

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1068**

Introduced by Murante, 49.

Read first time January 17, 2018

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 31-787,  
2 31-793, 32-330, 32-552, 32-952, 32-956, 32-1002, 32-1303, 32-1306,  
3 32-1309, 32-1405, 32-1407, and 32-1409, Reissue Revised Statutes of  
4 Nebraska, and section 32-915, Revised Statutes Supplement, 2017; to  
5 change provisions relating to voter registration lists, special  
6 elections by mail, recall petitions and elections, and initiative  
7 and referendum measures; to require the provision of an approved map  
8 to the election commissioner or county clerk for purposes of  
9 adjusting boundaries; to provide for seventeen-year-olds to vote  
10 using a provisional ballot in special elections as prescribed; to  
11 eliminate obsolete provisions; to harmonize provisions; and to  
12 repeal the original sections.  
13 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 31-787, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           31-787 (1) A trustee of a sanitary and improvement district may be  
4 removed from office by recall pursuant to sections 31-786 to 31-793. A  
5 petition for an election to recall a trustee shall be sufficient if it  
6 complies with the requirements of this section.

7           (2) The signers of the petition shall be persons who were, on the  
8 date the initial petition papers are issued under subsection (7) of this  
9 section, eligible to vote in a district election as provided in section  
10 31-735. A person's eligibility to sign a petition shall be the same as  
11 the person's eligibility to cast one or more votes at a district election  
12 under section 31-735. Only one person shall be allowed to sign on behalf  
13 of joint owners of property in the district or on behalf of a public,  
14 private, or municipal corporation that owns property in the district. If  
15 the trustee whose recall is sought was elected by vote of resident owners  
16 only, then only resident owners shall be allowed to sign the petition. If  
17 the trustee whose recall is sought was elected by vote of all owners of  
18 property, then all owners shall be allowed to sign the petition. Resident  
19 owner means qualified resident voter. All owners means all qualified  
20 resident voters and all qualified property owning voters.

21           (3) The filing clerk shall assign to each signature a count equal to  
22 the number of votes that the signer was eligible to cast on the date he  
23 or she signed. The number of votes that a signer was eligible to cast  
24 shall be based on section 31-735. If the signature was made by or for an  
25 owner of more than one parcel of property, the signature made by or on  
26 behalf of such owner shall be assigned a count equal to the total number  
27 of votes which the owner was eligible to cast.

28           (4) The filing clerk shall total the count assigned to the  
29 signatures on the petition. The petition shall be sufficient if the total  
30 is at least equal to thirty-five percent of the highest number of votes  
31 that were cast for a candidate at the previous district election for the

1 trustee positions in the same category as the trustee whose recall is  
2 sought by the petition. The categories of trustees shall be the same as  
3 provided in section 31-735.

4 (5) The signatures shall be affixed to petition papers and shall be  
5 considered part of the petition.

6 (6) The petition papers shall be procured from the filing clerk.  
7 Prior to the issuance of such petition papers, a recall petition filing  
8 form ~~an affidavit~~ shall be signed and filed with the filing clerk by at  
9 least one qualified resident voter of the district, if the trustee whose  
10 recall is being sought was elected solely by qualified resident voters,  
11 or at least one qualified resident voter or qualified property owning  
12 voter, if the trustee whose recall is being sought was elected by other  
13 qualified resident voters and qualified property owning voters. Such  
14 voter or voters shall be deemed to be the principal circulator or  
15 circulators of the recall petition. The filing form ~~affidavit~~ shall state  
16 the name of the trustee sought to be removed and whether qualified  
17 property owning voters participated in the election of the trustee and  
18 shall request that the filing clerk issue initial petition papers to the  
19 principal circulator for circulation. The filing clerk shall notify the  
20 principal circulator or circulators that the necessary signatures must be  
21 gathered within thirty days after the date of issuing the petitions.

22 (7) The filing clerk, upon issuing the initial petition papers or  
23 any subsequent petition papers, shall enter in a record, to be kept in  
24 his or her office, the name of the principal circulator or circulators to  
25 whom the papers were issued, the date of issuance, the number of papers  
26 issued, and whether qualified property owning voters may participate in  
27 signing the petitions. The filing clerk shall certify on the papers the  
28 name of the principal circulator or circulators to whom the papers were  
29 issued, the date they were issued, and whether qualified property owning  
30 voters may participate in signing the petitions. No petition paper shall  
31 be accepted as part of the petition unless it bears such certificate. The

1 principal circulator or circulators who check out petitions from the  
2 filing clerk may distribute such petitions to persons who may act as  
3 circulators of such petitions.

4 Sec. 2. Section 31-793, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 31-793 No recall petition filing form shall be filed against a  
7 trustee under section 31-787 within twelve months after a recall election  
8 has failed to remove him or her from office or within six months after  
9 the beginning of his or her term of office or within six months prior to  
10 the incumbent filing deadline for the office.

11 Sec. 3. Section 32-330, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 32-330 (1) The voter registration register shall be a public record.  
14 Any person may examine the register at the office of the election  
15 commissioner or county clerk, but no person other than the Secretary of  
16 State, election commissioner, county clerk, or law enforcement shall be  
17 allowed to make copies of the register. Copies of the register shall only  
18 be used for list maintenance as provided in section 32-329 or law  
19 enforcement purposes. The electronic records of the original voter  
20 registrations created pursuant to section 32-301 may constitute the voter  
21 registration register. The Secretary of State, election commissioner, or  
22 county clerk shall withhold information in the register designated as  
23 confidential under section 32-331.

24 (2) The Secretary of State, election commissioner, or county clerk  
25 shall make available ~~for purchase~~ a list of registered voters that  
26 contains no more than the information authorized in subsection (3) of  
27 this section ~~required under section 32-312~~ and, if requested, a list that  
28 only contains such information for registered voters who have voted in an  
29 election held more than thirty days prior to the request for the list.  
30 The Secretary of State, election commissioner, or county clerk shall  
31 establish the price of the lists at a rate that fairly covers the actual

1 production cost of the lists, not to exceed three cents per name. Lists  
2 shall be used solely for purposes related to elections, political  
3 activities, voter registration, law enforcement, or jury selection. Lists  
4 shall not be used for commercial purposes.

5 (3)(a) The Secretary of State, election commissioner, or county  
6 clerk shall withhold from any list of registered voters distributed  
7 pursuant to this section any information in the voter registration  
8 records which is designated as confidential under section 32-331 or  
9 marked private on the voter registration application or voter  
10 registration record.

11 (b) Except as otherwise provided in subdivision (a) of this  
12 subsection, a list of registered voters distributed pursuant to this  
13 section shall contain no more than the following information:

- 14 (i) The registrant's name;
- 15 (ii) The registrant's residential address;
- 16 (iii) The registrant's mailing address;
- 17 (iv) The registrant's telephone number;
- 18 (v) The registrant's voter registration status;
- 19 (vi) The registrant's voter identification number;
- 20 (vii) The registrant's date of birth;
- 21 (viii) The registrant's date of voter registration;
- 22 (ix) The registrant's voting precinct;
- 23 (x) The registrant's polling site;
- 24 (xi) The registrant's political party affiliation;
- 25 (xii) The political subdivisions in which the registrant resides;

26 and

- 27 (xiii) The registrant's voter history.

28 (4) ~~(3)~~ Any person who acquires a list of registered voters under  
29 subsection (2) of this section shall provide his or her name, address,  
30 telephone number, email address, and campaign committee name or  
31 organization name if applicable, the state of organization if applicable,

1 and a statement regarding the purpose of the list and shall take and  
2 subscribe to an oath in substantially the following form:

3 I hereby swear that I will use the list of registered voters  
4 of ..... County, Nebraska, (or the State of Nebraska) only for the  
5 purposes prescribed in section 32-330 and for no other purpose and that I  
6 will not permit the use or copying of such list for unauthorized  
7 purposes.

8 I hereby declare under the penalty of election falsification that  
9 the statements above are true to the best of my knowledge.

10 The penalty for election falsification is a Class IV felony.

11 (Signature of person acquiring list) .....

12 Subscribed and sworn to before me this .... day of ..... 20.. .

13 (Signature Name of officer) .....

14 (Name and Official title of officer) .....

15 (5) ~~(4)~~ The election commissioner or county clerk shall provide,  
16 upon request and free of charge, a complete and current listing of all  
17 registered voters and their addresses to the Clerk of the United States  
18 District Court for the District of Nebraska. Such list shall be provided  
19 no later than December 31 of each even-numbered year.

20 (6) ~~(5)~~ The Secretary of State, election commissioner, or county  
21 clerk shall provide, upon request and free of charge, a complete and  
22 current listing of all registered voters containing only the information  
23 authorized under subsection (3) of this section and ~~their addresses~~ to  
24 the state party headquarters of each political party and to the county  
25 chairperson of each political party. ~~Such list shall be provided no later~~  
26 ~~than thirty five days prior to the statewide primary and statewide~~  
27 ~~general elections.~~

28 Sec. 4. Section 32-552, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 32-552 (1) At least five months prior to an election, the governing  
31 board of any political subdivision requesting the adjustment of the

1 boundaries of election districts shall provide ~~written notification~~ to  
2 the election commissioner or county clerk (a) written notice of the need  
3 and necessity of his or her office to perform such adjustments and (b) a  
4 revised election district boundary map that has been approved by the  
5 requesting political subdivision's governing board and subjected to all  
6 public review and challenge ordinances of the political subdivision.

7 (2) After the next federal decennial census, the election  
8 commissioner of the county in which the greater part of a Class IV school  
9 district is situated shall, subject to review by the school board, divide  
10 the school district into seven numbered districts, substantially equal in  
11 population as determined by the most recent federal decennial census. The  
12 election commissioner shall consider the location of schools within the  
13 district and their boundaries. The election commissioner shall adjust the  
14 boundaries of the election districts, subject to final review and  
15 adjustment by the school board, to conform to changes in the territory  
16 and population of the school district and also following each federal  
17 decennial census. Except when specific procedures are otherwise provided,  
18 section 32-553 shall apply to all Class IV school districts.

19 (3) For purposes of election of members to the board of education of  
20 a Class V school district:

21 (a)(i) The Legislature hereby divides such school district into nine  
22 numbered election districts of compact and contiguous territory and of as  
23 nearly equal population as may be practical. Each election district shall  
24 be entitled to one member on the board of education of such Class V  
25 school district. The Legislature adopts the official population figures  
26 and maps from the 2010 Census Redistricting (Public Law 94-171) TIGER/  
27 Line Shapefiles published by the United States Department of Commerce,  
28 Bureau of the Census. The numbers and boundaries of the election  
29 districts are designated and established by a map identified and labeled  
30 as OPS-13-002, filed with the Clerk of the Legislature, and incorporated  
31 by reference as part of Laws 2013, LB125. Such districts are drawn using

1 the boundaries of the Class V school district as they existed on February  
2 12, 2013; (ii) the Clerk of the Legislature shall transfer possession of  
3 the map referred to in subdivision (a)(i) of this subsection to the  
4 Secretary of State and the election commissioner of the county in which  
5 the greater part of the school district is situated on February 12, 2013;  
6 (iii) when questions of interpretation of such election district  
7 boundaries arise, the map referred to in subdivision (a)(i) of this  
8 subsection in possession of such election commissioner shall serve as the  
9 indication of the legislative intent in drawing the election district  
10 boundaries; (iv) the Secretary of State and such election commissioner  
11 shall also have available for viewing on his or her web site the map  
12 referred to in subdivision (a)(i) of this subsection identifying the  
13 boundaries for such election districts; and (v) the twelve numbered  
14 districts in existence on January 1, 2013, shall remain unchanged until  
15 the terms of members elected at the election in May 2013 begin; and

16 (b) After the next federal decennial census after February 12, 2013,  
17 the election commissioner of the county in which the greater part of a  
18 Class V school district is situated shall divide the school district into  
19 nine numbered districts of compact and contiguous territory and of as  
20 nearly equal population as may be practical. The election commissioner  
21 shall adjust the boundaries of such districts, subject to final review  
22 and adjustment by the school board, to conform to changes in the  
23 territory of the school district and also following each federal  
24 decennial census.

25 Sec. 5. Section 32-915, Revised Statutes Supplement, 2017, is  
26 amended to read:

27 32-915 (1) A person whose name does not appear on the precinct list  
28 of registered voters at the polling place for the precinct in which he or  
29 she resides, whose name appears on the precinct list of registered voters  
30 at the polling place for the precinct in which he or she resides at a  
31 different residence address as described in section 32-914.02, or whose



1 name appears with a notation that he or she received a ballot for early  
2 voting may vote a provisional ballot if he or she:

3 (a) Claims that he or she is a registered voter who has continuously  
4 resided in the county in which the precinct is located since registering  
5 to vote;

6 (b) Is not entitled to vote under section 32-914.01 or 32-914.02;

7 (c) Has not registered to vote or voted in any other county since  
8 registering to vote in the county in which the precinct is located;

9 (d) Has appeared to vote at the polling place for the precinct to  
10 which the person would be assigned based on his or her residence address;  
11 and

12 (e) Completes and signs a registration application before voting.

13 (2) A voter whose name appears on the precinct list of registered  
14 voters for the polling place with a notation that the voter is required  
15 to present identification pursuant to section 32-318.01 but fails to  
16 present identification may vote a provisional ballot if he or she  
17 completes and signs a registration application before voting.

18 (3) A seventeen-year-old resident of Nebraska who will attain the  
19 age of eighteen years on or before the day of a special election but  
20 after the second Friday preceding the special election when such election  
21 occurs in the month of January in an even-numbered year or in the month  
22 of January, November, or December of an odd-numbered year may appear in  
23 person at the polling place for the precinct in which his or her voting  
24 address is located or before the election commissioner or county clerk  
25 and vote a provisional ballot if he or she completes and signs a  
26 registration application before voting. The voter shall comply with  
27 subsection (4) of this section but shall not be deemed to be in violation  
28 of subdivisions (4)(a), (b), (c), or (d) of this section if otherwise in  
29 compliance with this section.

30 (4) Except as otherwise provided in subsection (3) of this section,  
31 each (3) Each person voting by provisional ballot shall enclose his or

1 her ballot in an envelope marked Provisional Ballot and shall, by signing  
2 the certification on the front of the envelope or a separate form  
3 attached to the envelope, certify to the following facts:

4 (a) I am a registered voter in ..... County;

5 (b) My name or address did not correctly appear on the precinct list  
6 of registered voters;

7 (c) I registered to vote on or about this date .....

8 (d) I registered to vote  
9 .... in person at the election office or a voter registration site,  
10 .... by mail,  
11 .... by using the Secretary of State's web site,  
12 .... through the Department of Motor Vehicles,  
13 .... on a form through another state agency,  
14 .... in some other way;

15 (e) I have not resided outside of this county or voted outside of  
16 this county since registering to vote in this county;

17 (f) My current address is shown on the registration application  
18 completed as a requirement for voting by provisional ballot; and

19 (g) I am eligible to vote in this election and I have not voted and  
20 will not vote in this election except by this ballot.

21 (5) ~~(4)~~ The voter shall sign the certification under penalty of  
22 election falsification. The following statements shall be on the front of  
23 the envelope or on the attached form: By signing the front of this  
24 envelope or the attached form you are certifying to the information  
25 contained on this envelope or the attached form under penalty of election  
26 falsification. Election falsification is a Class IV felony and may be  
27 punished by up to two years imprisonment and twelve months post-release  
28 supervision, a fine of up to ten thousand dollars, or both.

29 (6) ~~(5)~~ If the person's name does not appear on the precinct list of  
30 registered voters for the polling place and the judge or clerk of  
31 election determines that the person's residence address is located in

1 another precinct within the same county, the judge or clerk of election  
2 shall direct the person to his or her correct polling place to vote.

3 Sec. 6. Section 32-952, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 32-952 If a political subdivision decides to place a candidate or an  
6 issue on the ballot at a special election, the election commissioner or  
7 county clerk may conduct the special election by mail as provided in  
8 section 32-953 or conduct the special election as otherwise authorized in  
9 the Election Act. In making a determination as to whether to conduct the  
10 election by mail, the election commissioner or county clerk shall  
11 consider whether all of the following conditions are met:

12 (1) All registered voters of the political subdivision or a district  
13 or ward of the political subdivision are eligible to vote on all  
14 candidates and issues submitted to the voters;

15 (2) Only registered voters of the political subdivision or the  
16 district or ward of the political subdivision are eligible to vote on all  
17 candidates and issues submitted to the voters;

18 (3) A review has been conducted of the costs and the expected voter  
19 turnout which may result from holding the election by mail;

20 (4) The election commissioner or county clerk has determined a date  
21 for the election which is not the same date as another election in which  
22 the registered voters of the political subdivision are eligible to vote;  
23 and

24 (5) The election commissioner or county clerk has submitted a  
25 written plan to the Secretary of State within five business days after  
26 receiving the resolution from the political subdivision to hold the  
27 election; and

28 (6) ~~(5)~~ The Secretary of State has approved the a written plan for  
29 the conduct of the election, including a written timetable for the  
30 conduct of the election, submitted by the election commissioner or county  
31 clerk. The written plan shall include provisions for the notice of

1 election to be published and for the application for ballots for early  
2 voting notwithstanding other statutory provisions regarding the content  
3 and publication of a notice of election or the application for ballots  
4 for early voting.

5 Sec. 7. Section 32-956, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 32-956 If a ballot is destroyed, spoiled, lost, or not received by  
8 the registered voter, the voter may obtain a replacement ballot from the  
9 election commissioner or county clerk by signing a statement verified on  
10 oath or affirmation on a form prescribed by the Secretary of State that  
11 the ballot was destroyed, spoiled, lost, or not received and delivering  
12 the statement to the election commissioner or county clerk by 5 p.m. on  
13 the date set for the election. If the voter mails the statement, the  
14 election commissioner or county clerk shall not deliver a replacement  
15 ballot to the voter unless the statement is received prior to the close  
16 of business on the second Friday preceding ~~fourth business day before the~~  
17 ~~date set for~~ the election. If the election commissioner or county clerk  
18 receives a statement meeting the requirements of this section, he or she  
19 shall deliver a replacement ballot to the voter if the voter is present  
20 in the office or shall mail a replacement ballot to the voter at the  
21 address shown on the statement. The election commissioner or county clerk  
22 shall keep a record of all replacement ballots issued under this section.

23 Sec. 8. Section 32-1002, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 32-1002 (1) As the ballots are removed from the ballot box pursuant  
26 to sections 32-1012 to 32-1018, the receiving board shall separate the  
27 envelopes containing the provisional ballots from the rest of the ballots  
28 and deliver them to the election commissioner or county clerk.

29 (2) Upon receipt of a provisional ballot, the election commissioner  
30 or county clerk shall verify that the certificate on the front of the  
31 envelope or the form attached to the envelope is in proper form and that

1 the certification has been signed by the voter.

2 (3) The election commissioner or county clerk shall also (a) verify  
3 that such person has not voted anywhere else in the county or been issued  
4 a ballot for early voting, (b) investigate whether any credible evidence  
5 exists that the person was properly registered to vote in the county  
6 before the deadline for registration for the election if applicable, (c)  
7 investigate whether any information has been received pursuant to section  
8 32-308, 32-309, 32-310, or 32-324 that the person has resided,  
9 registered, or voted in any other county or state since registering to  
10 vote in the county if applicable, and (d) upon determining that credible  
11 evidence exists that the person was properly registered to vote in the  
12 county or voted pursuant to subsection (3) of section 32-915, make the  
13 appropriate changes to the voter registration register by entering the  
14 information contained in the registration application completed by the  
15 voter at the time of voting a provisional ballot.

16 (4) A provisional ballot cast by a voter pursuant to section 32-915  
17 shall be counted if:

18 (a) Credible evidence exists that the voter was properly registered  
19 in the county before the deadline for registration for the election if  
20 applicable;

21 (b) The voter has resided in the county continuously since  
22 registering to vote in the county if applicable;

23 (c) The voter has not voted anywhere else in the county or has not  
24 otherwise voted early using a ballot for early voting;

25 (d) The voter has completed a registration application prior to  
26 voting as prescribed in subsection (6) of this section and:

27 (i) The residence address provided on the registration application  
28 completed pursuant to subdivision (1)(e) of section 32-915 is located  
29 within the precinct in which the person voted; and

30 (ii) If the voter is voting in a primary election, the party  
31 affiliation provided on the registration application completed prior to

1 voting the provisional ballot is the same party affiliation that appears  
2 on the voter's voter registration record based on his or her previous  
3 registration application; and

4 (e) The certification on the front of the envelope or form attached  
5 to the envelope is in the proper form and signed by the voter.

6 (5) A provisional ballot cast by a voter pursuant to section 32-915  
7 shall not be counted if:

8 (a) The voter was not properly registered in the county before the  
9 deadline for registration for the election unless the voter voted  
10 pursuant to subsection (3) of section 32-915;

11 (b) Information has been received pursuant to section 32-308,  
12 32-309, 32-310, or 32-324 that the voter has resided, registered, or  
13 voted in any other county or state since registering to vote in the  
14 county in which he or she cast the provisional ballot;

15 (c) Credible evidence exists that the voter has voted elsewhere or  
16 has otherwise voted early;

17 (d) The voter failed to complete and sign a registration application  
18 pursuant to subsection (6) of this section and subdivision (1)(e) of  
19 section 32-915;

20 (e) The residence address provided on the registration application  
21 completed pursuant to subdivision (1)(e) of section 32-915 is in a  
22 different county or in a different precinct than the county or precinct  
23 in which the voter voted;

24 (f) If the voter is voting in a primary election, the party  
25 affiliation on the registration application completed prior to voting the  
26 provisional ballot is different than the party affiliation that appears  
27 on the voter's voter registration record based on his or her previous  
28 registration application; or

29 (g) The voter failed to complete and sign the certification on the  
30 envelope or form attached to the envelope pursuant to subsection (4) ~~(3)~~  
31 of section 32-915.

1 (6) An error or omission of information on the registration  
2 application or the certification required under section 32-915 shall not  
3 result in the provisional ballot not being counted if:

4 (a)(i) The errant or omitted information is contained elsewhere on  
5 the registration application or certification; or

6 (ii) The information is not necessary to determine the eligibility  
7 of the voter to cast a ballot; and

8 (b) Both the registration application and the certification are  
9 signed by the voter.

10 (7) Upon determining that the voter's provisional ballot is eligible  
11 to be counted, the election commissioner or county clerk shall remove the  
12 ballot from the envelope without exposing the marks on the ballot and  
13 shall place the ballot with the ballots to be counted by the county  
14 canvassing board.

15 (8) The election commissioner or county clerk shall notify the  
16 system administrator of the system created pursuant to section 32-202 as  
17 to whether the ballot was counted and, if not, the reason the ballot was  
18 not counted.

19 (9) The verification and investigation shall be completed within  
20 seven days after the election.

21 Sec. 9. Section 32-1303, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 32-1303 (1) A petition demanding that the question of removing an  
24 elected official or member of a governing body listed in section 32-1302  
25 be submitted to the registered voters shall be signed by registered  
26 voters equal in number to at least thirty-five percent of the total vote  
27 cast for that office in the last general election, except that (a) for an  
28 office for which more than one candidate is chosen, the petition shall be  
29 signed by registered voters equal in number to at least thirty-five  
30 percent of the number of votes cast for the person receiving the most  
31 votes for such office in the last general election, (b) for a member of a

1 board of a Class I school district, the petition shall be signed by  
2 registered voters of the school district equal in number to at least  
3 twenty-five percent of the total number of registered voters residing in  
4 the district on the date that the recall petitions are first checked out  
5 from the filing clerk by the principal circulator, and (c) for a member  
6 of a governing body of a village, the petition shall be signed by  
7 registered voters equal in number to at least forty-five percent of the  
8 total vote cast for the person receiving the most votes for that office  
9 in the last general election. The signatures shall be affixed to petition  
10 papers and shall be considered part of the petition.

11 (2) Petition circulators shall conform to the requirements of  
12 sections 32-629 and 32-630.

13 (3) The petition papers shall be procured from the filing clerk.  
14 Prior to the issuance of such petition papers, a recall petition filing  
15 form ~~an affidavit~~ shall be signed and filed with the filing clerk by at  
16 least one registered voter. Such voter or voters shall be deemed to be  
17 the principal circulator or circulators of the recall petition. The  
18 filing form ~~affidavit~~ shall state the name and office of the official  
19 sought to be removed, shall include ~~in typewritten form~~ in concise  
20 language of sixty words or less the reason or reasons for which recall is  
21 sought, and shall request that the filing clerk issue initial petition  
22 papers to the principal circulator for circulation. The filing clerk  
23 shall notify the official sought to be removed by any method specified in  
24 section 25-505.01 or, if notification cannot be made with reasonable  
25 diligence by any of the methods specified in section 25-505.01, by  
26 leaving a copy of the filing form ~~affidavit~~ at the official's usual place  
27 of residence and mailing a copy by first-class mail to the official's  
28 last-known address. If the official chooses, he or she may submit a  
29 defense statement ~~in typewritten form~~ in concise language of sixty words  
30 or less for inclusion on the petition. Any such defense statement shall  
31 be submitted to the filing clerk within twenty days after the official



1 receives the copy of the filing form affidavit. The principal circulator  
2 or circulators shall gather the petition papers within twenty days after  
3 the receipt of the official's defense statement. The filing clerk shall  
4 notify the principal circulator or circulators that the necessary  
5 signatures must be gathered within thirty days from the date of issuing  
6 the petitions.

7 (4) The filing clerk, upon issuing the initial petition papers or  
8 any subsequent petition papers, shall enter in a record, to be kept in  
9 his or her office, the name of the principal circulator or circulators to  
10 whom the papers were issued, the date of issuance, and the number of  
11 papers issued. The filing clerk shall certify on the papers the name of  
12 the principal circulator or circulators to whom the papers were issued  
13 and the date they were issued. No petition paper shall be accepted as  
14 part of the petition unless it bears such certificate. The principal  
15 circulator or circulators who check out petitions from the filing clerk  
16 may distribute such petitions to persons who may act as circulators of  
17 such petitions.

18 (5) Petition signers shall conform to the requirements of sections  
19 32-629 and 32-630. Each signer of a recall petition shall be a registered  
20 voter and qualified by his or her place of residence to vote for the  
21 office in question.

22 Sec. 10. Section 32-1306, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 32-1306 (1) If the recall petition is found to be sufficient, the  
25 filing clerk shall notify the official whose removal is sought and the  
26 governing body of the affected political subdivision that sufficient  
27 signatures have been gathered. Notification of the official sought to be  
28 removed may be by any method specified in section 25-505.01 or, if  
29 notification cannot be made with reasonable diligence by any of the  
30 methods specified in section 25-505.01, by leaving such notice at the  
31 official's usual place of residence and mailing a copy by first-class

1 mail to the official's last-known address.

2 (2) The governing body of the political subdivision shall order an  
3 election to be held not less than fifty ~~thirty~~ nor more than eighty  
4 ~~seventy-five~~ days after the notification of the official whose removal is  
5 sought under subsection (1) of this section, except that if any other  
6 election is to be held in that political subdivision within ninety days  
7 after such notification, the governing body of the political subdivision  
8 shall provide for the holding of the recall election on the same day. All  
9 resignations shall be tendered as provided in section 32-562. If the  
10 official whose removal is sought resigns before the recall election is  
11 held, the governing body may cancel the recall election if the governing  
12 body notifies the election commissioner or county clerk of the  
13 cancellation at least twenty-four ~~sixteen~~ days prior to the election,  
14 otherwise the recall election shall be held as scheduled.

15 (3) If the governing body of the political subdivision fails or  
16 refuses to order a recall election within the time required, the election  
17 may be ordered by the district court having jurisdiction over a county in  
18 which the elected official serves. If a filing clerk is subject to a  
19 recall election, the Secretary of State shall conduct the recall  
20 election.

21 Sec. 11. Section 32-1309, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 32-1309 No recall petition filing form shall be filed against an  
24 elected official within twelve months after a recall election has failed  
25 to remove him or her from office or within six months after the beginning  
26 of his or her term of office or within six months prior to the incumbent  
27 filing deadline for the office.

28 Sec. 12. Section 32-1405, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 32-1405 (1) Prior to obtaining any signatures on an initiative or  
31 referendum petition, a statement of the object of the petition and the

1 text of the measure shall be filed with the Secretary of State together  
2 with a sworn statement containing the names and street addresses of every  
3 person, corporation, or association sponsoring the petition.

4 (2) Upon receipt of the filing, the Secretary of State shall  
5 transmit the text of the proposed measure to the Revisor of Statutes. The  
6 Revisor of Statutes shall review the proposed measure and suggest changes  
7 as to form and draftsmanship. The revisor shall complete the review  
8 within ten days after receipt from the Secretary of State. The Secretary  
9 of State shall provide the results of the review and suggested changes to  
10 the sponsor but shall otherwise keep the proposed measure and the review  
11 ~~them~~ confidential for five days after receipt of the review by the  
12 sponsor. The Secretary of State shall then maintain the proposed measure  
13 and the opinion as public information and as a part of the official  
14 record of the initiative. The suggested changes may be accepted or  
15 rejected by the sponsor.

16 (3) The Secretary of State shall prepare five camera-ready copies of  
17 the petition from the information filed by the sponsor and any changes  
18 accepted by the sponsor and shall provide the copies to the sponsor  
19 within five days after receipt of the review required in subsection (2)  
20 of this section. The sponsor shall print the petitions to be circulated  
21 from the forms provided.

22 ~~(4) The changes made to this section by Laws 1995, LB 337 shall~~  
23 ~~apply to initiative and referendum petitions filed on or after September~~  
24 ~~9, 1995.~~

25 Sec. 13. Section 32-1407, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 32-1407 (1) Initiative petitions shall be filed in the office of the  
28 Secretary of State at least four months prior to the general election at  
29 which the proposal would be submitted to the voters.

30 (2) When a copy of the form of any initiative petition is filed with  
31 the Secretary of State prior to obtaining signatures, the issue presented

1 by such petition shall be placed before the voters at the next general  
2 election occurring at least four months after the date that such copy is  
3 filed if the signed petitions are found to be valid and sufficient. All  
4 signed initiative petitions shall become invalid on the date of the first  
5 general election occurring at least four months after the date on which  
6 the copy of the form is filed with the Secretary of State.

7 (3) Petitions invoking a referendum shall be filed in the office of  
8 the Secretary of State within ninety days after the Legislature at which  
9 the act sought to be referred was passed has adjourned sine die or has  
10 adjourned for more than ninety days.

11 (4) At the time of filing the signed petitions, each sponsor shall  
12 sign an affidavit certifying that the petitions have at least the number  
13 of signatures necessary to place the issue on the ballot if each  
14 signature were found to be valid. If the total number of signatures on  
15 the filed petitions is not at least the number of signatures needed  
16 whether or not the signatures are valid, the sponsors shall be jointly  
17 and severally liable for the cost to the state and the counties of the  
18 signature verification process.

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

21 32-1409 (1) Upon the receipt of the petitions, the Secretary of  
22 State, with the aid and assistance of the election commissioner or county  
23 clerk, shall determine the validity and sufficiency of signatures on the  
24 pages of the filed petition. The Secretary of State shall deliver the  
25 various pages of the filed petition to the election commissioner or  
26 county clerk by hand carrier, by use of law enforcement officials, or by  
27 certified mail, return receipt requested. Upon receipt of the pages of  
28 the petition, the election commissioner or county clerk shall issue to  
29 the Secretary of State a written receipt that the pages of the petition  
30 are in the custody of the election commissioner or county clerk. The  
31 election commissioner or county clerk shall determine if each signer was

1 a registered voter on or before the date on which the petition was  
2 required to be filed with the Secretary of State. The election  
3 commissioner or county clerk shall compare the signer's signature,  
4 printed name, date of birth, street name and number or voting precinct,  
5 and city, village, or post office address with the voter registration  
6 records to determine whether the signer was a registered voter. The  
7 determination of the election commissioner or county clerk may be  
8 rebutted by any credible evidence which the election commissioner or  
9 county clerk finds sufficient. The express purpose of the comparison of  
10 names and addresses with the voter registration records, in addition to  
11 helping to determine the validity of such petition, the sufficiency of  
12 such petition, and the qualifications of the signer, shall be to prevent  
13 fraud, deception, and misrepresentation in the petition process. If the  
14 Secretary of State receives reports from the counties that signatures in  
15 excess of one hundred ten percent of the number necessary to place the  
16 issue on the ballot have been verified, the Secretary of State may  
17 instruct the election commissioners and county clerks to stop verifying  
18 signatures and certify the number of signatures verified as of receipt of  
19 the instruction from the Secretary of State.

20 (2) Upon completion of the determination of registration, the  
21 election commissioner or county clerk shall prepare in writing a  
22 certification under seal setting forth the name and address of each  
23 signer found not to be a registered voter and the petition page number  
24 and line number where the name is found, and if the reason for the  
25 invalidity of the signature or address is other than the nonregistration  
26 of the signer, the election commissioner or county clerk shall set forth  
27 the reason for the invalidity of the signature. If the election  
28 commissioner or county clerk determines that a signer has affixed his or  
29 her signature more than once to any page or pages of the petition and  
30 that only one person is registered by that name, the election  
31 commissioner or county clerk shall prepare in writing a certification

1 under seal setting forth the name of the duplicate signature and shall  
2 count only the earliest dated signature. The election commissioner or  
3 county clerk shall deliver all pages of the petition and the  
4 certifications to the Secretary of State within forty days after the  
5 receipt of such pages from the Secretary of State. The delivery shall be  
6 by hand carrier, by use of law enforcement officials, or by certified  
7 mail, return receipt requested. The Secretary of State may grant to the  
8 election commissioner or county clerk an additional ten days to return  
9 all pages of the petition in extraordinary circumstances.

10 (3) Upon receipt of the pages of the petition, the Secretary of  
11 State shall issue a written receipt indicating the number of pages of the  
12 petition that are in his or her custody. When all the petitions and  
13 certifications have been received by the Secretary of State, he or she  
14 shall strike from the pages of the petition all but the earliest dated  
15 signature of any duplicate signatures and such stricken signatures shall  
16 not be added to the total number of valid signatures. Not more than  
17 twenty signatures on one sheet shall be counted. All signatures secured  
18 in a manner contrary to sections 32-1401 to 32-1416 shall not be counted.  
19 Clerical and technical errors in a petition shall be disregarded if the  
20 forms prescribed in sections 32-1401 to 32-1403 are substantially  
21 followed. The Secretary of State shall total the valid signatures and  
22 determine if constitutional and statutory requirements have been met. The  
23 Secretary of State shall immediately serve a copy of such determination  
24 by certified or registered mail upon the person filing the initiative or  
25 referendum petition. If the petition is found to be valid and sufficient,  
26 the Secretary of State shall proceed to place the measure on the general  
27 election ballot.

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

31 Sec. 15. Original sections 31-787, 31-793, 32-330, 32-552, 32-952,

1 32-956, 32-1002, 32-1303, 32-1306, 32-1309, 32-1405, 32-1407, and  
2 32-1409, Reissue Revised Statutes of Nebraska, and section 32-915,  
3 Revised Statutes Supplement, 2017, are repealed.