

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT (CORRECTED)
LB411

Hearing Date: Thursday February 14, 2019
Committee On: Government, Military and Veterans Affairs
Introducer: Scheer
One Liner: Change provisions relating to metropolitan utilities districts, county boards, elections, and political accountability and disclosure

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	6	Senators Brewer, Blood, Hansen, M., Kolowski, La Grone, Lowe
Nay:		
Absent:	2	Senators Hilgers, Hunt
Present Not Voting:		

Oral Testimony:

Proponents:
Senator Jim Scheer
Wayne Bena
Beth Bazyn Ferrell

Representing:
Introducer
Nebraska Secretary of State representing Robert Evnen
Nebraska Association of County Officials

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 411 would allow for a county board in counties containing not more than 400,000 inhabitants and not under township organization to vote by a majority of its members to present a ballot question to voters to change the number of commissioners on the board. Currently, this sort of ballot question may only be placed on the ballot after a successful petition drive.

Explanation of amendments:

AM 514 retains the material from LB 411 and amends the bill to include the substance of the following bills:

* LB 280 (Brewer) - Change a penalty for violations of the Nebraska Political Accountability and Disclosure Act. This bill would increase the maximum fine for violations of the Act from \$2000 to \$5000. The current amount was set by legislation in 1999.

* LB 608 (La Grone) - Change and eliminate provisions regarding counting methods under the Election Act. LB 608 would remove the requirement that receiving boards have at least three members in precincts using electronic voting systems. The bill also updates the law to authorize the Secretary of State to approve write-in space for other voting systems in the same manner that the Secretary is required to approve write-in space on optical-scan ballots. The bill would provide that a paper ballot printed to reflect a voter's choice is what constituted a valid vote under the Election Act. Under current law, merely "causing such mark to be recorded" constitutes a valid vote. LB 608 removes language

providing for consolidation of precincts and polling places for the use of electronic voting systems. It also provides that voters in the process of physically depositing a ballot in the ballot box are within an exception to the general rule that no person other than election officials may be within eight feet of a ballot box or counting board. The bill adds language relating to the right of a voter to be notified in the case of an optical ballot scanner indicating an overvote or an undervote, and that voter's further rights under such circumstances. The bill also allows for counting of ballots at polling places in addition to at a centralized location and provides a procedure for counting ballots manually when it is impracticable to do so with optical scanners. Finally, the bill would provide a process by which an election commissioner or county clerk could apply to the Secretary of State for approval of a counting method other than those already approved for that county. The Secretary of State would be required to approve the method if it is determined that such method meets the objective guidelines contained in the current version of Section 32-1041 (See LB 608, page 15, lines 11-18).

With changes proposed in the committee amendment (AM 137), it strikes the new language relating to the process for application by the election commissioner or county clerk for approval of a new counting method other than those already approved for that county.

* LB 618 (Hilgers) - Change provisions related to electioneering. LB 618 would add a definition of "electioneering" and remove the phrase "or perform any action that involves solicitation" in Section 32-1524. This section of statute deals with conduct that is prohibited within 200 feet of a polling place. The new definition of "electioneering" proposed by LB 618 would be "any activity done to persuade voters to vote, or not vote, for a particular candidate, ballot question, or political party which appears on the ballot at the election for which the voters are appearing to vote." This bill was brought to bring Nebraska law into compliance with the ruling of the Supreme Court of the United States in *Minnesota Voters Alliance v. Mansky* (2018). The bill underwent significant revision post-hearing in order to achieve compliance with case law. The amended language strikes the very broad definition in the introduced copy and provides one with much greater detail.

* LB 342 (La Grone) - Change election provisions for the board of metropolitan utilities districts. This bill would move oversight of Metropolitan Utility District (MUD) board of director elections from the county election commissioner to the Secretary of State.

* LB 101 (Wayne) - Change provisions of the Nebraska Political Accountability and Disclosure Act relating to a potential conflict of interest by an elected office holder of certain cities or villages or a school district. LB 101 would change the law pertaining to conflicts of interest ("COI") by local government officers. It provides that a person in elective office of a city, village, or school district is not prevented from participating in the decision-making process if: (1) The person's participation is legally required for the decision to be made, or (2) If the COI is based on a business association that is an association of local governments, the local government in question is a member, and the association only exists because of the person with the potential COI holding elective office. Reporting of the COI would still be required in these cases.

* LB 246 (Brewer) - Change provisions relating to elections. LB 246 was brought at the request of the Secretary of State and would revise a number of statutes governing the conduct of elections in Nebraska. The following topics are addressed in this bill: (1) Deadlines for the Organization/Discontinuance of Townships, (2) Removal of Economic Development Question from Ballot, (3) Change of Terminology Regarding Recalls, (4) Clarification of Residency, (5) Voter Registration Register Access, (6) District Boundary Revision, (7) Change of Terminology Regarding Petitions, (8) Modification of Publishing Requirements, (9) Special Election Plan Modifications, (10) Replacement Ballots, (11) Modification of Provisional Ballot Verification Timeline, (12) Modification of Write-In Candidate Requirements, (13) Recount Request Deadline Modification, (14) Modification of Recall Petition Provisions, and (15) Modification of Initiative/Referendum Petition Provisions.

