secretary of State to refer a measure to the registered voters of the
8 state, the Secretary of State shall transmit a copy of the measure to
9 the Attorney General. Within ten days after receiving the copy, the
10 Attorney General shall provide and return to the Secretary of State a
11 ballot title for such measure. The ballot title may be distinct from
12 the legislative title of the measure, shall express the purpose of
13 the measure in not exceeding one hundred words, and shall not
14 resemble, so far as to be likely to create confusion, any title
15 previously filed for any measure to be submitted at that election.
16 The Attorney General also shall prepare a statement to be printed in
17 italics immediately preceding the ballot title on the official
18 ballot. Such statement shall in clear and concise language explain
19 the effect of a vote to retain and a vote to repeal the measure in
20 such language that the statement will not be intentionally an
21 argument or likely to create prejudice, either for retention or for
22 repeal of the measure. The ballot title shall be so worded that those
23 in favor of retaining the measure shall vote Retain and those
24 opposing the measure shall vote Repeal.

25 (3) Any person who is dissatisfied with the ballot title

1 provided by the Attorney General for any measure may appeal from his
2 or her decision to the district court as provided in section 32-1412.
3 The person shall file a petition asking for a different title and
4 setting forth the reasons why the title prepared by the Attorney
5 General is insufficient or unfair. No appeal shall be allowed from
6 the decision of the Attorney General on a ballot title unless the
7 appeal is taken within ten days after the decision is filed. A copy
8 of every such decision shall be served by the Secretary of State or
9 the clerk of the district court upon the person offering or filing
10 such initiative or referendum petition or appeal. Service of such
11 decision may be by mail or electronic transmission and shall be made
12 forthwith. The district court shall thereupon examine the measure,
13 hear arguments, and in its decision thereon certify to the Secretary
14 of State a ballot title for the measure in accord with the intent of
15 this section by ~~September 1~~ August 20 prior to the statewide general
16 election.

17 (4) The appeal procedures described in the Administrative
18 Procedure Act shall not apply to this section.

19 Sec. 32. Section 49-209, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 49-209 The form of the ballots prepared in conformity
22 with sections 49-202.01, 49-207, and 49-208 shall be transmitted to
23 the county clerks and election commissioners of the several counties
24 of this state at least ~~fifty~~ sixty days before the election at which
25 such proposition or amendments are to be voted upon.

1 Sec. 33. Section 49-219, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 49-219 The nominating petitions shall be filed with the
4 Secretary of State not earlier than July 1 of the year the election
5 is to be held and not later than ~~August 1~~ July 20 of the same year.

6 Sec. 34. Section 51-201.03, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 51-201.03 (1) The registered voters of the incorporated
9 and unincorporated areas of a county which do not have a public
10 library may file an initiative petition with the county board
11 requesting the establishment of a county library. The petition shall
12 be filed by July ~~31~~ 20 prior to a statewide general election.
13 Signatures gathered before the last statewide general election shall
14 not be counted. An initiative petition shall conform to the
15 requirements of section 32-628. Petition signers and petition
16 circulators shall conform to the requirements of sections 32-629 and
17 32-630. The county board shall submit the petitions to the election
18 commissioner or county clerk for signature verification pursuant to
19 section 32-631. The required number of signatures shall be five
20 percent of the voters registered at the last statewide general
21 election in the incorporated and unincorporated areas of the county
22 which do not have a public library. The election commissioner or
23 county clerk shall notify the county board within thirty days after
24 receiving the petitions from the county board whether the required
25 number of signatures has been gathered.

1 (2) If the county board determines that the petitions are
2 in proper form and signed by the necessary number of registered
3 voters, the county board shall notify the governing body and library
4 board of each incorporated area within the county within ten days
5 after such determination and shall publish in a newspaper of general
6 circulation in the county that the registered voters of the
7 unincorporated area of the county and of the incorporated areas which
8 do not have a public library will be asked to vote on the issue at
9 the next statewide general election and shall submit the question of
10 whether to establish a county library to the voters as required in
11 section 51-201.

12 Sec. 35. Section 51-201.04, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 51-201.04 (1) At the time the county board decides to
15 hold an election pursuant to section 51-201 on the question of
16 establishing a public library, the county board shall notify the
17 governing body and library board of each incorporated area within the
18 county and shall publish in a newspaper of general circulation in the
19 county that the registered voters of the unincorporated area of the
20 county and of the incorporated areas which do not have a public
21 library will be asked to vote on the issue at the next statewide
22 general election. The notice shall be delivered and publication shall
23 occur prior to June 1 before the election.

24 (2) If a city council, village board, or township board
25 of a city, village, or township that has a public library and the

1 library board, if one exists, of the city, village, or township both
2 adopt a resolution indicating that they desire to merge the city,
3 village, or township library with the county library if established
4 and notify the county board by filing the resolutions with the county
5 clerk by August ~~25~~, 15, the county board shall submit the question of
6 merger to the voters of the city, village, or township at the same
7 time as the election pursuant to section 51-201.

8 (3) The registered voters of a city, village, or township
9 that has a public library may file an initiative petition with the
10 county board to require the issue of merger to be on the ballot in
11 the city, village, or township. The petition shall be filed by July
12 ~~31~~ 20 prior to the statewide general election at which the issue
13 would be on the ballot. Signatures gathered before the last statewide
14 general election shall not be counted. An initiative petition shall
15 conform to the requirements of section 32-628. Petition signers and
16 petition circulators shall conform to the requirements of sections
17 32-629 and 32-630. The county board shall submit the petitions to the
18 election commissioner or county clerk for signature verification
19 pursuant to section 32-631. The required number of signatures shall
20 be ten percent of the voters registered in the city, village, or
21 township at the last statewide general election. The election
22 commissioner or county clerk shall notify the county board within
23 thirty days after receiving the petitions from the county board
24 whether the required number of signatures has been gathered. If the
25 county board determines that the petitions are in proper form and

1 signed by the necessary number of registered voters, the county board
2 shall submit the question of whether to merge with the county
3 library, if established, to the voters at the same time as the
4 election pursuant to section 51-201.

5 Sec. 36. Section 53-122, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 53-122 (1) The commission may issue licenses for the sale
8 of alcoholic liquor, except beer, by the drink subject to all the
9 terms and conditions of the Nebraska Liquor Control Act in all cities
10 and villages in this state, except in those cases when it
11 affirmatively appears that the issuance will render null and void
12 prior conveyances of land to such city or village for public uses and
13 purposes by purchase, gift, or devise, under the conditions and in
14 the manner provided in this section.

15 (2) If (a) a sufficient petition is signed by the
16 registered voters of any such city or village of such number as
17 equals twenty percent of the votes cast at the last general election
18 held in such city or village, which petition requests that the
19 question of licensing the sale of alcoholic liquor, except beer, by
20 the drink in the city or village be submitted to the registered
21 voters of the city or village at a special election to be called for
22 that purpose and (b) such petition is presented to the clerk of the
23 city or village, the clerk shall cause to be published one time in a
24 legal newspaper published in or of general circulation in the city or
25 village a notice of a special election to be held not less than ten

1 days nor more than twenty days after the date of such publication.
2 The notice shall state the proposition to be submitted at such
3 special election.

4 (3) The question of licensing the sale of alcoholic
5 liquor either by the drink or in the original package, or both by the
6 drink and in the original package, may also be submitted at any
7 general municipal election, except as otherwise provided in section
8 53-121, in any city or village in this state subject to the
9 following:

10 (a) Upon the filing with the clerk of the city or village
11 of a petition signed by registered voters of the city or village in a
12 number equal to twenty percent of the votes cast at the last general
13 election held in the city or village, such proposition or
14 propositions shall be submitted;

15 (b) Each petition shall conform to the requirements of
16 section 32-628;

17 (c) At the top of each sheet shall be stated the
18 proposition or propositions to be submitted and the date of the
19 general municipal election at which it is proposed to be submitted;

20 (d) No signature on the petition shall be valid unless
21 appended to the petition within the last ninety days prior to the
22 date of filing the petition with the clerk of the city or village;
23 and

24 (e) The petition shall be filed thirty days prior to the
25 day of the general municipal election at which the proposition is to

1 be submitted, and during such thirty-day period no signature shall be
2 withdrawn and no signature shall be added.

3 (4) Any person who signs any proposal or petition
4 contemplated under this section knowing that he or she is not a
5 registered voter in the place where such proposal or petition is
6 made, who signs any name other than his or her own to such proposal
7 or petition, or who aids or abets any other person in doing any of
8 the acts mentioned is guilty of a Class I misdemeanor. Any person who
9 bribes or gives or pays any money or thing of value to any person
10 directly or indirectly to induce him or her to sign such proposal or
11 petition, who accepts money for signing such proposal or petition, or
12 who aids or abets any other person in doing any of such acts is
13 guilty of a Class IV felony.

14 (5) Upon the ballot either at the special election or at
15 any general municipal election, the proposition or propositions shall
16 be stated as follows:

17 Shall the sale of alcoholic liquor, except beer, by the
18 drink be licensed in (here insert the name of the city or village)?

19 For license to sell by drink.

20 Against license to sell by drink.

21 Shall the sale of alcoholic liquor, except beer, by the
22 package be licensed in (here insert the name of the city or village)?

23 For license to sell by the package.

24 Against license to sell by the package.

25 The provisions of the Election Act relating to election

1 officers, voting places, election apparatus and blanks, preparation
2 and form of ballots, information to voters, delivery of ballots,
3 calling of elections, conduct of elections, manner of voting,
4 counting of votes, records and certificates of elections, and
5 recounts of votes, so far as applicable, shall apply to voting on the
6 proposition or propositions under the Nebraska Liquor Control Act,
7 and a majority vote of those voting on the question shall be
8 mandatory upon the commission.

9 (6) If the question is to be submitted at a statewide
10 primary or general election, the petitions shall be filed with the
11 clerk of the city or village not less than ~~sixty~~seventy days prior
12 to the election. The provisions for the required number of signers
13 and the form of petition shall be the same as for a special election.
14 The clerk of the city or village shall verify the signatures on the
15 petitions with the voter registration records in the office of the
16 county clerk or election commissioner. During the ten-day period
17 while the petitions are being checked, no signatures shall be
18 withdrawn and no signatures shall be added.

19 If the clerk of the city or village finds the petitions
20 to be valid, he or she shall, not less than ~~fifty~~sixty days prior to
21 the statewide primary or general election, give notice in writing to
22 the county clerk or election commissioner that the question is to be
23 submitted at the time of the statewide primary or general election.
24 The election notices, issuing of the official ballots on election
25 day, issuing of the ballots for early voting, and counting and

1 canvassing of the ballots shall be conducted by the county clerk or
2 election commissioner as provided in the Election Act and the
3 official results certified to the clerk of the city or village.

4 (7) An election may not be held in the same city or
5 village under this section more often than once every twenty-three
6 months. A Class I retail license under subdivision (6)(a)(v) of
7 section 53-124 is not subject to this section.

8 Sec. 37. Section 70-611, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 70-611 (1) Not later than January 5 in each even-numbered
11 year, the secretary of the district in districts grossing forty
12 million dollars or more annually shall certify to the Secretary of
13 State on forms prescribed by the Secretary of State the names of the
14 counties in which all registered voters are eligible to vote for
15 public power district candidates and for other counties the names of
16 the election precincts within each county excluding the
17 municipalities in which voters are not eligible to vote on public
18 power district candidates. The secretary shall also certify the
19 number of directors to be elected and the length of terms for which
20 each is to be elected.

21 (2) Districts grossing less than forty million dollars
22 annually shall prepare the same type of certification as districts
23 grossing over forty million dollars annually and file such
24 certification with the Secretary of State not later than ~~July 1~~ June
25 20 of each even-numbered year.

1 (3) The secretary of each district shall, at the time of
2 filing the certification, cause to be published once in a newspaper
3 or newspapers of general circulation within the district a list of
4 the incumbent directors and naming the counties or election precincts
5 excluding those municipalities in which voters are not eligible to
6 vote for public power district candidates in the same general form as
7 the certification filed with the Secretary of State. A certified copy
8 of the published notice shall be filed with the Secretary of State
9 within ten days after such publication.

10 Sec. 38. Section 77-27,142.02, Revised Statutes
11 Cumulative Supplement, 2012, is amended to read:

12 77-27,142.02 Except as otherwise provided by subsection
13 (2) of section 77-27,142, the power granted by section 77-27,142
14 shall not be exercised unless and until the question has been
15 submitted at a primary, general, or special election held within the
16 incorporated municipality and in which all qualified electors shall
17 be entitled to vote on such question. The officials of the
18 incorporated municipality shall order the submission of the question
19 by submitting a certified copy of the resolution proposing the tax to
20 the election commissioner or county clerk by March 1 for a primary
21 election, by ~~September 1~~ August 20 for a general election, or at
22 least fifty days before a special election. Except as otherwise
23 provided by subsection (2) of section 77-27,142.01, the question may
24 include any terms and conditions set forth in the resolution
25 proposing the tax, such as a termination date or the specific project

1 or program for which the revenue received from such tax will be
2 allocated, and shall include the following language: Shall the
3 governing body of the incorporated municipality impose a sales and
4 use tax upon the same transactions within such municipality on which
5 the State of Nebraska is authorized to impose a tax? If a majority of
6 the votes cast upon such question shall be in favor of such tax, then
7 the governing body of such incorporated municipality shall be
8 empowered as provided by section 77-27,142 and shall forthwith
9 proceed to impose a tax pursuant to the Local Option Revenue Act. If
10 a majority of those voting on the question shall be opposed to such
11 tax, then the governing body of the incorporated municipality shall
12 not impose such a tax.

13 Sec. 39. Section 79-549, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 79-549 (1) The school board of any Class III school
16 district that is a member of a learning community may place before
17 the legal voters of the school district the issue of whether to begin
18 to have a caucus for nominations by adopting a resolution to place
19 the issue before the legal voters and certifying the issue to the
20 election commissioner or county clerk prior to ~~September 1~~ August 20
21 for placement on the ballot at the next statewide general election.
22 The legal voters of the school district may also have the issue
23 placed on the ballot at the statewide general election by circulating
24 a petition and gathering the signatures of the legal voters residing
25 within the school district at least equal to seven percent of the

1 number of persons registered to vote in the school district at the
2 last statewide primary election. The petitions shall be filed with
3 the election commissioner or county clerk for signature verification
4 on or before August ~~15~~5 prior to a statewide general election. If
5 the election commissioner or county clerk determines that the
6 appropriate number of legal voters signed the petition, he or she
7 shall place the issue on the ballot for the next statewide general
8 election. The issue shall not be placed on the ballot again within
9 four years after voting on the issue at a statewide general election.

10 (2) Any Class III school district that nominated school
11 board members by caucus pursuant to this section as it existed
12 immediately before July 14, 2006, shall continue such procedure until
13 the legal voters of the district vote not to continue to have a
14 caucus for nominations pursuant to subsection (3) of this section. A
15 caucus shall be held pursuant to subsection (5) of this section not
16 less than seventy days prior to the holding of the election to
17 nominate two or more candidates for each vacancy to be voted upon at
18 the election to be held in conjunction with the statewide primary
19 election pursuant to subsection (1) of section 32-543. No candidate
20 nominated shall have his or her name placed upon the ballot for the
21 general election unless, not more than ten days after his or her
22 nomination, he or she files with the secretary of the school board a
23 written statement accepting the nomination. The secretary of the
24 school board shall certify the names of the candidates to the
25 election commissioner or county clerk who shall prepare the official

1 ballot listing the names as certified and without any area
2 designation. All legal voters residing within the school district
3 shall be permitted to vote at such election.

4 (3) The school board may place before the legal voters of
5 the school district the issue of whether to continue to have a caucus
6 for nominations by adopting a resolution to place the issue before
7 the legal voters and certifying the issue to the election
8 commissioner or county clerk prior to ~~September 1~~ August 20 for
9 placement on the ballot at the next statewide general election. The
10 legal voters of the school district may also have the issue placed on
11 the ballot at the statewide general election by circulating a
12 petition and gathering the signatures of the legal voters residing
13 within the school district at least equal to seven percent of the
14 number of persons registered to vote in the school district at the
15 last statewide primary election. The petitions shall be filed with
16 the election commissioner or county clerk for signature verification
17 on or before August ~~15~~ 5 prior to a statewide general election. If
18 the election commissioner or county clerk determines that the
19 appropriate number of legal voters signed the petition, he or she
20 shall place the issue on the ballot for the next statewide general
21 election. The issue shall not be placed on the ballot again within
22 four years after voting on the issue at a statewide general election.

23 (4) If the legal voters vote not to continue to have a
24 caucus, candidates shall be nominated and elected as provided in
25 subsection (2) of section 32-543. The terms of the members in office

1 at the time of the vote shall be extended to the first Thursday after
2 the first Tuesday in January after the expiration of their terms. At
3 the first general election following the vote, the member receiving
4 the greatest number of votes shall be elected for a term of four
5 years and the member receiving the next greatest number of votes
6 shall be elected for a term of two years.

7 (5) A school district which uses a caucus for nominations
8 shall develop rules and procedures for conducting the caucus which
9 will ensure:

10 (a) Publication of the rules and procedures by multiple
11 sources if necessary so that every resident of the school district
12 has access to information on the process for placing a name in
13 nomination and voting at the caucus;

14 (b) Facilities for voting at the caucus which comply with
15 the federal Americans with Disabilities Act of 1990 and which will
16 accommodate a reasonably anticipated number of legal voters;

17 (c) Election security which will provide for a fair and
18 impartial election, including the secrecy of the ballot, one vote per
19 legal voter, and only legal voters of the school district being
20 allowed to vote;

21 (d) Equal access to all legal voters of the school
22 district, including the presence of an interpreter at the caucus at
23 the expense of the school district and ballots for the blind and
24 visually impaired to provide access to the process by all legal
25 voters of the school district;

1 (e) Adequate time and opportunity for legal voters of the
2 school district to exercise their right to vote; and

3 (f) Notification of nomination to the candidates and to
4 the secretary of the school board.

5 The rules and regulations shall be approved by the
6 election commissioner or county clerk prior to use for a caucus.

7 Sec. 40. Section 79-1217, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 79-1217 (1) All educational service units shall be
10 governed by a board to be known as the Board of Educational Service
11 Unit No. Until the first Thursday after the first Tuesday in
12 January 2009, the educational service unit board, except the board of
13 an educational service unit with only one member school district,
14 shall be composed of one member from each county and four members at
15 large, all of whom shall reside within the geographical boundaries of
16 the educational service unit, but no more than two of the members at
17 large shall be appointed or elected from the same county unless any
18 one county within the educational service unit has a population in
19 excess of one hundred fifty thousand inhabitants or the educational
20 service unit consists of only one county. Beginning on the first
21 Thursday after the first Tuesday in January 2009, the educational
22 service unit board, except the board of an educational service unit
23 with only one member school district, shall be composed of one member
24 elected to represent each election district established pursuant to
25 section 79-1217.01. Successors to the members initially appointed

1 pursuant to section 79-1212 shall be elected pursuant to section
2 32-515.

3 (2) Vacancies in office shall occur as set forth in
4 section 32-560, except as otherwise provided in section 79-1212
5 regarding the requirement to live in the district represented, or in
6 the case of absences, unless excused by a majority of the remaining
7 members of the board, when a member is absent from the geographical
8 boundaries of the educational service unit for a continuous period of
9 sixty days at one time or from more than two consecutive regular
10 meetings of the board. Whenever any vacancy occurs on the board, the
11 remaining members of such board shall appoint an individual residing
12 within the election district of the educational service unit for
13 which the vacancy exists and meeting the qualifications for the
14 office to fill such vacancy for the balance of the unexpired term.

15 (3) Members of the board shall receive no compensation
16 for their services but shall be reimbursed for the actual and
17 necessary expenses incurred in the performance of their duties under
18 the Educational Service Units Act as provided in sections 81-1174 to
19 81-1177.

20 (4) Except as provided in subsection (5) of this section,
21 any joint school district located in two or more counties shall be
22 considered a part of the educational service unit in which the
23 greater number of school-age children of such joint school district
24 reside.

25 (5) Any Class I district which is part of a Class VI

1 district shall be considered a part of the educational service unit
2 of which the Class VI district is a member. If the Class VI district
3 has removed itself from an educational service unit, each Class I
4 district which is part of such Class VI district may continue its
5 existing membership in an educational service unit or may change its
6 status relative to membership in an educational service unit in
7 accordance with section 79-1209. The patrons of a Class I district
8 maintaining membership in an educational service unit pursuant to
9 this subsection shall have the same rights and privileges as other
10 patrons of the educational service unit, and the taxable valuation of
11 the taxable property within the geographic boundaries of such Class I
12 district shall be subject to the educational service unit's tax levy
13 established pursuant to section 79-1225.

14 (6) The administrator of each educational service unit,
15 prior to ~~July 1~~ June 20 of each year in which a statewide primary
16 election is to be held, shall certify to the election commissioner or
17 county clerk of each county located within the unit the corporate
18 name of each school district, as described in section 79-405, located
19 within the county. If a school district is a joint school district
20 located in two or more counties, the administrator shall certify to
21 each election commissioner or county clerk the educational service
22 unit of which the school district is considered to be a part.

23 (7) An educational service unit may consist of a single
24 school district if the single school district is either a Class IV or
25 Class V school district. An educational service unit with only one

1 member school district shall be governed by the school board of such
2 school district and shall participate in one or more of the statewide
3 projects managed by the Educational Service Unit Coordinating
4 Council.

5 Sec. 41. Section 86-704, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 86-704 (1) Any telecommunications company, incorporated
8 or qualified to do business in this state, is granted the right to
9 construct, operate, and maintain telecommunications lines and related
10 facilities along, upon, across, and under the public highways of this
11 state, and upon and under lands in this state, whether state or
12 privately owned, except that (a) such lines and related facilities
13 shall be so constructed and maintained as not to interfere with the
14 ordinary use of such lands or of such highways by the public and (b)
15 all aerial wires and cables shall be placed at a height of not less
16 than eighteen feet above all highway crossings.

17 (2) Sections 86-701 to 86-707 shall not transfer the
18 rights now vested in municipalities in relation to the regulation of
19 the poles, wires, cables, and other appliances or authorize a
20 telecommunications company to erect any poles or construct any
21 conduit, cable, or other facilities along, upon, across, or under a
22 public highway within a municipality without first obtaining the
23 consent of the governing body of the municipality. The municipality
24 shall not exercise any authority over any rights the
25 telecommunications company may have to deliver telecommunications

1 services as authorized by the Public Service Commission or the
2 Federal Communications Commission.

3 (3) Consent from a governing body for the use of a public
4 highway within a municipality shall be based upon a lawful exercise
5 of its statutory and constitutional authority. Such consent shall not
6 be unreasonably withheld, and a preference or disadvantage shall not
7 be created through the granting or withholding of such consent. A
8 municipality shall not adopt an ordinance that prohibits or has the
9 effect of prohibiting the ability of a telecommunications company to
10 provide telecommunications service.

11 (4)(a) A municipality shall not levy a tax, fee, or
12 charge for any right or privilege of engaging in a telecommunications
13 business or for the use by a telecommunications company of a public
14 highway other than:

15 (i)(A) Until January 1, 2013, an occupation tax
16 authorized under section 14-109, 15-202, 15-203, 16-205, or 17-525;
17 and

18 (B) Beginning January 1, 2013, an occupation tax
19 authorized under section 14-109, 15-202, 15-203, 16-205, or 17-525
20 that meets the following requirements:

21 (I) The occupation tax shall be imposed only on the
22 receipts from the sale of telecommunications service as defined in
23 subdivision (7)(aa) of section 77-2703.04; and

24 (II) The occupation tax shall not exceed six and twenty-
25 five hundredths percent except as provided in subsection (5) of this

1 section; and

2 (ii) A public highway construction permit fee or charge
3 to the extent that the fee or charge applies to all persons seeking
4 use of the public highway in a substantially similar manner. All
5 public highway construction permit fees or charges shall be directly
6 related to the costs incurred by the municipality in providing
7 services relating to the granting or administration of permits. Any
8 highway construction permit fee or charge shall also be reasonably
9 related in time to the occurrence of such costs.

10 (b) Any tax, fee, or charge imposed by a municipality
11 shall be competitively neutral.

12 (5) Beginning January 1, 2013, a municipality may
13 increase an occupation tax described in subdivision (4)(a)(i)(B) of
14 this section to a rate that exceeds the limit contained in
15 subdivision (4)(a)(i)(B)(II) of this section if the question of
16 whether to increase such rate has been submitted at a primary or
17 general election at which members of the governing body of the
18 municipality are nominated or elected or at a special election held
19 within the municipality and in which all registered voters shall be
20 entitled to vote on such question. A municipality may not increase
21 its existing rate pursuant to this subsection by more than twenty-
22 five hundredths percent at any one election. The officials of the
23 municipality shall order the submission of the question by submitting
24 a certified copy of the resolution proposing the rate increase to the
25 election commissioner or county clerk at least ~~fifty~~sixty days

1 before the election. The election shall be conducted in accordance
2 with the Election Act. If a majority of the votes cast upon such
3 question are in favor of such rate increase, then the governing body
4 of such municipality shall be empowered to impose the rate increase.
5 If a majority of those voting on the question are opposed to such
6 rate increase, then the governing body of the municipality shall not
7 impose such rate increase.

8 (6) The changes made by Laws 1999, LB 496, shall not be
9 construed to affect the terms or conditions of any franchise,
10 license, or permit issued by a municipality prior to August 28, 1999,
11 or to release any party from any obligations thereunder. Such
12 franchises, licenses, or permits shall remain fully enforceable in
13 accordance with their terms. A municipality may lawfully enter into
14 agreements with franchise holders, licensees, or permittees to modify
15 or terminate an existing franchise, license, or agreement.

16 (7) Taxes or fees shall not be collected by a
17 municipality through the provision of in-kind services by a
18 telecommunications company, and a municipality shall not require the
19 provision of in-kind services as a condition of consent to the use of
20 a public highway.

21 (8) The terms of any agreement between a municipality and
22 a telecommunications company regarding use of public highways shall
23 be matters of public record and shall be made available to any member
24 of the public upon request, except that information submitted to a
25 municipality by a telecommunications company which such

1 telecommunications company determines to be proprietary shall be
2 deemed to be a trade secret pursuant to subdivision (3) of section
3 84-712.05 and shall be accorded full protection from disclosure to
4 third parties in a manner consistent with state law.

5 Sec. 42. Original sections 2-1604, 2-3215, 10-702,
6 18-1208, 18-2713, 19-405, 32-404, 32-554, 32-559, 32-564, 32-565,
7 32-566, 32-619.01, 32-621, 32-622, 32-624, 32-625, 32-711, 32-712,
8 32-716, 32-801, 32-1409, 32-1410, 49-209, 49-219, 51-201.03,
9 51-201.04, 53-122, 70-611, and 79-549, Reissue Revised Statutes of
10 Nebraska, and sections 32-519, 32-524, 32-570, 32-606, 32-617,
11 32-623, 32-627, 32-710, 77-27,142.02, 79-1217, and 86-704, Revised
12 Statutes Cumulative Supplement, 2012, are repealed.