

AMENDMENTS TO LB411

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 14-2103, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 14-2103 Whenever a metropolitan utilities district is extended to
6 include sanitary and improvement districts, unincorporated area, towns,
7 villages, or territory lying outside the corporate limits of cities of
8 the metropolitan class or so extended as to include sanitary and
9 improvement districts, unincorporated area, towns, or villages in an
10 adjoining county or counties, then such sanitary and improvement
11 districts, unincorporated area, towns, or villages shall have a right to
12 participate in the nomination and in the election of members of the board
13 of directors of the metropolitan utilities district. The election
14 commissioner or county clerk of each of the counties in which ballots are
15 cast pursuant to this section shall ~~within seven days after the election~~
16 transmit, by mail or otherwise, to the Secretary of State ~~election~~
17 ~~commissioner of the county in which the city of the metropolitan class is~~
18 ~~located~~, a copy of the abstract of the votes cast for members of the
19 board of directors. The Secretary of State ~~election commissioner~~ shall in
20 due course deliver to the candidate receiving the highest number of votes
21 a certificate of election as a member of the board of directors. All Any
22 ~~and all~~ filings for such office shall be made with the Secretary of State
23 ~~election commissioner of the county in which the city of the metropolitan~~
24 ~~class is located notwithstanding that the person wishing to file lives in~~
25 ~~a county adjoining the one in which the city of the metropolitan class is~~
26 ~~located.~~

27 Sec. 2. Section 18-2713, Revised Statutes Cumulative Supplement,

1 2018, is amended to read:

2 18-2713 (1) Before adopting an economic development program, a city
3 shall submit the question of its adoption to the registered voters at an
4 election. The governing body of the city shall order the submission of
5 the question by filing a certified copy of the resolution proposing the
6 economic development program with the election commissioner or county
7 clerk not later than fifty days prior to a special election or a
8 municipal primary or general election which is not held at the statewide
9 primary or general election or not later than March 1 prior to a
10 statewide primary election or September 1 prior to a statewide general
11 election. The governing body of the city may determine not to submit the
12 question at a particular election and order the removal of the question
13 from the ballot by filing a certified copy of the resolution approving
14 removing the question with the election commissioner or county clerk not
15 later than March 1 prior to a statewide primary election or September 1
16 prior to a statewide general election.

17 (2) The question on the ballot shall briefly set out the terms,
18 conditions, and goals of the proposed economic development program,
19 including the length of time during which the program will be in
20 existence, the year or years within which the funds from local sources of
21 revenue are to be collected, the source or sources from which the funds
22 are to be collected, the total amount to be collected for the program
23 from local sources of revenue, and whether the city proposes to issue
24 bonds pursuant to the Local Option Municipal Economic Development Act to
25 provide funds to carry out the economic development program. The ballot
26 question shall also specify whether additional funds from other noncity
27 sources will be sought beyond those derived from local sources of
28 revenue. In addition to all other information, if the funds are to be
29 derived from the city's property tax, the ballot question shall state the
30 present annual cost of the economic development program per ten thousand
31 dollars of assessed valuation based upon the most recent valuation of the

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

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

19 Sec. 3. Section 23-148, Revised Statutes Cumulative Supplement,
20 2018, is amended to read:

21 23-148 The county board of commissioners in all counties having not
22 more than four hundred thousand inhabitants as determined by the most
23 recent federal decennial census shall consist of three persons except as
24 follows:

25 (1) Pursuant to petitions filed or a vote of the county board under
26 section 23-149, the The registered voters in any county containing not
27 more than four hundred thousand inhabitants as determined by the most
28 recent federal decennial census may vote at any general election as to
29 whether their county board shall consist of three or five commissioners.
30 Upon the completion of the canvass by the county canvassing board, the
31 proposition shall be decided and, if the number of commissioners is

1 increased from three to five commissioners, vacancies shall be deemed to
2 exist and the procedures set forth in sections 32-567 and 32-574 shall be
3 instituted; and

4 (2) The registered voters of any county under township organization
5 voting to discontinue township organization may also vote as to the
6 number of county commissioners as provided in sections 23-292 to 23-299.

7 Sec. 4. Section 23-149, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 23-149 (1)(a) ~~(1)~~ In counties not under township organization, a
10 registered voter may file a petition or petitions for the submission of
11 the question regarding the number of commissioners on the county board.
12 The petition or petitions shall be signed by registered voters equal in
13 number to five percent of the voters registered in the county at the
14 preceding statewide general election.

15 (b) In counties not under township organization, the county board
16 may, by majority vote of all members, adopt a resolution for the
17 submission of the question regarding the number of commissioners on the
18 county board.

19 (2) When the petition or petitions or the resolution is are filed
20 with the in the office of the county clerk or election commissioner or
21 county clerk not less than seventy days before the date of any general
22 election, the ~~county clerk or election commissioner~~ or county clerk shall
23 cause the question to be submitted to the voters of the county at such
24 election and give notice thereof in the general notice of such election.
25 The forms of ballots shall be respectively: For three commissioners and
26 For five commissioners; and the same shall be printed upon the regular
27 ballots cast for officers voted for at such election and shall be counted
28 and canvassed in the same manner.

29 (3) If a majority of votes cast at the election favor the
30 proposition For five commissioners, thereafter the county shall have five
31 commissioners, and if a majority of the ballots cast at the election

1 favor the proposition For three commissioners, thereafter the county
2 shall have three commissioners.

3 Sec. 5. Section 23-202, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 23-202 (1) In counties not under township organization, a registered
6 voter may file a petition or petitions for the submission of the question
7 of township organization. The petition or petitions shall be signed by
8 registered voters equal in number to five percent of the voters
9 registered in the county at the preceding statewide general election.

10 (2) The petition or petitions shall be filed in the office of the
11 election commissioner or county clerk by September 1 of the year of the
12 general election at which the petitioners wish to have the question
13 submitted for a vote. If such petition or petitions are filed in
14 conformance with this subsection ~~When the petition or petitions are filed~~
15 ~~in the office of the county clerk or election commissioner,~~ the question
16 shall be submitted to the registered voters at the next general election
17 held ~~not less than seventy days~~ after the filing of the petition or
18 petitions. The questions on the ballot shall be respectively: For
19 changing to township organization with a seven-member county board of
20 supervisors; or Against changing to township organization.

21 (3) Elections shall be conducted as provided in the Election Act.

22 Sec. 6. Section 23-293, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 23-293 (1) In counties under township organization, a registered
25 voter may file a petition or petitions for submission of the question of
26 the discontinuance of township organization to the registered voters of
27 the county. The petition or petitions shall be signed by registered
28 voters equal in number to five percent of the voters registered in the
29 county at the preceding statewide general election. The petition or
30 petitions shall be filed in the office of the election commissioner or
31 county clerk by September 1 of the year of the general election at which

1 the petitioners wish to have the question submitted for a vote. If such
2 petition or petitions are filed in conformance with this subsection When
3 ~~the petition or petitions are filed in the office of the county clerk or~~
4 ~~election commissioner,~~ the question shall be submitted to the registered
5 voters at the next general election held ~~not less than seventy days~~ after
6 the filing of the petition or petitions.

7 (2) In counties under township organization, the county board may,
8 by if a resolution supported by a majority of the county board, submit is
9 ~~filed in the office of the county clerk or election commissioner for~~
10 ~~submission of~~ the question of discontinuance of township organization to
11 the registered voters of the county. If such resolution is filed in the
12 office of the election commissioner or county clerk by September 1 of the
13 year of the general election at which the board wishes to have the
14 question submitted for a vote, the question shall be submitted to the
15 registered voters at the next general election held ~~not less than seventy~~
16 ~~days~~ after the filing of the resolution.

17 (3) A petition or county board resolution for discontinuance of
18 township organization shall specify whether the county board of
19 commissioners to be formed pursuant to section 23-151 will have five or
20 seven members and that reorganization as a county board of commissioners
21 will be effective at the expiration of the supervisors' terms of office
22 in January of the third calendar year following the election to
23 discontinue township organization.

24 Sec. 7. Section 31-787, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 31-787 (1) A trustee of a sanitary and improvement district may be
27 removed from office by recall pursuant to sections 31-786 to 31-793. A
28 petition for an election to recall a trustee shall be sufficient if it
29 complies with the requirements of this section.

30 (2) The signers of the petition shall be persons who were, on the
31 date the initial petition papers are issued under subsection (7) of this

1 section, eligible to vote in a district election as provided in section
2 31-735. A person's eligibility to sign a petition shall be the same as
3 the person's eligibility to cast one or more votes at a district election
4 under section 31-735. Only one person shall be allowed to sign on behalf
5 of joint owners of property in the district or on behalf of a public,
6 private, or municipal corporation that owns property in the district. If
7 the trustee whose recall is sought was elected by vote of resident owners
8 only, then only resident owners shall be allowed to sign the petition. If
9 the trustee whose recall is sought was elected by vote of all owners of
10 property, then all owners shall be allowed to sign the petition. Resident
11 owner means qualified resident voter. All owners means all qualified
12 resident voters and all qualified property owning voters.

13 (3) The filing clerk shall assign to each signature a count equal to
14 the number of votes that the signer was eligible to cast on the date he
15 or she signed. The number of votes that a signer was eligible to cast
16 shall be based on section 31-735. If the signature was made by or for an
17 owner of more than one parcel of property, the signature made by or on
18 behalf of such owner shall be assigned a count equal to the total number
19 of votes which the owner was eligible to cast.

20 (4) The filing clerk shall total the count assigned to the
21 signatures on the petition. The petition shall be sufficient if the total
22 is at least equal to thirty-five percent of the highest number of votes
23 that were cast for a candidate at the previous district election for the
24 trustee positions in the same category as the trustee whose recall is
25 sought by the petition. The categories of trustees shall be the same as
26 provided in section 31-735.

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

29 (6) The petition papers shall be procured from the filing clerk.
30 Prior to the issuance of such petition papers, a recall petition filing
31 form ~~an affidavit~~ shall be signed and filed with the filing clerk by at

1 least one qualified resident voter of the district, if the trustee whose
2 recall is being sought was elected solely by qualified resident voters,
3 or at least one qualified resident voter or qualified property owning
4 voter, if the trustee whose recall is being sought was elected by other
5 qualified resident voters and qualified property owning voters. Such
6 voter or voters shall be deemed to be the principal circulator or
7 circulators of the recall petition. The filing form affidavit shall state
8 the name of the trustee sought to be removed and whether qualified
9 property owning voters participated in the election of the trustee and
10 shall request that the filing clerk issue initial petition papers to the
11 principal circulator for circulation. The filing clerk shall notify the
12 principal circulator or circulators that the necessary signatures must be
13 gathered within thirty days after the date of issuing the petitions.

14 (7) The filing clerk, upon issuing the initial petition papers or
15 any subsequent petition papers, shall enter in a record, to be kept in
16 his or her office, the name of the principal circulator or circulators to
17 whom the papers were issued, the date of issuance, the number of papers
18 issued, and whether qualified property owning voters may participate in
19 signing the petitions. The filing clerk shall certify on the papers the
20 name of the principal circulator or circulators to whom the papers were
21 issued, the date they were issued, and whether qualified property owning
22 voters may participate in signing the petitions. No petition paper shall
23 be accepted as part of the petition unless it bears such certificate. The
24 principal circulator or circulators who check out petitions from the
25 filing clerk may distribute such petitions to persons who may act as
26 circulators of such petitions.

27 Sec. 8. Section 31-793, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 31-793 No recall petition filing form shall be filed against a
30 trustee under section 31-787 within twelve months after a recall election
31 has failed to remove him or her from office or within six months after

1 the beginning of his or her term of office or within six months prior to
2 the incumbent filing deadline for the office.

3 Sec. 9. Section 32-116, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-116 Residence shall mean (1) that place in Nebraska in which a
6 person is actually domiciled, which is the residence of an individual or
7 family, with which a person has a settled connection for the
8 determination of his or her civil status or other legal purposes because
9 it is actually or legally his or her permanent and principal home, and to
10 which, whenever he or she is absent, he or she has the intention of
11 returning, (2) the place in Nebraska where a person has his or her family
12 domiciled even if he or she does business in another place, and (3) if a
13 person is homeless, the county in Nebraska in which the person is living.
14 No person serving in the armed forces of the United States shall be
15 deemed to have a residence in Nebraska because of being stationed in
16 Nebraska.

17 Sec. 10. Section 32-202, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 32-202 In addition to any other duties prescribed by law, the
20 Secretary of State shall:

21 (1) Supervise the conduct of primary and general elections in this
22 state;

23 (2) Provide training for election commissioners, county clerks, and
24 other election officials in providing for registration of voters and the
25 conduct of elections;

26 (3) Enforce the Election Act;

27 (4) With the assistance and advice of the Attorney General, make
28 uniform interpretations of the act;

29 (5) Provide periodic training for the agencies and their agents and
30 contractors in carrying out their duties under sections 32-308 to 32-310;

31 (6) Develop and print forms for use as required by sections 32-308,

1 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;

2 (7) Contract with the Department of Administrative Services for
3 storage and distribution of the forms;

4 (8) Require reporting to ensure compliance with sections 32-308 to
5 32-310;

6 (9) Prepare and transmit reports as required by the National Voter
7 Registration Act of 1993, 50 U.S.C. 20501 ~~42 U.S.C. 1973gg~~ et seq.;

8 (10) Develop and print a manual describing the requirements of the
9 initiative and referendum process and distribute the manual to election
10 commissioners and county clerks for distribution to the public upon
11 request;

12 (11) Develop and print pamphlets described in section 32-1405.01;

13 (12) Adopt and promulgate rules and regulations as necessary for
14 elections conducted under sections 32-952 to 32-959; and

15 (13) Establish a free access system, such as a toll-free telephone
16 number or an Internet web site, that any voter who casts a provisional
17 ballot may access to discover whether the vote of that voter was counted
18 and, if the vote was not counted, the reason that the vote was not
19 counted. The Secretary of State shall establish and maintain reasonable
20 procedures necessary to protect the security, confidentiality, and
21 integrity of personal information collected, stored, or otherwise used by
22 the free access system. Access to information about an individual
23 provisional ballot shall be restricted to the individual who cast the
24 ballot.

25 Sec. 11. Section 32-221, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 32-221 (1) The election commissioner shall appoint precinct and
28 district inspectors, judges of election, and clerks of election to assist
29 the election commissioner in conducting elections on election day. In
30 counties with a population of less than four hundred thousand inhabitants
31 as determined by the most recent federal decennial census, judges and

1 clerks of election and inspectors shall be appointed at least thirty days
2 prior to the statewide primary election, shall hold office for terms of
3 two years or until their successors are appointed and qualified for the
4 next statewide primary election, and shall serve at all elections in the
5 county during their terms of office. In counties with a population of
6 four hundred thousand or more inhabitants as determined by the most
7 recent federal decennial census, judges and clerks of election shall be
8 appointed at least thirty days prior to the first election for which
9 appointments are necessary and shall serve for at least four elections.

10 (2) Judges and clerks of election may be selected at random from a
11 cross section of the population of the county. All qualified citizens
12 shall have the opportunity to be considered for service. All qualified
13 citizens shall fulfill their obligation to serve as judges or clerks of
14 election as prescribed by the election commissioner. No citizen shall be
15 excluded from service as a result of discrimination based upon race,
16 color, religion, sex, national origin, or economic status. No citizen
17 shall be excluded from service unless excused by reason of ill health or
18 other good and sufficient reason.

19 (3) All persons appointed shall be of good repute and character, be
20 able to read and write the English language, and except as otherwise
21 provided in subsection (4) ~~(5)~~ of section 32-223, be registered voters in
22 the county. No candidate at an election shall be appointed as a judge or
23 clerk of election or inspector for such election other than a candidate
24 for delegate to a county, state, or national political party convention.

25 (4) If a vacancy occurs in the office of judge or clerk of election
26 or inspector, the election commissioner shall fill such vacancy in
27 accordance with section 32-223. If any judge or clerk of election or
28 inspector fails to appear at the hour appointed for the opening of the
29 polls, the remaining officers shall notify the election commissioner,
30 select a registered voter to serve in place of the absent officer if so
31 directed by the election commissioner, and proceed to conduct the

1 election. If the election commissioner finds that a judge or clerk of
2 election or inspector does not possess all the qualifications prescribed
3 in this section or if any judge or clerk of election or inspector is
4 guilty of neglecting the duties of the office or of any official
5 misconduct, the election commissioner shall remove the person and fill
6 the vacancy.

7 Sec. 12. Section 32-223, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-223 (1) Except as otherwise provided in the Election Act ~~For each~~
10 ~~precinct except as provided in subsection (2) of this section,~~ the
11 election commissioner shall appoint a precinct inspector and a receiving
12 board to consist of at least two judges and two clerks of election for
13 each precinct. The election commissioner may appoint district inspectors
14 to aid the election commissioner in the performance of his or her duties
15 and supervise a group of precincts on election day.

16 ~~(2) In precincts in which electronic voting systems are used, the~~
17 ~~receiving board shall have at least three members.~~

18 (2) ~~(3)~~ The election commissioner may allow persons serving on a
19 receiving board as judges and clerks of election and precinct inspectors
20 to serve for part of the time the polls are open and appoint other judges
21 and clerks of election and precinct inspectors to serve on the same
22 receiving board for the remainder of the time the polls are open.

23 (3) ~~(4)~~ On each receiving board at any one time, one judge and one
24 clerk of election shall be registered voters of the political party
25 casting the highest number of votes in the county for Governor or for
26 President of the United States in the immediately preceding general
27 election, and one judge and one clerk of election shall be registered
28 voters of the political party casting the next highest number of votes in
29 the county for Governor or for President of the United States in the
30 immediately preceding general election, except that one judge or clerk of
31 election may be a registered voter who is not affiliated with either of

1 such parties. If a third judge is appointed, such judge shall be a
2 registered voter of the political party casting the highest number of
3 votes in the county for Governor or for President of the United States in
4 the immediately preceding general election. All precinct and district
5 inspectors shall be divided between all political parties as nearly as
6 practicable in proportion to the number of votes cast in such county at
7 the immediately preceding general election for Governor or for President
8 of the United States by the parties, respectively.

9 (4) ~~(5)~~ The election commissioner may appoint a person who is at
10 least sixteen years old but is not eligible to register to vote as a
11 clerk of election. Such clerk of election shall meet the requirements of
12 subsection (3) of section 32-221, except that such clerk shall not be
13 required to be a registered voter. No more than one clerk of election
14 appointed under this subsection shall serve at any precinct. A clerk of
15 election appointed under this subsection shall be considered a registered
16 voter who is not affiliated with a political party for purposes of this
17 section.

18 Sec. 13. Section 32-230, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 32-230 (1) As provided in subsection (4) ~~(5)~~ of this section, the
21 precinct committeeman and committeewoman of each political party shall
22 appoint a receiving board consisting of three judges of election and two
23 clerks of election ~~except as provided in subsection (3) of this section.~~
24 The chairperson of the county central committee of each political party
25 shall send the names of the appointments to the county clerk no later
26 than February 1 prior to the primary election.

27 (2) If no names are submitted by the chairperson, the county clerk
28 shall appoint judges or clerks of election from the appropriate political
29 party. Judges and clerks of election may be selected at random from a
30 cross section of the population of the county. All qualified citizens
31 shall have the opportunity to be considered for service. All qualified

1 citizens shall fulfill their obligation to serve as judges or clerks of
2 election as prescribed by the county clerk. No citizen shall be excluded
3 from service as a result of discrimination based upon race, color,
4 religion, sex, national origin, or economic status. No citizen shall be
5 excluded from service unless excused by reason of ill health or other
6 good and sufficient reason.

7 ~~(3) In precincts in which electronic voting systems are used, the~~
8 ~~receiving board shall have at least three members.~~

9 (3) (4) The county clerk may allow persons serving on a receiving
10 board to serve for part of the time the polls are open and appoint other
11 persons to serve on the same receiving board for the remainder of the
12 time the polls are open.

13 (4) (5) In each precinct at any one time, one judge and one clerk of
14 election shall be appointed from the political party casting the highest
15 number of votes in the county for Governor or for President of the United
16 States in the immediately preceding general election, one judge and one
17 clerk shall be appointed from the political party casting the next
18 highest number of votes in the county for Governor or for President of
19 the United States in the immediately preceding general election, and one
20 judge shall be appointed from the political party casting the third
21 highest number of votes in the county for Governor or for President of
22 the United States in the immediately preceding general election. If the
23 political party casting the third highest number of votes cast less than
24 ten percent of the total vote cast in the county at the immediately
25 preceding general election, the political party casting the highest
26 number of votes at the immediately preceding general election shall be
27 entitled to two judges and one clerk.

28 (5) (6) The county clerk may appoint registered voters to serve in
29 case of a vacancy among any of the judges or clerks of election or in
30 addition to the judges and clerks in any precinct when necessary to meet
31 any situation that requires additional judges and clerks. Such appointees

1 may include registered voters unaffiliated with any political party. Such
2 appointees shall serve at subsequent or special elections as determined
3 by the county clerk.

4 ~~(6)~~ (7) The county clerk may appoint a person who is at least
5 sixteen years old but is not eligible to register to vote as a clerk of
6 election. Such clerk of election shall meet the requirements of
7 subsection (1) of section 32-231, except that such clerk shall not be
8 required to be a registered voter. No more than one clerk of election
9 appointed under this subsection shall serve at any precinct. A clerk of
10 election appointed under this subsection shall be considered a registered
11 voter who is not affiliated with a political party for purposes of this
12 section.

13 Sec. 14. Section 32-231, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 32-231 (1) Each judge and clerk of election appointed pursuant to
16 section 32-230 shall (a) be of good repute and character and able to read
17 and write the English language, (b) reside in the precinct in which he or
18 she is to serve unless necessity demands that personnel be appointed from
19 another precinct, (c) be a registered voter except as otherwise provided
20 in subsection ~~(6)~~ (7) of section 32-230, and (d) serve for a term of two
21 years or until judges and clerks of election are appointed for the next
22 primary election. No candidate at an election shall be eligible to serve
23 as a judge or clerk of election at the same election other than a
24 candidate for a delegate to a county, state, or national political party
25 convention.

26 (2) The county clerk may appoint district inspectors to aid the
27 county clerk in the performance of his or her duties and supervise a
28 group of precincts on election day. A district inspector shall meet the
29 requirements for judges and clerks of election as provided in subsection
30 (1) of this section, shall oversee the procedures of a group of polling
31 places, and shall act as the personal agent and deputy of the county

1 clerk. The district inspector shall ensure that the Election Act is
2 uniformly enforced at the polling places assigned to him or her and
3 perform tasks assigned by the county clerk. The district inspector may
4 perform all of the duties required of a judge or clerk of election.

5 Sec. 15. Section 32-236, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-236 Each judge and clerk of election appointed pursuant to
8 subsection (4) ~~(5)~~ of section 32-230 and each district inspector
9 appointed pursuant to subsection (2) of section 32-231 shall serve at all
10 elections, except city and village elections, held in the county or
11 precinct during his or her two-year term unless excused. A violation of
12 this section by an appointee is a Class V misdemeanor. The county clerk
13 shall submit the names of appointees violating this section to the local
14 law enforcement agency for citation pursuant to sections 32-1549 and
15 32-1550.

16 Sec. 16. Section 32-330, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:

18 32-330 (1) Except as otherwise provided in subsection (3) of section
19 32-301, the voter registration register shall be a public record. Any
20 person may examine the register at the office of the election
21 commissioner or county clerk, but no person other than the Secretary of
22 State, the election commissioner, the county clerk, or law enforcement
23 shall be allowed to make copies of the register. Copies of the register
24 shall only be used for list maintenance as provided in section 32-329 or
25 law enforcement purposes. The electronic records of the original voter
26 registrations created pursuant to section 32-301 may constitute the voter
27 registration register. The Secretary of State, election commissioner, or
28 county clerk shall withhold information in the register designated as
29 confidential under section 32-331. No portion of the register made
30 available to the public and no list distributed pursuant to this section
31 shall include the digital signature of any voter.

1 (2) The Secretary of State, election commissioner, or county clerk
2 shall make available for purchase a list of registered voters that
3 contains no more than the information authorized in subsection (3) of
4 this section required under section 32-312 and, if requested, a list that
5 only contains such information for registered voters who have voted in an
6 election held more than thirty days prior to the request for the list.
7 The Secretary of State, election commissioner, or county clerk shall
8 establish the price of the lists at a rate that fairly covers the actual
9 production cost of the lists, not to exceed three cents per name. Lists
10 shall be used solely for purposes related to elections, political
11 activities, voter registration, law enforcement, or jury selection. Lists
12 shall not be used for commercial purposes.

13 (3)(a) The Secretary of State, election commissioner, or county
14 clerk shall withhold from any list of registered voters distributed
15 pursuant to subsection (2) of this section any information in the voter
16 registration records which is designated as confidential under section
17 32-331 or marked private on the voter registration application or voter
18 registration record.

19 (b) Except as otherwise provided in subdivision (a) of this
20 subsection, a list of registered voters distributed pursuant to
21 subsection (2) of this section shall contain no more than the following
22 information:

- 23 (i) The registrant's name;
- 24 (ii) The registrant's residential address;
- 25 (iii) The registrant's mailing address;
- 26 (iv) The registrant's telephone number;
- 27 (v) The registrant's voter registration status;
- 28 (vi) The registrant's voter identification number;
- 29 (vii) The registrant's date of birth;
- 30 (viii) The registrant's date of voter registration;
- 31 (ix) The registrant's voting precinct;

- 1 (x) The registrant's polling site;
- 2 (xi) The registrant's political party affiliation;
- 3 (xii) The political subdivisions in which the registrant resides;
- 4 and
- 5 (xiii) The registrant's voter history.

6 (4) ~~(3)~~ Any person who acquires a list of registered voters under
7 subsection (2) of this section shall provide his or her name, address,
8 telephone number, email address, and campaign committee name or
9 organization name, if applicable, and the state of organization, if
10 applicable, and shall take and subscribe to an oath in substantially the
11 following form:

12 I hereby swear that I will use the list of registered voters
13 of County, Nebraska, (or the State of Nebraska) only for the
14 purposes prescribed in section 32-330 and for no other purpose and that I
15 will not permit the use or copying of such list for unauthorized
16 purposes.

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

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

20 (Signature of person acquiring list)

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

22 (Signature Name of officer)

23 (Name and Official title of officer)

24 (5) ~~(4)~~ The Secretary of State, election commissioner, or county
25 clerk shall provide, upon request and free of charge, a complete and
26 current listing of all registered voters and their addresses to the Clerk
27 of the United States District Court for the District of Nebraska. Such
28 list shall be provided no later than December 31 of each even-numbered
29 year.

30 (6) ~~(5)~~ The Secretary of State, election commissioner, or county
31 clerk shall provide, upon request and free of charge, a complete and

1 current listing of all registered voters containing only the information
2 authorized under subsection (3) of this section and their addresses to
3 the state party headquarters of each political party and to the county
4 chairperson of each political party. ~~Such list shall be provided no later~~
5 ~~than thirty five days prior to the statewide primary and statewide~~
6 ~~general elections.~~

7 Sec. 17. Section 32-552, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-552 (1) At least five months prior to an election, the governing
10 board of any political subdivision requesting the adjustment of the
11 boundaries of election districts shall provide ~~written notification~~ to
12 the election commissioner or county clerk (a) written notice of the need
13 and necessity of his or her office to perform such adjustments and (b) a
14 revised election district boundary map that has been approved by the
15 requesting political subdivision's governing board and subjected to all
16 public review and challenge ordinances of the political subdivision.

17 (2) After the next federal decennial census, the election
18 commissioner of the county in which the greater part of a Class IV school
19 district is situated shall, subject to review by the school board, divide
20 the school district into seven numbered districts, substantially equal in
21 population as determined by the most recent federal decennial census. The
22 election commissioner shall consider the location of schools within the
23 district and their boundaries. The election commissioner shall adjust the
24 boundaries of the election districts, subject to final review and
25 adjustment by the school board, to conform to changes in the territory
26 and population of the school district and also following each federal
27 decennial census. Except when specific procedures are otherwise provided,
28 section 32-553 shall apply to all Class IV school districts.

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

31 (a)(i) The Legislature hereby divides such school district into nine

1 numbered election districts of compact and contiguous territory and of as
2 nearly equal population as may be practical. Each election district shall
3 be entitled to one member on the board of education of such Class V
4 school district. The Legislature adopts the official population figures
5 and maps from the 2010 Census Redistricting (Public Law 94-171) TIGER/
6 Line Shapefiles published by the United States Department of Commerce,
7 Bureau of the Census. The numbers and boundaries of the election
8 districts are designated and established by a map identified and labeled
9 as OPS-13-002, filed with the Clerk of the Legislature, and incorporated
10 by reference as part of Laws 2013, LB125. Such districts are drawn using
11 the boundaries of the Class V school district as they existed on February
12 12, 2013; (ii) the Clerk of the Legislature shall transfer possession of
13 the map referred to in subdivision (a)(i) of this subsection to the
14 Secretary of State and the election commissioner of the county in which
15 the greater part of the school district is situated on February 12, 2013;
16 (iii) when questions of interpretation of such election district
17 boundaries arise, the map referred to in subdivision (a)(i) of this
18 subsection in possession of such election commissioner shall serve as the
19 indication of the legislative intent in drawing the election district
20 boundaries; (iv) the Secretary of State and such election commissioner
21 shall also have available for viewing on his or her web site the map
22 referred to in subdivision (a)(i) of this subsection identifying the
23 boundaries for such election districts; and (v) the twelve numbered
24 districts in existence on January 1, 2013, shall remain unchanged until
25 the terms of members elected at the election in May 2013 begin; and

26 (b) After the next federal decennial census after February 12, 2013,
27 the election commissioner of the county in which the greater part of a
28 Class V school district is situated shall divide the school district into
29 nine numbered districts of compact and contiguous territory and of as
30 nearly equal population as may be practical. The election commissioner
31 shall adjust the boundaries of such districts, subject to final review

1 and adjustment by the school board, to conform to changes in the
2 territory of the school district and also following each federal
3 decennial census.

4 Sec. 18. Section 32-607, Revised Statutes Cumulative Supplement,
5 2018, is amended to read:

6 32-607 All candidate filing forms shall contain the following
7 statement: I hereby swear that I will abide by the laws of the State of
8 Nebraska regarding the results of the primary and general elections, that
9 I am a registered voter and qualified to be elected, and that I will
10 serve if elected. Candidate filing forms shall also contain the following
11 information regarding the candidate: Name; residence address; mailing
12 address if different from the residence address; telephone number; office
13 sought; party affiliation if the office sought is a partisan office; a
14 statement as to whether or not civil penalties are owed pursuant to the
15 Nebraska Political Accountability and Disclosure Act; and, if civil
16 penalties are owed, whether or not a surety bond has been filed pursuant
17 to subdivision (4)(b) of section 32-602. Candidate filing forms shall be
18 filed with the following filing officers:

19 (1) For candidates for national, state, or congressional office,
20 directors of public power and irrigation districts, directors of
21 reclamation districts, directors of natural resources districts,
22 directors of metropolitan utilities districts, members of the boards of
23 educational service units, members of governing boards of community
24 colleges, delegates to national conventions, and other offices filled by
25 election held in more than one county and judges desiring retention, in
26 the office of the Secretary of State;

27 (2) For officers elected within a county, in the office of the
28 election commissioner or county clerk;

29 (3) For officers in school districts which include land in adjoining
30 counties, in the office of the election commissioner or county clerk of
31 the county in which the greatest number of registered voters entitled to

1 vote for the officers reside; and

2 (4) For city or village officers, in the office of the election
3 commissioner or county clerk.

4 Sec. 19. Section 32-631, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 32-631 (1) All petitions that are filed with ~~presented to~~ the
7 election commissioner or county clerk for signature verification shall be
8 retained in the election office and shall be open to public inspection.
9 Upon receipt of the pages of a petition, the election commissioner or
10 county clerk shall issue a written receipt indicating the number of pages
11 of the petition in his or her custody to the person filing ~~presenting~~ the
12 petition for signature verification. Petitions may be destroyed twenty-
13 two months after the election to which they apply.

14 (2) The election commissioner or county clerk shall determine the
15 validity and sufficiency of such petition by comparing the names, dates
16 of birth if applicable, and addresses of the signers with the voter
17 registration records to determine if the signers were registered voters
18 on the date of signing the petition. If it is determined that a signer
19 has affixed his or her signature more than once to any petition and that
20 only one person is registered by that name, the election commissioner or
21 county clerk shall strike from the pages of the petition all but one such
22 signature. Only one of the duplicate signatures shall be added to the
23 total number of valid signatures. All signatures, dates of birth, and
24 addresses shall be presumed to be valid if the election commissioner or
25 county clerk has found the signers to be registered voters on or before
26 the date on which the petition was signed. This presumption shall not be
27 conclusive and may be rebutted by any credible evidence which the
28 election commissioner or county clerk finds sufficient.

29 (3) If the election commissioner or county clerk verifies signatures
30 in excess of one hundred ten percent of the number necessary for the
31 issue to be placed on the ballot, the election commissioner or county

1 clerk may cease verifying signatures and certify the number of signatures
2 verified to the person who delivered the petitions for verification.

3 (4) If the number of signatures verified does not equal or exceed
4 the number necessary to place the issue on the ballot upon completion of
5 the comparison of names and addresses with the voter registration
6 records, the election commissioner or county clerk shall prepare in
7 writing a certification under seal setting forth the name and address of
8 each signer found not to be a registered voter and the petition page
9 number and line number where the signature is found. If the signature or
10 address is challenged for a reason other than the nonregistration of the
11 signer, the election commissioner or county clerk shall set forth the
12 reasons for the challenge of the signature.

13 Sec. 20. Section 32-803, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 32-803 (1) A sample of the official ballot shall be printed in one
16 or more newspapers of general circulation in the county, city, or village
17 as designated by the election commissioner, county clerk, city council,
18 or village board. The sample shall be printed in English and in any other
19 language required pursuant to the Voting Rights Language Assistance Act
20 of 1992.

21 (2) Except for elections conducted in accordance with section
22 32-960, such ~~Such~~ publication shall be made not more than fifteen nor
23 less than two days before the day of election, and the same shall appear
24 in only one regular issue of each paper. For elections conducted in
25 accordance with section 32-960, such publication shall be made not less
26 than thirty days before the election.

27 (3) The form of the ballot so published shall conform in all
28 respects to the form prescribed for official ballots as set forth in
29 sections 32-806, 32-809, and 32-812, but larger or smaller type may be
30 used. When paper ballots are not being used, a reduced-size facsimile of
31 the official ballot shall be published as it appears on the voting

1 system. Such publication shall include suitable instructions to the
2 voters for casting their ballots using the voting system being used at
3 the election.

4 (4) The rate charged by the newspapers and paid by the county board
5 for the publication of such sample ballot shall not exceed the rate
6 regularly charged for display advertising in such newspaper in which the
7 publication is made.

8 Sec. 21. Section 32-816, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 32-816 (1) A blank space shall be provided at the end of each office
11 division on the ballot for registered voters to fill in the name of any
12 person for whom they wish to vote and whose name is not printed upon the
13 ballot, except that at the primary election there shall be no write-in
14 space for delegates to the county political party convention or delegates
15 to the national political party convention. A square or oval shall be
16 printed opposite each write-in space similar to the square or oval placed
17 opposite other candidates and issues on the ballot. The square or oval
18 shall be marked to vote for a write-in candidate whose name appears in
19 the write-in space provided.

20 (2) The Secretary of State shall approve write-in space for optical-
21 scan ballots and any other voting system authorized for use under the
22 Election Act ~~electronic voting systems~~. Adequate provision shall be made
23 for write-in votes sufficient to allow one write-in space for each office
24 to be elected at any election except offices for which write-in votes are
25 specifically prohibited. The write-in ballot shall clearly identify the
26 office for which such write-in vote is cast. The write-in space shall be
27 a part of the official ballot, may be on the envelope or a separate piece
28 of paper from the printed portion of the ballot, and shall allow the
29 voter adequate space to fill in the name of the candidate for whom he or
30 she desires to cast his or her ballot.

31 Sec. 22. Section 32-901, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 32-901 (1) To vote for a candidate or on a ballot question using a
3 paper ballot that is to be manually counted, the registered voter shall
4 make a cross or other clear, discernable mark in the square opposite the
5 name of every candidate, including write-in candidates, for whom he or
6 she desires to vote and, in the case of a ballot question, opposite the
7 answer he or she wishes to give. Making a cross or other clear,
8 discernable mark in the square constitutes a valid vote.

9 (2) To vote for a candidate or on a ballot question using a ballot
10 that is to be counted by optical scanner, the registered voter shall fill
11 in the oval or other space provided opposite the name of every candidate,
12 including write-in candidates, for whom he or she desires to vote and, in
13 the case of a ballot question, opposite the answer he or she wishes to
14 give. A mark in the oval or provided space that is discernable by the
15 scanner constitutes a valid vote.

16 (3) To vote for a candidate or on a ballot question using a an
17 electronic voting system with an electronic aspect authorized for use
18 under the Election Act, the registered voter shall follow the
19 instructions for using the ~~electronic~~ voting system to cause a mark to be
20 recorded opposite the candidate or ballot question response for which the
21 voter wishes to vote. Causing such mark to be recorded does not
22 constitute ~~constitutes~~ a valid vote. A paper ballot printed to reflect
23 the voter's choices constitutes a valid vote.

24 Sec. 23. Section 32-903, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 32-903 (1) The election commissioner or county clerk shall create
27 precincts composed of compact and contiguous territory within the
28 boundary lines of legislative districts. The precincts shall contain not
29 less than seventy-five nor more than one thousand seven hundred fifty
30 registered voters based on the number of voters voting at the last
31 statewide general election, except that a precinct may contain less than

1 seventy-five registered voters if in the judgment of the election
2 commissioner or county clerk it is necessary to avoid creating an undue
3 hardship on the registered voters in the precinct. The election
4 commissioner or county clerk shall create precincts based on the number
5 of votes cast at the immediately preceding presidential election or the
6 current list of registered voters for the precinct. The election
7 commissioner or county clerk shall revise and rearrange the precincts and
8 increase or decrease them at such times as may be necessary to make the
9 precincts contain as nearly as practicable not less than seventy-five nor
10 more than one thousand seven hundred fifty registered voters voting at
11 the last statewide general election. The election commissioner or county
12 clerk shall, when necessary and possible, readjust precinct boundaries to
13 coincide with the boundaries of cities, villages, and school districts
14 which are divided into districts or wards for election purposes. The
15 election commissioner or county clerk shall not make any precinct changes
16 in precinct boundaries or divide precincts into two or more parts between
17 the statewide primary and general elections unless he or she has been
18 authorized to do so by the Secretary of State. If changes are authorized,
19 the election commissioner or county clerk shall notify each state and
20 local candidate affected by the change.

21 (2) The election commissioner or county clerk may alter and divide
22 the existing precincts, except that when any city of the first class by
23 ordinance divides any ward of such city into two or more voting districts
24 or polling places, the election commissioner or county clerk shall
25 establish precincts or polling places in conformity with such ordinance.
26 No such alteration or division shall take place between the statewide
27 primary and general elections except as provided in subsection (1) of
28 this section.

29 ~~(3) All precincts and polling places may be consolidated for the use~~
30 ~~of electronic voting systems into fewer and larger precincts as deemed~~
31 ~~necessary and advisable by the election commissioner or county clerk.~~

1 ~~Such precincts, consolidated for electronic voting systems only, may have~~
2 ~~as many registered voters therein as deemed advisable in the interest of~~
3 ~~economy and efficiency. At least one electronic voting device shall be~~
4 ~~provided for every five hundred registered voters voting in the~~
5 ~~consolidated precinct or polling place at the immediately preceding~~
6 ~~general election.~~

7 Sec. 24. Section 32-910, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-910 Any judge or clerk of election, precinct or district
10 inspector, sheriff, or other peace officer shall clear the passageways
11 and prevent obstruction of the doors or entries and provide free ingress
12 to and egress from the polling place or building and shall arrest any
13 person obstructing such passageways. Other than a registered voter
14 engaged in receiving, preparing, or marking a ballot or depositing a
15 ballot in a ballot box or a precinct-based optical scanner at the polling
16 place, an election commissioner, a county clerk, a precinct inspector, a
17 district inspector, a judge of election, a clerk of election, or a member
18 of a counting board, no person shall be permitted to be within eight feet
19 of the ballot boxes or within eight feet of any ballots being counted by
20 a counting board.

21 Sec. 25. Section 32-916, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 32-916 (1) Two judges of election or a precinct inspector and a
24 judge of election shall affix their initials to the official ballots. The
25 judge of election shall deliver a ballot to each registered voter after
26 complying with section 32-914.

27 (2) After voting the ballot, the registered voter shall, as directed
28 by the judge of election, fold his or her ballot or place the ballot in
29 the ballot envelope or sleeve so as to conceal the voting marks and to
30 expose the initials affixed on the ballot. The registered voter shall,
31 without delay and without exposing the voting marks upon the ballot,

1 deliver the ballot to the judge of election before leaving the enclosure
2 in which the voting booths are placed.

3 (3) The judge of election shall, without exposing the voting marks
4 on the ballot, approve the exposed initials upon the ballot and deposit
5 the ballot in the ballot box or the precinct-based optical scanner in the
6 presence of the registered voter. No judge of election shall deposit any
7 ballot in a ballot box unless the ballot has been identified as having
8 the appropriate initials. Any ballot not properly identified shall be
9 rejected in the presence of the voter, the judge of election shall make a
10 notation on the ballot Rejected, not properly identified, and another
11 ballot shall be issued to the voter and the voter shall then be permitted
12 to cast his or her ballot. If the ballot is in order, the judge shall
13 deposit the ballot in the ballot box or the precinct-based optical
14 scanner in the presence of the voter and the voter shall promptly leave
15 the polling place. If a precinct uses a precinct-based optical scanner
16 and a ballot is identified by the scanner as containing an overvote or an
17 undervote, the voter shall be notified of the consequence of an overvote
18 and the right to vote in the case of an undervote, whichever is
19 applicable. The judges of election shall maintain the secrecy of the
20 rejected ballots and shall cause the rejected ballots to be made up in a
21 sealed packet. The judges of election shall endorse the packet with the
22 words Rejected Ballots and the designation of the precinct. The judges of
23 election shall sign the endorsement label and shall return the packet to
24 the election commissioner or county clerk with a statement by the judges
25 of election showing the number of ballots rejected.

26 (4) Upon receiving a provisional ballot as provided in section
27 32-915, the judge of election shall give the voter written information
28 that states that the voter may determine if his or her vote was counted
29 and, if not, the reason that the vote was not counted by accessing the
30 system created pursuant to section 32-202 and the judge of election shall
31 ensure that the appropriate information is on the outside of the envelope

1 in which the ballot is enclosed or attached to the envelope, attach the
2 statement required by section 32-915 if not contained on the envelope,
3 and place the entire envelope into the ballot box. Upon receiving a
4 provisional ballot as provided in section 32-915.01, the judge of
5 election shall comply with the requirements for a provisional ballot
6 under this subsection, except that a provisional ballot cast pursuant to
7 section 32-915.01 shall be kept separate from the other ballots cast at
8 the election.

9 Sec. 26. Section 32-952, Reissue Revised Statutes of Nebraska, is
10 amended to read:

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

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

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

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

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

30 (5) The election commissioner or county clerk has submitted a
31 written plan to the Secretary of State within five business days after

1 receiving the resolution from the political subdivision to hold the
2 election; and

3 (6) (5) The Secretary of State has approved a written plan for the
4 conduct of the election, including a written timetable for the conduct of
5 the election, submitted by the election commissioner or county clerk. The
6 written plan shall include provisions for the notice of election to be
7 published and for the application for ballots for early voting
8 notwithstanding other statutory provisions regarding the content and
9 publication of a notice of election or the application for ballots for
10 early voting.

11 Sec. 27. Section 32-956, Reissue Revised Statutes of Nebraska, is
12 amended to read:

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

29 Sec. 28. Section 32-1002, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-1002 (1) As the ballots are removed from the ballot box pursuant

1 to sections 32-1012 to 32-1018, the receiving board shall separate the
2 envelopes containing the provisional ballots from the rest of the ballots
3 and deliver them to the election commissioner or county clerk.

4 (2) Upon receipt of a provisional ballot, the election commissioner
5 or county clerk shall verify that the certificate on the front of the
6 envelope or the form attached to the envelope is in proper form and that
7 the certification has been signed by the voter.

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

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

23 (a) Credible evidence exists that the voter was properly registered
24 in the county before the deadline for registration for the election;

25 (b) The voter has resided in the county continuously since
26 registering to vote in the county;

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

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

31 (i) The residence address provided on the registration application

1 completed pursuant to subdivision (1)(e) of section 32-915 is located
2 within the precinct in which the person voted; and

3 (ii) If the voter is voting in a primary election, the party
4 affiliation provided on the registration application completed prior to
5 voting the provisional ballot is the same party affiliation that appears
6 on the voter's voter registration record based on his or her previous
7 registration application; and

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

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

12 (a) The voter was not properly registered in the county before the
13 deadline for registration for the election;

14 (b) Information has been received pursuant to section 32-308,
15 32-309, 32-310, or 32-324 that the voter has resided, registered, or
16 voted in any other county or state since registering to vote in the
17 county in which he or she cast the provisional ballot;

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

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

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

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

1 (g) The voter failed to complete and sign the certification on the
2 envelope or form attached to the envelope pursuant to subsection (3) of
3 section 32-915.

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

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

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

11 (b) Both the registration application and the certification are
12 signed by the voter.

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

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

22 (9) The verification and investigation shall be completed within
23 seven business days after the election.

24 Sec. 29. Section 32-1007, Revised Statutes Cumulative Supplement,
25 2018, is amended to read:

26 32-1007 ~~For members of a village board of trustees or township~~
27 ~~officers, if a first or generally recognized name and last name of a~~
28 ~~person is filled in on a line provided for that purpose and the square or~~
29 ~~oval opposite such line has been marked with a cross or other clear,~~
30 ~~intelligible mark, the vote shall be valid and the ballot shall be~~
31 ~~counted.~~ If only the last name of a person is in the write-in space on

1 the ballot and there is more than one person in the county having the
2 same last name, the counting board shall reject the ballot for that
3 office unless the last name is reasonably close to the proper spelling of
4 the last name of a candidate engaged in or pursuing a write-in campaign
5 pursuant to section 32-615. The counting board shall make the following
6 notation on the rejected ballot: Rejected for the office of,
7 no first or generally recognized name.

8 Sec. 30. Section 32-1008, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 32-1008 If the write-in vote in the county ~~for any particular office~~
11 ~~referred to in section 32-1007~~ or for a person pursuing a write-in
12 campaign pursuant to section 32-615 or 32-633 totals less than five
13 percent of the vote for such office in the county and the election
14 commissioner or county clerk believes that such vote will not impact the
15 outcome of the election, the number of write-in votes for that office may
16 be counted and listed together as one total.

17 Sec. 31. Section 32-1010, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 32-1010 Ballots shall be counted ~~or compiled~~ at a centralized
20 location or at polling places as provided in sections 32-1012 to 32-1018.
21 If counting takes place at a centralized location, the ~~The~~ receiving
22 board shall deliver the ballot box and other election materials to the
23 centralized location as directed by the election commissioner or county
24 clerk.

25 Sec. 32. Section 32-1012, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 32-1012 (1) ~~In counties using electronic voting systems~~ or optical
28 scanners to count the ballots at a centralized location, the election
29 commissioner or county clerk may arrange to have partial returns
30 delivered, properly locked or sealed, to the centralized location or
31 locations at any time desired after the opening of the polls if at least

1 twenty-five ballots have been cast since any prior delivery of ballots.
2 The election commissioner or county clerk shall designate the location or
3 locations for counting the ballots and may designate a location or
4 locations in any county. Upon completion of the count, the ballots shall
5 be conveyed under supervision of the election commissioner or county
6 clerk to the office of such official. If for any reason it becomes
7 impracticable to count all or a part of the ballots with optical
8 scanners, the election commissioner or county clerk may direct that the
9 ballots be counted manually following as closely as possible the
10 provisions governing the manual counting of ballots.

11 (2) In counties using optical scanners to count the ballots at
12 polling places, the election commissioner or county clerk may arrange to
13 have partial returns delivered, properly locked, sealed, or digitally
14 secured, to the election office at any time desired after the opening of
15 the polls if at least twenty-five ballots have been cast since any prior
16 delivery of partial returns. The election commissioner or county clerk
17 shall designate polling places as locations for counting the ballots.
18 Upon completion of the count, the ballots shall be conveyed under
19 supervision of the election commissioner or county clerk to the office of
20 such official. If for any reason it becomes impracticable to count all or
21 a part of the ballots with optical scanners, the election commissioner or
22 county clerk may direct that the ballots be counted manually following as
23 closely as possible the provisions governing the manual counting of
24 ballots.

25 Sec. 33. Section 32-1013, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 32-1013 (1) In each counting centralized location, watchers may be
28 appointed to be present and observe the counting of ballots. Each
29 political party shall be entitled to one watcher at each location
30 appointed and supplied with credentials by the county central committee
31 of such political party. The district court having jurisdiction over any

1 such county may appoint additional watchers for any location.

2 (2) The watchers and the members of the counting board shall take
3 the following oath administered by the election commissioner or county
4 clerk or an election official designated by the election commissioner or
5 county clerk: I do solemnly swear that I will not in any manner make
6 known to anyone other than duly authorized election officials the results
7 of the votes as they are being counted until the polls have officially
8 closed and the summary of votes cast is delivered to the election
9 commissioner or county clerk.

10 (3) Except for polling places using precinct-based optical scanners,
11 all ~~All~~ other persons shall be excluded from the place where the counting
12 is being conducted except for observers authorized by the election
13 commissioner or county clerk. No such observer shall be connected with
14 any candidate, political party, or measure on the ballot.

15 Sec. 34. Section 32-1041, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 32-1041 (1) The election commissioner or county clerk may use
18 optical-scan ballots or voting systems approved by the Secretary of State
19 to allow registered voters to cast their votes at any election. The
20 election commissioner or county clerk may use vote counting devices and
21 voting systems approved by the Secretary of State for tabulating the
22 votes cast at any election. Vote counting devices shall include
23 electronic counting devices such as optical scanners.

24 (2) No electronic voting system shall be used under the Election
25 Act.

26 (3) Any new voting or counting system shall be approved by the
27 Secretary of State prior to use by an election commissioner or county
28 clerk. ~~The Notwithstanding any other provision of the Election Act,~~ the
29 Secretary of State may adopt and promulgate rules and regulations to
30 establish different procedures and locations for voting and counting
31 votes pursuant to the use of any new voting or counting system. The

1 procedures shall be designed to preserve the safety and confidentiality
2 of each vote cast and the secrecy and security of the counting process,
3 to establish security provisions for the prevention of fraud, and to
4 ensure that the election is conducted in a fair manner.

5 Sec. 35. Section 32-1121, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-1121 If any candidate failed to be nominated or elected by more
8 than the margin provided in section 32-1119, the losing candidate may
9 submit a certified written request for a recount at his or her expense.
10 The request shall be filed with the filing officer with whom the
11 candidate filed for election not later than the tenth day after the
12 county canvassing board or the board of state canvassers concludes
13 ~~convenes~~. The recount shall be conducted as provided in section 32-1119.
14 Prior to conducting the recount, the cost of the recount shall be
15 determined by the election commissioner or county clerk and the
16 requesting candidate shall be so notified. The candidate requesting the
17 recount shall pay the estimated cost of the recount before the recount is
18 scheduled to be conducted. If the recount involves more than one county,
19 the election commissioner or county clerk shall certify the cost to the
20 Secretary of State. The Secretary of State shall then notify the
21 candidate of the determined cost, and the cost shall be paid before any
22 recount is scheduled to be conducted. The candidate shall pay the cost on
23 demand to the county treasurer of each county involved, and such sums
24 shall be placed in the county general fund to help defray the cost of the
25 recount. If the actual expense is less than the determined cost, the
26 candidate may file a claim with the county board for overpayment of the
27 recount. If the recount determines the candidate to be the winner, all
28 costs which he or she paid shall be refunded. Refunds shall be made from
29 the county general fund.

30 Sec. 36. Section 32-1303, Revised Statutes Cumulative Supplement,
31 2018, is amended to read:

1 32-1303 (1) A petition demanding that the question of removing an
2 elected official or member of a governing body listed in section 32-1302
3 be submitted to the registered voters shall be signed by registered
4 voters equal in number to at least thirty-five percent of the total vote
5 cast for that office in the last general election, except that (a) for an
6 office for which more than one candidate is chosen, the petition shall be
7 signed by registered voters equal in number to at least thirty-five
8 percent of the number of votes cast for the person receiving the most
9 votes for such office in the last general election and (b) for a member
10 of a governing body of a village, the petition shall be signed by
11 registered voters of the village equal in number to at least forty-five
12 percent of the total vote cast for the person receiving the most votes
13 for that office in the last general election. The signatures shall be
14 affixed to petition papers and shall be considered part of the petition.

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

17 (3) The petition papers shall be procured from the filing clerk.
18 Prior to the issuance of such petition papers, a recall petition filing
19 form ~~an affidavit~~ shall be signed and filed with the filing clerk by at
20 least one registered voter who resides in the district of the official
21 whose recall is sought. Such voter or voters shall be deemed to be the
22 principal circulator or circulators of the recall petition. The filing
23 form ~~affidavit~~ shall state the name and office of the official sought to
24 be removed, shall include ~~in typewritten form~~ in concise language of
25 sixty words or less the reason or reasons for which recall is sought, and
26 shall request that the filing clerk issue initial petition papers to the
27 principal circulator for circulation. The filing clerk shall notify the
28 official sought to be removed by any method specified in section
29 25-505.01 or, if notification cannot be made with reasonable diligence by
30 any of the methods specified in section 25-505.01, by leaving a copy of
31 the filing form ~~affidavit~~ at the official's usual place of residence and

1 mailing a copy by first-class mail to the official's last-known address.
2 If the official chooses, he or she may submit a defense statement in
3 ~~typewritten form~~ in concise language of sixty words or less for inclusion
4 on the petition. Any such defense statement shall be submitted to the
5 filing clerk within twenty days after the official receives the copy of
6 the filing form affidavit. The filing clerk shall prepare the petition
7 papers within five business days after receipt of the defense statement.
8 The principal circulator or circulators shall gather the petition papers
9 within twenty days after being notified by the filing clerk that the
10 petition papers are available ~~the receipt of the official's defense~~
11 ~~statement.~~ The filing clerk shall notify the principal circulator or
12 circulators that the necessary signatures must be gathered within thirty
13 days from the date of issuing the petitions.

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

25 (5) Petition signers shall conform to the requirements of sections
26 32-629 and 32-630. Each signer of a recall petition shall be a registered
27 voter and qualified by his or her place of residence to vote for the
28 office in question.

29 Sec. 37. Section 32-1306, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-1306 (1) If the recall petition is found to be sufficient, the

1 filing clerk shall notify the official whose removal is sought and the
2 governing body of the affected political subdivision that sufficient
3 signatures have been gathered. Notification of the official sought to be
4 removed may be by any method specified in section 25-505.01 or, if
5 notification cannot be made with reasonable diligence by any of the
6 methods specified in section 25-505.01, by leaving such notice at the
7 official's usual place of residence and mailing a copy by first-class
8 mail to the official's last-known address.

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

22 (3) If the governing body of the political subdivision fails or
23 refuses to order a recall election within the time required, the election
24 may be ordered by the district court having jurisdiction over a county in
25 which the elected official serves. If a filing clerk is subject to a
26 recall election, the Secretary of State shall conduct the recall
27 election.

28 Sec. 38. Section 32-1309, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 32-1309 No recall petition filing form shall be filed against an
31 elected official within twelve months after a recall election has failed

1 to remove him or her from office or within six months after the beginning
2 of his or her term of office or within six months prior to the incumbent
3 filing deadline for the office.

4 Sec. 39. Section 32-1405, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 32-1405 (1) Prior to obtaining any signatures on an initiative or
7 referendum petition, a statement of the object of the petition and the
8 text of the measure shall be filed with the Secretary of State together
9 with a sworn statement containing the names and street addresses of every
10 person, corporation, or association sponsoring the petition.

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

23 (3) The Secretary of State shall prepare five camera-ready copies of
24 the petition from the information filed by the sponsor and any changes
25 accepted by the sponsor and shall provide the copies to the sponsor
26 within five days after receipt of the review required in subsection (2)
27 of this section. The sponsor shall print the petitions to be circulated
28 from the forms provided. Prior to circulation, the sponsor shall file a
29 final blank copy of the petition to be circulated with the Secretary of
30 State.

31 ~~(4) The changes made to this section by Laws 1995, LB 337 shall~~

1 ~~apply to initiative and referendum petitions filed on or after September~~
2 ~~9, 1995.~~

3 Sec. 40. Section 32-1407, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-1407 (1) Initiative petitions shall be filed in the office of the
6 Secretary of State at least four months prior to the general election at
7 which the proposal would be submitted to the voters.

8 (2) When a copy of the form of any initiative petition is filed with
9 the Secretary of State prior to obtaining signatures, the issue presented
10 by such petition shall be placed before the voters at the next general
11 election occurring at least four months after the date that such copy is
12 filed if the signed petitions are found to be valid and sufficient. All
13 signed initiative petitions shall become invalid on the date of the first
14 general election occurring at least four months after the date on which
15 the copy of the form is filed with the Secretary of State.

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

20 (4) At the time of filing the signed petitions, at least one sponsor
21 shall sign an affidavit certifying that the petitions contain a
22 sufficient number of signatures to place the issue on the ballot if such
23 number of signatures were found to be valid.

24 Sec. 41. Section 32-1409, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 32-1409 (1) Upon the receipt of the petitions, the Secretary of
27 State, with the aid and assistance of the election commissioner or county
28 clerk, shall determine the validity and sufficiency of signatures on the
29 pages of the filed petition. The Secretary of State shall deliver the
30 various pages of the filed petition to the election commissioner or
31 county clerk by hand carrier, by use of law enforcement officials, or by

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

26 (2) Upon completion of the determination of registration, the
27 election commissioner or county clerk shall prepare in writing a
28 certification under seal setting forth the name and address of each
29 signer found not to be a registered voter and the petition page number
30 and line number where the name is found, and if the reason for the
31 invalidity of the signature or address is other than the nonregistration

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

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

1 the Secretary of State shall proceed to place the measure on the general
2 election ballot.

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

6 Sec. 42. Section 32-1524, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 32-1524 (1) For purposes of this section:

9 (a) Electioneering means the deliberate, visible display or audible
10 or physical dissemination of information for the purpose of advocating
11 for or against:

12 (i) Any candidate on the ballot for the election at which such
13 display or dissemination is occurring;

14 (ii) Any elected officeholder of a state constitutional office or
15 federal office at the time of the election at which such display or
16 dissemination is occurring;

17 (iii) Any political party on the ballot for the election at which
18 such display or dissemination is occurring; or

19 (iv) Any measure on the ballot for the election at which such
20 display or dissemination is occurring; and

21 (b) Information includes:

22 (i) Such a candidate's name, likeness, logo, or symbol;

23 (ii) Such a ballot measure's number, title, subject matter, logo, or
24 symbol;

25 (iii) A button, hat, pencil, pen, shirt, sign, or sticker containing
26 information prohibited by this section;

27 (iv) Audible information prohibited by this section; and

28 (v) Literature or any writing or drawing referring to a candidate,
29 officeholder, or ballot measure described in subdivision (a) of this
30 subsection.

31 (2) ~~(1)~~ No judge or clerk of election or precinct or district

1 inspector shall do any electioneering while acting as an election
2 official.

3 (3) ~~(2)~~ No person shall do any electioneering, or circulate
4 petitions, ~~or perform any action that involves solicitation~~ within any
5 polling place or any building designated for voters to cast ballots by
6 the election commissioner or county clerk pursuant to the Election Act
7 while the polling place or building is set up for voters to cast ballots
8 or within two hundred feet of any such polling place or building except
9 as otherwise provided in subsection (3) of this section.

10 (4) ~~(3)~~ Subject to any local ordinance, a person may display yard
11 signs on private property within two hundred feet of a polling place or
12 building designated for voters to cast ballots if the property is not
13 under common ownership with the property on which the polling place or
14 building is located.

15 (5) ~~(4)~~ Any person violating this section shall be guilty of a Class
16 V misdemeanor.

17 Sec. 43. Section 49-1499.03, Reissue Revised Statutes of Nebraska,
18 is amended to read:

19 49-1499.03 (1)(a) An official of a political subdivision designated
20 in section 49-1493 who would be required to take any action or make any
21 decision in the discharge of his or her official duties that may cause
22 financial benefit or detriment to him or her, a member of his or her
23 immediate family, or a business with which he or she is associated, which
24 is distinguishable from the effects of such action on the public
25 generally or a broad segment of the public, shall take the following
26 actions as soon as he or she is aware of such potential conflict or
27 should reasonably be aware of such potential conflict, whichever is
28 sooner:

29 (i) Prepare a written statement describing the matter requiring
30 action or decision and the nature of the potential conflict; and

31 (ii) Deliver a copy of the statement to the commission and to the

1 person in charge of keeping records for the political subdivision who
2 shall enter the statement onto the public records of the subdivision.

3 (b) The official shall take such action as the commission shall
4 advise or prescribe to remove himself or herself from influence over the
5 action or decision on the matter.

6 (c) This subsection does not prevent such a person from making or
7 participating in the making of a governmental decision to the extent that
8 the individual's participation is legally required for the action or
9 decision to be made. A person acting pursuant to this subdivision shall
10 report the occurrence to the commission.

11 (2)(a) Any person holding an elective office of a city or village
12 not designated in section 49-1493 and any person holding an elective
13 office of a school district who would be required to take any action or
14 make any decision in the discharge of his or her official duties that may
15 cause financial benefit or detriment to him or her, a member of his or
16 her immediate family, or a business with which he or she is associated,
17 which is distinguishable from the effects of such action on the public
18 generally or a broad segment of the public, shall take the following
19 actions as soon as he or she is aware of such potential conflict or
20 should reasonably be aware of such potential conflict, whichever is
21 sooner:

22 (i) Prepare a written statement describing the matter requiring
23 action or decision and the nature of the potential conflict;

24 (ii) Deliver a copy of the statement to the person in charge of
25 keeping records for the city, village, or school district who shall enter
26 the statement onto the public records of the city, village, or school
27 district; and

28 (iii) Except as otherwise provided in subsection (3) of this
29 section, abstain ~~Abstain~~ from participating or voting on the matter in
30 which the person holding elective office has a conflict of interest.

31 (b) The person holding elective office may apply to the commission

1 for an opinion as to whether the person has a conflict of interest.

2 (3)(a) This section does not prevent a person holding an elective
3 office of any city, village, or school district from making or
4 participating in the making of a governmental decision:

5 (i) To the extent that the individual's participation is legally
6 required for the action or decision to be made; or

7 (ii) If the potential conflict of interest is based on a business
8 association and (A) such business association is an association of cities
9 and villages or school districts, (B) the city, village, or school
10 district is a member of such association, and (C) the business
11 association exists only as the result of such person holding elective
12 office.

13 (b) A person holding elective office of any city subject to
14 subsection (1) of this section who is acting pursuant to this subsection
15 shall report the occurrence as provided in subdivisions (1)(a)(i) and
16 (ii) of this section.

17 (c) A person subject to subsection (2) of this section who is acting
18 pursuant to this subsection shall report the occurrence as provided in
19 subdivisions (2)(a)(i) and (ii) of this section.

20 (4) ~~(3)~~ Matters involving an interest in a contract are governed
21 either by sections 49-14,102 and 49-14,103 or by sections 49-14,103.01 to
22 49-14,103.06. Matters involving the hiring of an immediate family member
23 are governed by section 49-1499.04. Matters involving nepotism or the
24 supervision of a family member by an official or employee in the
25 executive branch of state government are governed by section 49-1499.07.

26 Sec. 44. Section 49-14,126, Revised Statutes Cumulative Supplement,
27 2018, is amended to read:

28 49-14,126 The commission, upon finding that there has been a
29 violation of the Nebraska Political Accountability and Disclosure Act or
30 any rule or regulation promulgated thereunder, may issue an order
31 requiring the violator to do one or more of the following:

- 1 (1) Cease and desist from the violation;
- 2 (2) File any report, statement, or other information as required;
- 3 (3) Pay a civil penalty of not more than five ~~two~~ thousand dollars
- 4 for each violation of the act, rule, or regulation; or
- 5 (4) Pay the costs of the hearing in a contested case if the violator
- 6 did not appear at the hearing personally or by counsel.

7 Sec. 45. Original sections 23-149, 23-202, 23-293, 31-787, 31-793,
8 32-116, 32-202, 32-221, 32-223, 32-230, 32-231, 32-236, 32-552, 32-631,
9 32-803, 32-816, 32-901, 32-903, 32-910, 32-916, 32-952, 32-956, 32-1002,
10 32-1008, 32-1010, 32-1012, 32-1013, 32-1041, 32-1121, 32-1306, 32-1309,
11 32-1405, 32-1407, 32-1409, 32-1524, and 49-1499.03, Reissue Revised
12 Statutes of Nebraska, and sections 14-2103, 18-2713, 23-148, 32-330,
13 32-607, 32-1007, 32-1303, and 49-14,126, Revised Statutes Cumulative
14 Supplement, 2018, are repealed.