

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 411

FINAL READING

Introduced by Scheer, 19.

Read first time January 18, 2019

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to government; to amend sections 18-2515,
2 23-149, 23-202, 23-293, 23-2501, 23-2502, 23-2505, 23-2508, 23-2509,
3 23-2511, 23-2512, 23-2513, 23-2515, 23-2516, 31-787, 31-793, 32-116,
4 32-202, 32-221, 32-223, 32-230, 32-231, 32-236, 32-552, 32-618,
5 32-631, 32-803, 32-816, 32-901, 32-903, 32-904, 32-907, 32-910,
6 32-916, 32-952, 32-956, 32-1002, 32-1008, 32-1010, 32-1012, 32-1013,
7 32-1041, 32-1121, 32-1306, 32-1309, 32-1405, 32-1407, 32-1409,
8 32-1524, and 49-1499.03, Reissue Revised Statutes of Nebraska, and
9 sections 14-2103, 18-2713, 23-148, 23-2503, 23-2504, 23-2506,
10 23-2507, 23-2510, 23-2514, 32-330, 32-607, 32-1007, 32-1303, and
11 49-14,126, Revised Statutes Cumulative Supplement, 2018; to name,
12 change, and transfer provisions regarding the county civil service
13 commission; to change provisions relating to metropolitan utilities
14 districts, initiative and referendum petitions, municipal economic
15 development programs, county boards, county organization, sanitary
16 and improvement districts, election provisions, recall provisions,
17 conflicts of interest, and penalty provisions for violations
18 relating to political accountability and disclosure; to harmonize
19 provisions; to provide operative dates; to repeal the original
20 sections; and to declare an emergency.

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

1 Section 1. Sections 1 to 18 of this act shall be known and may be
2 cited as the County Civil Service Commission Act.

3 Sec. 2. Section 23-2501, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 ~~23-2501~~ The purpose of the County Civil Service Commission Act
6 sections 23-2501 to 23-2516 is to guarantee to all citizens a fair and
7 equal opportunity for employment in the county offices governed by the
8 act and sections 23-2501 to 23-2516, to establish conditions of
9 employment and to promote economy and efficiency in such offices. In
10 addition, the purpose of the act is to establish a system of personnel
11 administration that meets the social, economic, and program needs of
12 county offices. Such system shall provide the means to recruit, select,
13 develop, and maintain an effective and responsive workforce and shall
14 include policies and procedures for employee hiring and advancement,
15 training and career development, position classification, salary
16 administration, benefits, discipline, discharge, and other related
17 matters. All appointments and promotions under the act shall be made
18 based on merit and fitness.

19 Sec. 3. Section 23-2502, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 ~~23-2502~~ As used in the County Civil Service Commission Act sections
22 ~~23-2501 to 23-2516,~~ unless the context otherwise requires:

23 (1) Employees means shall mean all county employees of the county.
24 Employees does ~~The term employees shall~~ not include part-time employees,
25 employees subject to the state personnel service, court-appointed
26 employees, employees of the county attorney's office, employees of the
27 public defender's office, dentists, physicians, practicing attorneys,
28 deputy sheriffs, officers appointed by the Governor, or elected officers
29 or the chief deputy of each office or the deputy of each office if there
30 is not more than one deputy in the office;

31 (2) Part-time employee means shall mean any person whose position is

1 seasonal or temporary as defined by the commission;

2 (3) Department head means ~~shall mean~~ an officer holding an elected
3 office, an officer holding office by appointment of the Governor, the
4 chief deputy of any office or the deputy if there is not more than one
5 deputy, and such other persons holding positions as are declared to be
6 department heads by the county board; and

7 (4) Commission means ~~shall mean~~ the civil service commission formed
8 pursuant to section 4 of this act ~~Civil Service Commission~~.

9 Sec. 4. Section 23-2503, Revised Statutes Cumulative Supplement,
10 2018, is amended to read:

11 ~~23-2503~~ In any county having a population of four hundred thousand
12 inhabitants or more as determined by the most recent federal decennial
13 census, there shall be a civil service commission ~~Civil Service~~
14 ~~Commission~~ which shall be formed as provided in the County Civil Service
15 Commission Act ~~sections 23-2501 to 23-2516~~. A county shall comply with
16 this section within six months after a determination that the population
17 has reached four hundred thousand inhabitants or more as determined by
18 the most recent federal decennial census.

19 Sec. 5. Section 23-2504, Revised Statutes Cumulative Supplement,
20 2018, is amended to read:

21 ~~23-2504~~ (1) The commission shall consist of five members who shall
22 be in sympathy with the application of merit principles to public
23 employment. No member of the commission shall be a member of any local,
24 state, or national committee of a political party or an officer or member
25 of a committee in any partisan political club or organization.

26 (2) The members of the commission shall be as follows: (a) Two
27 elected officers selected from the offices of and elected by the county
28 commissioners, clerk, assessor, treasurer, public defender, register of
29 deeds, clerk of the district court, engineer surveyor, and sheriff, being
30 of opposite political parties if possible, and each party shall
31 separately select its own member, (b) two full-time permanent county

1 employees, and (c) one public member holding no public or political
2 office. The initial two such employees shall be selected by the two
3 elected officers referred to in subdivision (a) of this subdivision as
4 follows: Any such employee who is at least twenty-one years of age may
5 submit his or her name as a candidate to the elected officer of the
6 political party with which the employee is registered who shall then
7 select one commission member from such list of names. The four members of
8 the commission shall then select the public member. The commission shall
9 establish employee election procedures which shall provide that all
10 county employees subject to the County Civil Service Commission Act
11 ~~sections 23-2501 to 23-2516~~ may vote and, if not less than twenty-one
12 years of age, be candidates for a member of the commission. One employee
13 member of the commission shall be a Democrat elected by the Democrat-
14 registered employees subject to the County Civil Service Commission Act
15 ~~sections 23-2501 to 23-2516~~ and one employee member of the commission
16 shall be a Republican elected by the Republican-registered employees
17 subject to the County Civil Service Commission Act ~~sections 23-2501 to~~
18 ~~23-2516~~. An employee otherwise eligible to vote and be a candidate for
19 the office of employee member of the commission, but who is not
20 registered as either a Democrat or a Republican, may become eligible to
21 vote, and become a candidate for the office of employee member of the
22 commission by making a declaration that he or she desires to vote for
23 such a member of the commission, or be a candidate for such office, and,
24 in the same declaration, designating the party, Democrat or Republican,
25 with which he or she desires to be affiliated for this purpose. After
26 making such declaration, that employee shall have the same right to vote
27 for a candidate, and be a candidate for the office of employee member of
28 the commission as if the employee were a registered member of the party
29 so designated in the declaration. The manner, form, and contents of such
30 declaration shall be initially established by the two elected officials
31 referred to in subdivision (2)(a) of this section, subject to

1 modification by the commission after it has been fully formed.

2 (3) The initial term of office of (a) the two elected officers shall
3 be three years from May 21, 1971; (b) the initial term of office of the
4 county employees shall be two years from May 21, 1971; and (c) the
5 initial term of the public member shall be three years from May 21, 1971.

6 (4) At the expiration of the initial term of office, a successor
7 member shall be elected or appointed as provided in the County Civil
8 Service Commission Act sections 23-2501 to 23-2516 for a term of three
9 years. Membership on the commission of any member shall terminate upon
10 the resignation of any member or at such time as the member no longer
11 complies with the qualifications for election or appointment to the
12 commission. If In the event a member's term terminates prior to the
13 expiration of the term for which the member was elected or appointed, the
14 commission shall appoint a successor complying with the same
15 qualifications for the unexpired term.

16 Sec. 6. Section 23-2505, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 ~~23-2505~~ The members of the commission shall not receive compensation
19 for their services but shall be reimbursed for such necessary expenses
20 and mileage as may be incurred in the performance of their duties with
21 reimbursement for mileage to be made at the rate provided in section
22 81-1176. The county board shall provide sufficient funds in order that
23 such commission may function as set forth in the County Civil Service
24 Commission Act sections 23-2501 to 23-2516.

25 Sec. 7. Section 23-2506, Revised Statutes Cumulative Supplement,
26 2018, is amended to read:

27 ~~23-2506~~ The commission shall hold regular meetings at least once
28 every three months and shall designate the time and place thereof by
29 notice posted in the courthouse at least seven days prior to the meeting.
30 The commission shall adopt rules of procedure and shall keep a record of
31 its proceedings. The commission shall also make provision for special

1 meetings, and all meetings and records of the commission shall be open to
2 the public except as otherwise provided in the County Civil Service
3 Commission Act sections 23-2501 to 23-2516. The commission shall elect
4 one of its members as chairperson for a period of one year or until a
5 successor has been duly elected and qualified.

6 Sec. 8. Section 23-2507, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

8 ~~23-2507~~ (1) The commission may prescribe the following: (a) General
9 employment policies and procedures; (b) regulations for recruiting,
10 examination, and certification of qualified applicants for employment and
11 the maintenance of registers of qualified candidates for employment for
12 all employees governed by the County Civil Service Commission Act
13 ~~sections 23-2501 to 23-2516~~; (c) a system of personnel records containing
14 general data on all employees and standards for the development and
15 maintenance of personnel records to be maintained within the offices
16 governed by the act sections 23-2501 to 23-2516; (d) regulations
17 governing such matters as hours of work, promotions, transfers,
18 demotions, probation, terminations, and reductions in force; (e)
19 regulations for use by all offices governed by the act sections 23-2501
20 ~~to 23-2516~~ relating to such matters as employee benefits, vacation, sick
21 leave, and holidays.

22 (2) The commission shall require department heads to provide
23 sufficient criteria to enable the commission to properly conduct
24 employment examinations.

25 (3) The commission shall require department heads to supply to the
26 commission position classification plans, job descriptions, and job
27 specifications.

28 (4) Individual personnel records shall be available for inspection
29 only by the employee involved, the employee's department head, and such
30 other persons as the commission shall authorize.

31 (5) The commission shall have such other powers as are necessary to

1 effectuate the purposes of the act sections 23-2501 to 23-2516.

2 (6) All acts of the commission pursuant to the authority conferred
3 in this section shall be binding on all county department heads governed
4 by the County Civil Service Commission Act sections 23-2501 to 23-2516.

5 Sec. 9. Section 23-2508, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 ~~23-2508~~ The commission may recommend to the county board salary and
8 pay plans for the employees.

9 Sec. 10. Section 23-2509, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 ~~23-2509~~ All employees governed by the County Civil Service
12 Commission Act sections 23-2501 to 23-2516 on the operative date of this
13 section May 21, 1971, shall retain their employment without the necessity
14 of taking any qualifying examination.

15 Sec. 11. Section 23-2510, Revised Statutes Cumulative Supplement,
16 2018, is amended to read:

17 ~~23-2510~~ Any employee may be discharged, suspended, or demoted in
18 rank or compensation by his or her department head by a written order
19 which shall specifically state the reasons therefor. Such order shall be
20 filed with the commission, and a copy of such order shall be served upon
21 the employee personally or by leaving it at his or her usual place of
22 residence. Any employee so affected may, within ten days after service of
23 the order, appeal such order to the commission. Notice of such appeal
24 shall be in writing, signed by the employee appealing, and delivered to
25 any member of the commission. The delivery of the notice of appeal shall
26 be sufficient to perfect an appeal, and no other act shall be deemed
27 necessary to confer jurisdiction of the commission over the appeal. In
28 the event any employee is discharged, suspended, or demoted prior to the
29 formation of the commission, such employee may appeal the order to the
30 commission within ten days after the formation of the commission in the
31 manner provided in this section.

1 Sec. 12. Section 23-2511, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 ~~23-2511~~ The commission shall, within two weeks after receipt of the
4 notice of appeal, hold a public hearing thereon at which the employee
5 shall be entitled to appear personally, be represented by counsel, cross-
6 examine witnesses, and produce evidence. The commission shall have the
7 authority to affirm, modify, or revoke the order appealed from, and the
8 finding and the decision of the commission shall be certified to the
9 department head who issued the order, and the finding and decision of the
10 commission shall be binding on all parties concerned. In the event of an
11 appeal to the commission, no order affecting an employee shall become
12 permanent until the finding and decision of the commission shall be
13 certified as provided in this section. Notwithstanding any other
14 provision of the County Civil Service Commission Act ~~sections 23-2501 to~~
15 ~~23-2516~~, an employee affected by an order may request transfer to another
16 department governed by the County Civil Service Commission Act ~~sections~~
17 ~~23-2501 to 23-2516~~ with the consent of the commission and the department
18 head of such other department.

19 Sec. 13. Section 23-2512, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 ~~23-2512~~ To effectively carry out the duties imposed on the
22 commission by the County Civil Service Commission Act ~~sections 23-2501 to~~
23 ~~23-2516~~, the commission shall have the power to subpoena witnesses,
24 administer oaths, and compel the production of books and papers.

25 Sec. 14. Section 23-2513, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 ~~23-2513~~ No employee or person desiring to be an employee in an
28 office governed by the County Civil Service Commission Act ~~sections~~
29 ~~23-2501 to 23-2516~~ shall be appointed, demoted, or discharged, or in any
30 way favored or discriminated against, because of political, racial, or
31 religious opinions or affiliations, but advocating, or being a member of

1 a political party or organization that advocates the overthrow of the
2 government of the United States or of this state by force or violence
3 shall be sufficient reason to discharge an employee.

4 Sec. 15. Section 23-2514, Revised Statutes Cumulative Supplement,
5 2018, is amended to read:

6 ~~23-2514~~ Notwithstanding any other provision of the County Civil
7 Service Commission Act sections 23-2501 to 23-2516, any person who holds
8 the position of chief deputy, or deputy if there is not more than one
9 deputy in the office, may be removed by the elected officer from the
10 position of chief deputy or deputy without cause, but such person shall,
11 if he or she has been an employee of the county for more than two years
12 prior to the appointment as chief deputy or deputy, have the right,
13 unless discharged or demoted as provided in sections 11 23-2510 and 12 of
14 this act 23-2511, to remain as a county employee at a salary not less
15 than eighty percent of his or her average salary during the three
16 preceding years.

17 Sec. 16. (1) The county board shall appoint a human resources
18 director to help carry out the County Civil Service Commission Act. Such
19 human resources director shall be a person experienced in the field of
20 personnel administration and in known sympathy with the application of
21 merit principles in public employment. The human resources director shall
22 report to the county board. In addition to other duties imposed upon him
23 or her by the county board, the human resources director shall:

24 (a) Apply and carry out the act and the rules and regulations
25 thereunder;

26 (b) Attend meetings of the commission and act as its secretary and
27 keep minutes of its proceedings;

28 (c) Establish and maintain a roster of all employees in the
29 classified service which shall set forth the class title, pay, status,
30 and other pertinent data for each employee;

31 (d) Appoint such employees and experts and special assistants as may

1 be necessary;

2 (e) Foster and develop, in cooperation with appointing authorities
3 and others, programs for the improvement of employee effectiveness,
4 including, but not limited to, training, safety, health, counseling, and
5 welfare;

6 (f) Encourage and exercise leadership in the development of
7 effective personnel administration with the several county agencies,
8 departments, and institutions; and

9 (g) Perform such other duties as he or she may consider necessary or
10 desirable to carry out the purposes of the County Civil Service
11 Commission Act.

12 (2) The human resources director shall require department heads to
13 provide sufficient criteria to enable the commission to properly conduct
14 employment examinations and shall require department heads to supply to
15 the commission position classification plans, job descriptions, and job
16 specifications.

17 (3) Individual personnel records shall be available for inspection
18 only by the employee involved, the employee's department head, and such
19 other persons as the commission shall authorize.

20 Sec. 17. Section 23-2515, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 ~~23-2515~~ An appeal from a final order of the commission shall be in
23 the manner provided in sections 25-1901 to 25-1908.

24 Sec. 18. Section 23-2516, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 ~~23-2516~~ If any provision of the County Civil Service Commission Act
27 ~~sections 23-2501 to 23-2516~~ or of any rule, regulation, or order
28 thereunder or the application of such provision to any person or
29 circumstances shall be held invalid, the remainder of the County Civil
30 Service Commission Act sections 23-2501 to 23-2516 and the application of
31 such provision of the County Civil Service Commission Act sections

1 ~~23-2501 to 23-2516~~ or of such rule, regulation, or order to persons or
2 circumstances other than those as to which it is held invalid shall not
3 be affected thereby.

4 Sec. 19. Section 14-2103, Revised Statutes Cumulative Supplement,
5 2018, is amended to read:

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

28 Sec. 20. Section 14-2105, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 14-2105 Regular meetings of the board of directors shall be held ~~on~~
31 ~~the first Wednesday of each calendar month at such hour~~ and on such date

1 as the board may designate and at such other stated times as shall be
2 fixed in the bylaws. Special meetings of the board may be held at any
3 time at the call of the chairperson or at the request of any two members
4 filed in writing with the secretary. All meetings of the board, any of
5 its committees, or committees of its employees shall be public.

6 Sec. 21. Section 18-2515, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 18-2515 (1) Each petition presented for signature must be identical
9 to the petition authorized for circulation by the city clerk pursuant to
10 section 18-2512.

11 (2) Every petition shall contain the name and place of residence of
12 not more than three persons as chief petitioners or sponsors of the
13 measure. ~~The chief petitioners or sponsors shall be qualified electors of~~
14 ~~the municipal subdivision potentially affected by the initiative or~~
15 ~~referendum proposal.~~

16 (3) Every petition shall contain the caption and the statement
17 specified in subdivisions (1)(a) and (1)(c) of section 18-2513.

18 (4) When a special election is being requested, such fact shall be
19 stated on every petition.

20 Sec. 22. Section 18-2713, Revised Statutes Cumulative Supplement,
21 2018, is amended to read:

22 18-2713 (1) Before adopting an economic development program, a city
23 shall submit the question of its adoption to the registered voters at an
24 election. The governing body of the city shall order the submission of
25 the question by filing a certified copy of the resolution proposing the
26 economic development program with the election commissioner or county
27 clerk not later than fifty days prior to a special election or a
28 municipal primary or general election which is not held at the statewide
29 primary or general election or not later than March 1 prior to a
30 statewide primary election or September 1 prior to a statewide general
31 election. ~~The governing body of the city may determine not to submit the~~

1 question at a particular election and order the removal of the question
2 from the ballot by filing a certified copy of the resolution approving
3 removing the question with the election commissioner or county clerk not
4 later than March 1 prior to a statewide primary election or September 1
5 prior to a statewide general election.

6 (2) The question on the ballot shall briefly set out the terms,
7 conditions, and goals of the proposed economic development program,
8 including the length of time during which the program will be in
9 existence, the year or years within which the funds from local sources of
10 revenue are to be collected, the source or sources from which the funds
11 are to be collected, the total amount to be collected for the program
12 from local sources of revenue, and whether the city proposes to issue
13 bonds pursuant to the Local Option Municipal Economic Development Act to
14 provide funds to carry out the economic development program. The ballot
15 question shall also specify whether additional funds from other noncity
16 sources will be sought beyond those derived from local sources of
17 revenue. In addition to all other information, if the funds are to be
18 derived from the city's property tax, the ballot question shall state the
19 present annual cost of the economic development program per ten thousand
20 dollars of assessed valuation based upon the most recent valuation of the
21 city certified to the Property Tax Administrator pursuant to section
22 77-1613.01. The ballot question shall state: "Shall the city of (name of
23 the city) establish an economic development program as described here by
24 appropriating annually from local sources of revenue \$..... for
25 years?". If the only city revenue source for the proposed economic
26 development program is a local option sales tax that has not yet been
27 approved at an election, the ballot question specifications in this
28 section may be repeated in the sales tax ballot question.

29 (3) If a majority of those voting on the issue vote in favor of the
30 question, the governing body may implement the proposed economic
31 development program upon the terms set out in the resolution. If a

1 majority of those voting on the economic development program vote in
2 favor of the question when the only city revenue source is a proposed
3 sales tax and a majority of those voting on the local option sales tax
4 vote against the question, the governing body shall not implement the
5 economic development program, and it shall become null and void. If a
6 majority of those voting on the issue vote against the question, the
7 governing body shall not implement the economic development program.

8 Sec. 23. Section 23-148, Revised Statutes Cumulative Supplement,
9 2018, is amended to read:

10 23-148 The county board of commissioners in all counties having not
11 more than four hundred thousand inhabitants as determined by the most
12 recent federal decennial census shall consist of three persons except as
13 follows:

14 (1) Pursuant to petitions filed or a vote of the county board under
15 section 23-149, the ~~The~~ registered voters in any county containing not
16 more than four hundred thousand inhabitants as determined by the most
17 recent federal decennial census may vote at any general election as to
18 whether their county board shall consist of three or five commissioners.
19 Upon the completion of the canvass by the county canvassing board, the
20 proposition shall be decided and, if the number of commissioners is
21 increased from three to five commissioners, vacancies shall be deemed to
22 exist and the procedures set forth in sections 32-567 and 32-574 shall be
23 instituted; and

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

27 Sec. 24. Section 23-149, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 23-149 (1)(a) ~~(1)~~ In counties not under township organization, a
30 registered voter may file a petition or petitions for the submission of
31 the question regarding the number of commissioners on the county board.

1 The petition or petitions shall be signed by registered voters equal in
2 number to five percent of the voters registered in the county at the
3 preceding statewide general election.

4 (b) In counties not under township organization, the county board
5 may, by majority vote of all members, adopt a resolution for the
6 submission of the question regarding the number of commissioners on the
7 county board.

8 (2) When the petition or petitions or the resolution is are filed
9 with the in the office of the county clerk or election commissioner or
10 county clerk not less than seventy days before the date of any general
11 election, the ~~county clerk or~~ election commissioner or county clerk shall
12 cause the question to be submitted to the voters of the county at such
13 election and give notice thereof in the general notice of such election.
14 The forms of ballots shall be respectively: For three commissioners and
15 For five commissioners; and the same shall be printed upon the regular
16 ballots cast for officers voted for at such election and shall be counted
17 and canvassed in the same manner.

18 (3) If a majority of votes cast at the election favor the
19 proposition For five commissioners, thereafter the county shall have five
20 commissioners, and if a majority of the ballots cast at the election
21 favor the proposition For three commissioners, thereafter the county
22 shall have three commissioners.

23 Sec. 25. Section 23-202, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 23-202 (1) In counties not under township organization, a registered
26 voter may file a petition or petitions for the submission of the question
27 of township organization. The petition or petitions shall be signed by
28 registered voters equal in number to five percent of the voters
29 registered in the county at the preceding statewide general election.

30 (2) The petition or petitions shall be filed in the office of the
31 election commissioner or county clerk by September 1 of the year of the

1 general election at which the petitioners wish to have the question
2 submitted for a vote. If such petition or petitions are filed in
3 conformance with this subsection ~~When the petition or petitions are filed~~
4 ~~in the office of the county clerk or election commissioner,~~ the question
5 shall be submitted to the registered voters at the next general election
6 held ~~not less than seventy days~~ after the filing of the petition or
7 petitions. The questions on the ballot shall be respectively: For
8 changing to township organization with a seven-member county board of
9 supervisors; or Against changing to township organization.

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

11 Sec. 26. Section 23-293, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 23-293 (1) In counties under township organization, a registered
14 voter may file a petition or petitions for submission of the question of
15 the discontinuance of township organization to the registered voters of
16 the county. The petition or petitions shall be signed by registered
17 voters equal in number to five percent of the voters registered in the
18 county at the preceding statewide general election. The petition or
19 petitions shall be filed in the office of the election commissioner or
20 county clerk by September 1 of the year of the general election at which
21 the petitioners wish to have the question submitted for a vote. If such
22 petition or petitions are filed in conformance with this subsection ~~When~~
23 ~~the petition or petitions are filed in the office of the county clerk or~~
24 ~~election commissioner,~~ the question shall be submitted to the registered
25 voters at the next general election held ~~not less than seventy days~~ after
26 the filing of the petition or petitions.

27 (2) In counties under township organization, the county board may,
28 by if a resolution supported by a majority of the county board, submit is
29 filed in the office of the county clerk or election commissioner for
30 submission of the question of discontinuance of township organization to
31 the registered voters of the county. If such resolution is filed in the

1 office of the election commissioner or county clerk by September 1 of the
2 year of the general election at which the board wishes to have the
3 question submitted for a vote, the question shall be submitted to the
4 registered voters at the next general election held ~~not less than seventy~~
5 ~~days~~ after the filing of the resolution.

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

13 Sec. 27. Section 31-787, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 31-787 (1) A trustee of a sanitary and improvement district may be
16 removed from office by recall pursuant to sections 31-786 to 31-793. A
17 petition for an election to recall a trustee shall be sufficient if it
18 complies with the requirements of this section.

19 (2) The signers of the petition shall be persons who were, on the
20 date the initial petition papers are issued under subsection (7) of this
21 section, eligible to vote in a district election as provided in section
22 31-735. A person's eligibility to sign a petition shall be the same as
23 the person's eligibility to cast one or more votes at a district election
24 under section 31-735. Only one person shall be allowed to sign on behalf
25 of joint owners of property in the district or on behalf of a public,
26 private, or municipal corporation that owns property in the district. If
27 the trustee whose recall is sought was elected by vote of resident owners
28 only, then only resident owners shall be allowed to sign the petition. If
29 the trustee whose recall is sought was elected by vote of all owners of
30 property, then all owners shall be allowed to sign the petition. Resident
31 owner means qualified resident voter. All owners means all qualified

1 resident voters and all qualified property owning voters.

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

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

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

18 (6) The petition papers shall be procured from the filing clerk.
19 Prior to the issuance of such petition papers, a recall petition filing
20 form ~~an affidavit~~ shall be signed and filed with the filing clerk by at
21 least one qualified resident voter of the district, if the trustee whose
22 recall is being sought was elected solely by qualified resident voters,
23 or at least one qualified resident voter or qualified property owning
24 voter, if the trustee whose recall is being sought was elected by other
25 qualified resident voters and qualified property owning voters. Such
26 voter or voters shall be deemed to be the principal circulator or
27 circulators of the recall petition. The filing form ~~affidavit~~ shall state
28 the name of the trustee sought to be removed and whether qualified
29 property owning voters participated in the election of the trustee and
30 shall request that the filing clerk issue initial petition papers to the
31 principal circulator for circulation. The filing clerk shall notify the

1 principal circulator or circulators that the necessary signatures must be
2 gathered within thirty days after the date of issuing the petitions.

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

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

18 31-793 No recall petition filing form shall be filed against a
19 trustee under section 31-787 within twelve months after a recall election
20 has failed to remove him or her from office or within six months after
21 the beginning of his or her term of office or within six months prior to
22 the incumbent filing deadline for the office.

23 Sec. 29. Section 32-116, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-116 Residence shall mean (1) that place in Nebraska in which a
26 person is actually domiciled, which is the residence of an individual or
27 family, with which a person has a settled connection for the
28 determination of his or her civil status or other legal purposes because
29 it is actually or legally his or her permanent and principal home, and to
30 which, whenever he or she is absent, he or she has the intention of
31 returning, (2) the place in Nebraska where a person has his or her family

1 domiciled even if he or she does business in another place, and (3) if a
2 person is homeless, the county in Nebraska in which the person is living.
3 No person serving in the armed forces of the United States shall be
4 deemed to have a residence in Nebraska because of being stationed in
5 Nebraska.

6 Sec. 30. Section 32-202, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 32-202 In addition to any other duties prescribed by law, the
9 Secretary of State shall:

10 (1) Supervise the conduct of primary and general elections in this
11 state;

12 (2) Provide training for election commissioners, county clerks, and
13 other election officials in providing for registration of voters and the
14 conduct of elections;

15 (3) Enforce the Election Act;

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

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

20 (6) Develop and print forms for use as required by sections 32-308,
21 32-310, 32-320, 32-329, 32-947, 32-956, and 32-958;

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

24 (8) Require reporting to ensure compliance with sections 32-308 to
25 32-310;

26 (9) Prepare and transmit reports as required by the National Voter
27 Registration Act of 1993, 52 U.S.C. 20501 ~~42 U.S.C. 1973gg~~ et seq.;

28 (10) Develop and print a manual describing the requirements of the
29 initiative and referendum process and distribute the manual to election
30 commissioners and county clerks for distribution to the public upon
31 request;

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

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

4 (13) Establish a free access system, such as a toll-free telephone
5 number or an Internet web site, that any voter who casts a provisional
6 ballot may access to discover whether the vote of that voter was counted
7 and, if the vote was not counted, the reason that the vote was not
8 counted. The Secretary of State shall establish and maintain reasonable
9 procedures necessary to protect the security, confidentiality, and
10 integrity of personal information collected, stored, or otherwise used by
11 the free access system. Access to information about an individual
12 provisional ballot shall be restricted to the individual who cast the
13 ballot.

14 Sec. 31. Section 32-221, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 32-221 (1) The election commissioner shall appoint precinct and
17 district inspectors, judges of election, and clerks of election to assist
18 the election commissioner in conducting elections on election day. In
19 counties with a population of less than four hundred thousand inhabitants
20 as determined by the most recent federal decennial census, judges and
21 clerks of election and inspectors shall be appointed at least thirty days
22 prior to the statewide primary election, shall hold office for terms of
23 two years or until their successors are appointed and qualified for the
24 next statewide primary election, and shall serve at all elections in the
25 county during their terms of office. In counties with a population of
26 four hundred thousand or more inhabitants as determined by the most
27 recent federal decennial census, judges and clerks of election shall be
28 appointed at least thirty days prior to the first election for which
29 appointments are necessary and shall serve for at least four elections.

30 (2) Judges and clerks of election may be selected at random from a
31 cross section of the population of the county. All qualified citizens

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

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

14 (4) If a vacancy occurs in the office of judge or clerk of election
15 or inspector, the election commissioner shall fill such vacancy in
16 accordance with section 32-223. If any judge or clerk of election or
17 inspector fails to appear at the hour appointed for the opening of the
18 polls, the remaining officers shall notify the election commissioner,
19 select a registered voter to serve in place of the absent officer if so
20 directed by the election commissioner, and proceed to conduct the
21 election. If the election commissioner finds that a judge or clerk of
22 election or inspector does not possess all the qualifications prescribed
23 in this section or if any judge or clerk of election or inspector is
24 guilty of neglecting the duties of the office or of any official
25 misconduct, the election commissioner shall remove the person and fill
26 the vacancy.

27 Sec. 32. Section 32-223, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 32-223 (1) Except as otherwise provided in the Election Act ~~For each~~
30 ~~precinct except as provided in subsection (2) of this section,~~ the
31 election commissioner shall appoint a precinct inspector and a receiving

1 board to consist of at least two judges and two clerks of election for
2 each precinct. The election commissioner may appoint district inspectors
3 to aid the election commissioner in the performance of his or her duties
4 and supervise a group of precincts on election day.

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

7 (2) ~~(3)~~ The election commissioner may allow persons serving on a
8 receiving board as judges and clerks of election and precinct inspectors
9 to serve for part of the time the polls are open and appoint other judges
10 and clerks of election and precinct inspectors to serve on the same
11 receiving board for the remainder of the time the polls are open.

12 (3) ~~(4)~~ On each receiving board at any one time, one judge and one
13 clerk of election shall be registered voters of the political party
14 casting the highest number of votes in the county for Governor or for
15 President of the United States in the immediately preceding general
16 election, and one judge and one clerk of election shall be registered
17 voters of the political party casting the next highest number of votes in
18 the county for Governor or for President of the United States in the
19 immediately preceding general election, except that one judge or clerk of
20 election may be a registered voter who is not affiliated with either of
21 such parties. If a third judge is appointed, such judge shall be a
22 registered voter of the political party casting the highest number of
23 votes in the county for Governor or for President of the United States in
24 the immediately preceding general election. All precinct and district
25 inspectors shall be divided between all political parties as nearly as
26 practicable in proportion to the number of votes cast in such county at
27 the immediately preceding general election for Governor or for President
28 of the United States by the parties, respectively.

29 (4) ~~(5)~~ The election commissioner may appoint a person who is at
30 least sixteen years old but is not eligible to register to vote as a
31 clerk of election. Such clerk of election shall meet the requirements of

1 subsection (3) of section 32-221, except that such clerk shall not be
2 required to be a registered voter. No more than one clerk of election
3 appointed under this subsection shall serve at any precinct. A clerk of
4 election appointed under this subsection shall be considered a registered
5 voter who is not affiliated with a political party for purposes of this
6 section.

7 Sec. 33. Section 32-230, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-230 (1) As provided in subsection (4) ~~(5)~~ of this section, the
10 precinct committeeman and committeewoman of each political party shall
11 appoint a receiving board consisting of three judges of election and two
12 clerks of election ~~except as provided in subsection (3) of this section.~~
13 The chairperson of the county central committee of each political party
14 shall send the names of the appointments to the county clerk no later
15 than February 1 prior to the primary election.

16 (2) If no names are submitted by the chairperson, the county clerk
17 shall appoint judges or clerks of election from the appropriate political
18 party. Judges and clerks of election may be selected at random from a
19 cross section of the population of the county. All qualified citizens
20 shall have the opportunity to be considered for service. All qualified
21 citizens shall fulfill their obligation to serve as judges or clerks of
22 election as prescribed by the county clerk. No citizen shall be excluded
23 from service as a result of discrimination based upon race, color,
24 religion, sex, national origin, or economic status. No citizen shall be
25 excluded from service unless excused by reason of ill health or other
26 good and sufficient reason.

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

29 (3) ~~(4)~~ The county clerk may allow persons serving on a receiving
30 board to serve for part of the time the polls are open and appoint other
31 persons to serve on the same receiving board for the remainder of the

1 time the polls are open.

2 (4) ~~(5)~~ In each precinct at any one time, one judge and one clerk of
3 election shall be appointed from the political party casting the highest
4 number of votes in the county for Governor or for President of the United
5 States in the immediately preceding general election, one judge and one
6 clerk shall be appointed from the political party casting the next
7 highest number of votes in the county for Governor or for President of
8 the United States in the immediately preceding general election, and one
9 judge shall be appointed from the political party casting the third
10 highest number of votes in the county for Governor or for President of
11 the United States in the immediately preceding general election. If the
12 political party casting the third highest number of votes cast less than
13 ten percent of the total vote cast in the county at the immediately
14 preceding general election, the political party casting the highest
15 number of votes at the immediately preceding general election shall be
16 entitled to two judges and one clerk.

17 (5) ~~(6)~~ The county clerk may appoint registered voters to serve in
18 case of a vacancy among any of the judges or clerks of election or in
19 addition to the judges and clerks in any precinct when necessary to meet
20 any situation that requires additional judges and clerks. Such appointees
21 may include registered voters unaffiliated with any political party. Such
22 appointees shall serve at subsequent or special elections as determined
23 by the county clerk.

24 (6) ~~(7)~~ The county clerk may appoint a person who is at least
25 sixteen years old but is not eligible to register to vote as a clerk of
26 election. Such clerk of election shall meet the requirements of
27 subsection (1) of section 32-231, except that such clerk shall not be
28 required to be a registered voter. No more than one clerk of election
29 appointed under this subsection shall serve at any precinct. A clerk of
30 election appointed under this subsection shall be considered a registered
31 voter who is not affiliated with a political party for purposes of this

1 section.

2 Sec. 34. Section 32-231, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 32-231 (1) Each judge and clerk of election appointed pursuant to
5 section 32-230 shall (a) be of good repute and character and able to read
6 and write the English language, (b) reside in the precinct in which he or
7 she is to serve unless necessity demands that personnel be appointed from
8 another precinct, (c) be a registered voter except as otherwise provided
9 in subsection (6) ~~(7)~~ of section 32-230, and (d) serve for a term of two
10 years or until judges and clerks of election are appointed for the next
11 primary election. No candidate at an election shall be eligible to serve
12 as a judge or clerk of election at the same election other than a
13 candidate for a delegate to a county, state, or national political party
14 convention.

15 (2) The county clerk may appoint district inspectors to aid the
16 county clerk in the performance of his or her duties and supervise a
17 group of precincts on election day. A district inspector shall meet the
18 requirements for judges and clerks of election as provided in subsection
19 (1) of this section, shall oversee the procedures of a group of polling
20 places, and shall act as the personal agent and deputy of the county
21 clerk. The district inspector shall ensure that the Election Act is
22 uniformly enforced at the polling places assigned to him or her and
23 perform tasks assigned by the county clerk. The district inspector may
24 perform all of the duties required of a judge or clerk of election.

25 Sec. 35. Section 32-236, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 32-236 Each judge and clerk of election appointed pursuant to
28 subsection (4) ~~(5)~~ of section 32-230 and each district inspector
29 appointed pursuant to subsection (2) of section 32-231 shall serve at all
30 elections, except city and village elections, held in the county or
31 precinct during his or her two-year term unless excused. A violation of

1 this section by an appointee is a Class V misdemeanor. The county clerk
2 shall submit the names of appointees violating this section to the local
3 law enforcement agency for citation pursuant to sections 32-1549 and
4 32-1550.

5 Sec. 36. Section 32-330, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:

7 32-330 (1) Except as otherwise provided in subsection (3) of section
8 32-301, the voter registration register shall be a public record. Any
9 person may examine the register at the office of the election
10 commissioner or county clerk, but no person other than the Secretary of
11 State, the election commissioner, the county clerk, or law enforcement
12 shall be allowed to make copies of the register. Copies of the register
13 shall only be used for list maintenance as provided in section 32-329 or
14 law enforcement purposes. The electronic records of the original voter
15 registrations created pursuant to section 32-301 may constitute the voter
16 registration register. The Secretary of State, election commissioner, or
17 county clerk shall withhold information in the register designated as
18 confidential under section 32-331. No portion of the register made
19 available to the public and no list distributed pursuant to this section
20 shall include the digital signature of any voter.

21 (2) The Secretary of State, election commissioner, or county clerk
22 shall make available ~~for purchase~~ a list of registered voters that
23 contains no more than the information authorized in subsection (3) of
24 this section ~~required under section 32-312~~ and, if requested, a list that
25 only contains such information for registered voters who have voted in an
26 election held more than thirty days prior to the request for the list.
27 The Secretary of State, election commissioner, or county clerk shall
28 establish the price of the lists at a rate that fairly covers the actual
29 production cost of the lists, not to exceed three cents per name. Lists
30 shall be used solely for purposes related to elections, political
31 activities, voter registration, law enforcement, or jury selection. Lists

1 shall not be used for commercial purposes.

2 (3)(a) The Secretary of State, election commissioner, or county
3 clerk shall withhold from any list of registered voters distributed
4 pursuant to subsection (2) of this section any information in the voter
5 registration records which is designated as confidential under section
6 32-331 or marked private on the voter registration application or voter
7 registration record.

8 (b) Except as otherwise provided in subdivision (a) of this
9 subsection, a list of registered voters distributed pursuant to
10 subsection (2) of this section shall contain no more than the following
11 information:

12 (i) The registrant's name;

13 (ii) The registrant's residential address;

14 (iii) The registrant's mailing address;

15 (iv) The registrant's telephone number;

16 (v) The registrant's voter registration status;

17 (vi) The registrant's voter identification number;

18 (vii) The registrant's date of birth;

19 (viii) The registrant's date of voter registration;

20 (ix) The registrant's voting precinct;

21 (x) The registrant's polling site;

22 (xi) The registrant's political party affiliation;

23 (xii) The political subdivisions in which the registrant resides;

24 and

25 (xiii) The registrant's voter history.

26 (4) ~~(3)~~ Any person who acquires a list of registered voters under
27 subsection (2) of this section shall provide his or her name, address,
28 telephone number, email address, and campaign committee name or
29 organization name, if applicable, and the state of organization, if
30 applicable, and shall take and subscribe to an oath in substantially the
31 following form:

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

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

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

9 (Signature of person acquiring list)

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

11 (Signature ~~Name~~ of officer)

12 (Name and official ~~Official~~ title of
13 officer)

14 ~~(5) (4)~~ The Secretary of State, election commissioner, or county
15 clerk shall provide, upon request and free of charge, a complete and
16 current listing of all registered voters and their addresses to the Clerk
17 of the United States District Court for the District of Nebraska. Such
18 list shall be provided no later than December 31 of each even-numbered
19 year.

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

28 Sec. 37. Section 32-552, Reissue Revised Statutes of Nebraska, is
29 amended to read:

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

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

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

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

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

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

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

25 Sec. 38. Section 32-607, Revised Statutes Cumulative Supplement,
26 2018, is amended to read:

27 32-607 All candidate filing forms shall contain the following
28 statement: I hereby swear that I will abide by the laws of the State of
29 Nebraska regarding the results of the primary and general elections, that
30 I am a registered voter and qualified to be elected, and that I will
31 serve if elected. Candidate filing forms shall also contain the following

1 information regarding the candidate: Name; residence address; mailing
2 address if different from the residence address; telephone number; office
3 sought; party affiliation if the office sought is a partisan office; a
4 statement as to whether or not civil penalties are owed pursuant to the
5 Nebraska Political Accountability and Disclosure Act; and, if civil
6 penalties are owed, whether or not a surety bond has been filed pursuant
7 to subdivision (4)(b) of section 32-602. Candidate filing forms shall be
8 filed with the following filing officers:

9 (1) For candidates for national, state, or congressional office,
10 directors of public power and irrigation districts, directors of
11 reclamation districts, directors of natural resources districts,
12 directors of metropolitan utilities districts, members of the boards of
13 educational service units, members of governing boards of community
14 colleges, delegates to national conventions, and other offices filled by
15 election held in more than one county and judges desiring retention, in
16 the office of the Secretary of State;

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

19 (3) For officers in school districts which include land in adjoining
20 counties, in the office of the election commissioner or county clerk of
21 the county in which the greatest number of registered voters entitled to
22 vote for the officers reside; and

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

25 Sec. 39. Section 32-618, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 32-618 (1) The number of signatures of registered voters needed to
28 place the name of a candidate upon the nonpartisan ballot for the general
29 election shall be as follows:

30 (a) For each nonpartisan office other than members of the Board of
31 Regents of the University of Nebraska and board members of a Class III

1 school district, at least ten percent of the total number of registered
2 voters voting for Governor or President of the United States at the
3 immediately preceding general election in the district or political
4 subdivision in which the officer is to be elected, not to exceed two
5 thousand;

6 (b) For members of the Board of Regents of the University of
7 Nebraska, at least ten percent of the total number of registered voters
8 voting for Governor or President of the United States at the immediately
9 preceding general election in the regent district in which the officer is
10 to be elected, not to exceed one thousand; and

11 (c) For board members of a Class III school district, at least
12 twenty percent of the total number of votes cast for the board member
13 receiving the highest number of votes at the immediately preceding
14 general election in the school district.

15 (2) The number of signatures of registered voters needed to place
16 the name of a candidate for an office upon the partisan ballot for the
17 general election shall be as follows: ~~at least ten percent of the~~
18 ~~registered voters entitled to vote for the office.~~

19 (a) For each partisan office to be filled by the registered voters
20 of the entire state, at least four thousand, and at least seven hundred
21 fifty signatures shall be obtained in each congressional district in the
22 state;

23 (b) For each partisan office to be filled by the registered voters
24 of a county, at least twenty percent of the total number of registered
25 voters voting for Governor or President of the United States at the
26 immediately preceding general election within the county, not to exceed
27 two thousand, except that the number of signatures shall not be required
28 to exceed twenty-five percent of the total number of registered voters
29 voting for the office at the immediately preceding general election; and

30 (c) For each partisan office to be filled by the registered voters
31 of a political subdivision other than a county, at least twenty percent

1 of the total number of registered voters voting for Governor or President
2 of the United States at the immediately preceding general election within
3 the political subdivision, not to exceed two thousand.

4 Sec. 40. 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. 41. 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. 42. 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. 43. 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. 44. 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. 45. Section 32-904, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-904 (1) The election commissioner or county clerk shall
10 designate the polling places for each precinct at which the registered
11 voters of the precinct will cast their votes. Polling places representing
12 different precincts may be combined at a single location when potential
13 sites cannot be found, contracts for utilizing polling sites cannot be
14 obtained, or a potential site is not accessible to handicapped persons as
15 provided in section 32-907.

16 (2) When combining polling places at a single site for an election
17 other than a special election, the election commissioner or county clerk
18 shall clearly separate the polling places from each other and maintain
19 separate receiving boards. When combining polling places at a single site
20 for a special election, the election commissioner or county clerk may
21 combine the polling places and receiving boards.

22 (3) Polling places shall not be changed between the statewide
23 primary and general elections unless the election commissioner or county
24 clerk has been authorized to make such change by the Secretary of State.
25 If changes are authorized, the election commissioner or county clerk
26 shall notify each state and local candidate affected by the change.

27 (4) Notwithstanding any other provision of the Election Act, the
28 Secretary of State may adopt and promulgate rules and regulations, with
29 the consent of the appropriate election commissioner or county clerk, for
30 the establishment of polling places which may be used for voting pursuant
31 to section 32-1041 for the twenty days preceding the day of election.

1 Such polling places shall be in addition to the office of the election
2 commissioner or county clerk and the polling places otherwise established
3 pursuant to this section.

4 Sec. 46. Section 32-907, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 32-907 (1) All polling places shall be accessible to all registered
7 voters and shall be in compliance with the federal Americans with
8 Disabilities Act of 1990, as amended, and the federal Help America Vote
9 Act of 2002, as amended. In addition, all All polling places shall be
10 modified or relocated to architecturally barrier-free buildings to
11 provide unobstructed access to such polling places by people with
12 physical limitations as required by this section. At least one voting
13 booth shall be so constructed as to provide easy access for people with
14 limitations, ~~and~~ shall accommodate a wheelchair, and shall have a cover
15 or barrier to provide privacy. The modifications required by this section
16 may be of a temporary nature to provide such unobstructed access only on
17 election day.

18 (2) All polling places shall meet the requirements of the federal
19 Americans with Disabilities Act of 1990, as amended, and the federal Help
20 America Vote Act of 2002, as amended, including, but not limited to,
21 requirements for:

22 (a) Parking;

23 (b) An exterior route to an accessible entrance;

24 (c) Polling place entrances;

25 (d) The route from the entrance into the voting area;

26 (e) Voting areas, including, but not limited to, a sign (i) that
27 indicates that assistance is available, (ii) that contains the contact
28 telephone number approved by the Secretary of State, and (iii) posted
29 with visible lettering that is two inches, plus one-eighth inch per foot
30 of viewing distance more than one hundred eighty inches from viewing
31 points;

- 1 (f) Ramps;
- 2 (g) Lifts; and
- 3 (h) Elevators.

4 (3) The Secretary of State shall develop, print, and make publicly
5 available a training manual regarding accessibility requirements of the
6 Election Act, the federal Americans with Disabilities Act of 1990, as
7 amended, and the federal Help America Vote Act of 2002, as amended.

8 (4) The Secretary of State shall include in the biennial training
9 for election commissioners and county clerks current standards for
10 accessibility. All poll workers shall receive training regarding
11 accessibility between appointment and serving at an election.

12 Sec. 47. Section 32-910, Reissue Revised Statutes of Nebraska, is
13 amended to read:

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

26 Sec. 48. Section 32-916, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 32-916 (1) Two judges of election or a precinct inspector and a
29 judge of election shall affix their initials to the official ballots. The
30 judge of election shall deliver a ballot to each registered voter after
31 complying with section 32-914.

1 (2) After voting the ballot, the registered voter shall, as directed
2 by the judge of election, fold his or her ballot or place the ballot in
3 the ballot envelope or sleeve so as to conceal the voting marks and to
4 expose the initials affixed on the ballot. The registered voter shall,
5 without delay and without exposing the voting marks upon the ballot,
6 deliver the ballot to the judge of election before leaving the enclosure
7 in which the voting booths are placed.

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

31 (4) Upon receiving a provisional ballot as provided in section

1 32-915, the judge of election shall give the voter written information
2 that states that the voter may determine if his or her vote was counted
3 and, if not, the reason that the vote was not counted by accessing the
4 system created pursuant to section 32-202 and the judge of election shall
5 ensure that the appropriate information is on the outside of the envelope
6 in which the ballot is enclosed or attached to the envelope, attach the
7 statement required by section 32-915 if not contained on the envelope,
8 and place the entire envelope into the ballot box. Upon receiving a
9 provisional ballot as provided in section 32-915.01, the judge of
10 election shall comply with the requirements for a provisional ballot
11 under this subsection, except that a provisional ballot cast pursuant to
12 section 32-915.01 shall be kept separate from the other ballots cast at
13 the election.

14 Sec. 49. Section 32-952, Reissue Revised Statutes of Nebraska, is
15 amended to read:

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

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

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

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

31 (4) The election commissioner or county clerk has determined a date

1 for the election which is not the same date as another election in which
2 the registered voters of the political subdivision are eligible to vote;
3 and

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

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

16 Sec. 50. Section 32-956, Reissue Revised Statutes of Nebraska, is
17 amended to read:

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

1 address shown on the statement. The election commissioner or county clerk
2 shall keep a record of all replacement ballots issued under this section.

3 Sec. 51. Section 32-1002, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-1002 (1) As the ballots are removed from the ballot box pursuant
6 to sections 32-1012 to 32-1018, the receiving board shall separate the
7 envelopes containing the provisional ballots from the rest of the ballots
8 and deliver them to the election commissioner or county clerk.

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

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

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

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

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

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

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

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

8 (ii) If the voter is voting in a primary election, the party
9 affiliation provided on the registration application completed prior to
10 voting the provisional ballot is the same party affiliation that appears
11 on the voter's voter registration record based on his or her previous
12 registration application; and

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

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

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

19 (b) Information has been received pursuant to section 32-308,
20 32-309, 32-310, or 32-324 that the voter has resided, registered, or
21 voted in any other county or state since registering to vote in the
22 county in which he or she cast the provisional ballot;

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

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

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

1 (f) If the voter is voting in a primary election, the party
2 affiliation on the registration application completed prior to voting the
3 provisional ballot is different than the party affiliation that appears
4 on the voter's voter registration record based on his or her previous
5 registration application; or

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

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

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

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

16 (b) Both the registration application and the certification are
17 signed by the voter.

18 (7) Upon determining that the voter's provisional ballot is eligible
19 to be counted, the election commissioner or county clerk shall remove the
20 ballot from the envelope without exposing the marks on the ballot and
21 shall place the ballot with the ballots to be counted by the county
22 canvassing board.

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

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

29 Sec. 52. Section 32-1007, Revised Statutes Cumulative Supplement,
30 2018, is amended to read:

31 32-1007 ~~For members of a village board of trustees or township~~

1 ~~officers, if a first or generally recognized name and last name of a~~
2 ~~person is filled in on a line provided for that purpose and the square or~~
3 ~~oval opposite such line has been marked with a cross or other clear,~~
4 ~~intelligible mark, the vote shall be valid and the ballot shall be~~
5 ~~counted.~~ If only the last name of a person is in the write-in space on
6 the ballot and there is more than one person in the county having the
7 same last name, the counting board shall reject the ballot for that
8 office unless the last name is reasonably close to the proper spelling of
9 the last name of a candidate engaged in or pursuing a write-in campaign
10 pursuant to section 32-615. The counting board shall make the following
11 notation on the rejected ballot: Rejected for the office of,
12 no first or generally recognized name.

13 Sec. 53. Section 32-1008, Reissue Revised Statutes of Nebraska, is
14 amended to read:

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

22 Sec. 54. Section 32-1010, Reissue Revised Statutes of Nebraska, is
23 amended to read:

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

30 Sec. 55. Section 32-1012, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 32-1012 (1) In counties using electronic voting systems or optical
2 scanners to count the ballots at a centralized location, the election
3 commissioner or county clerk may arrange to have partial returns
4 delivered, properly locked or sealed, to the centralized location or
5 locations at any time desired after the opening of the polls if at least
6 twenty-five ballots have been cast since any prior delivery of ballots.
7 The election commissioner or county clerk shall designate the location or
8 locations for counting the ballots and may designate a location or
9 locations in any county. Upon completion of the count, the ballots shall
10 be conveyed under supervision of the election commissioner or county
11 clerk to the office of such official. If for any reason it becomes
12 impracticable to count all or a part of the ballots with optical
13 scanners, the election commissioner or county clerk may direct that the
14 ballots be counted manually following as closely as possible the
15 provisions governing the manual counting of ballots.

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

30 Sec. 56. Section 32-1013, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 32-1013 (1) In each counting centralized location, watchers may be
2 appointed to be present and observe the counting of ballots. Each
3 political party shall be entitled to one watcher at each location
4 appointed and supplied with credentials by the county central committee
5 of such political party. The district court having jurisdiction over any
6 such county may appoint additional watchers for any location.

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

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

20 Sec. 57. Section 32-1041, Reissue Revised Statutes of Nebraska, is
21 amended to read:

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

29 (2) No electronic voting system shall be used under the Election
30 Act.

31 (3) Any new voting or counting system shall be approved by the

1 Secretary of State prior to use by an election commissioner or county
2 clerk. ~~The Notwithstanding any other provision of the Election Act, the~~
3 Secretary of State may adopt and promulgate rules and regulations to
4 establish different procedures and locations for voting and counting
5 votes pursuant to the use of any new voting or counting system. The
6 procedures shall be designed to preserve the safety and confidentiality
7 of each vote cast and the secrecy and security of the counting process,
8 to establish security provisions for the prevention of fraud, and to
9 ensure that the election is conducted in a fair manner.

10 Sec. 58. Section 32-1121, Reissue Revised Statutes of Nebraska, is
11 amended to read:

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

1 recount. If the recount determines the candidate to be the winner, all
2 costs which he or she paid shall be refunded. Refunds shall be made from
3 the county general fund.

4 Sec. 59. Section 32-1303, Revised Statutes Cumulative Supplement,
5 2018, is amended to read:

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

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

22 (3) The petition papers shall be procured from the filing clerk.
23 Prior to the issuance of such petition papers, a recall petition filing
24 form ~~an affidavit~~ shall be signed and filed with the filing clerk by at
25 least one registered voter. Such voter or voters shall be deemed to be
26 the principal circulator or circulators of the recall petition. The
27 filing form ~~affidavit~~ shall state the name and office of the official
28 sought to be removed, shall include ~~in typewritten form~~ in concise
29 language of sixty words or less the reason or reasons for which recall is
30 sought, and shall request that the filing clerk issue initial petition
31 papers to the principal circulator for circulation. The filing clerk

1 shall notify the official sought to be removed by any method specified in
2 section 25-505.01 or, if notification cannot be made with reasonable
3 diligence by any of the methods specified in section 25-505.01, by
4 leaving a copy of the filing form affidavit at the official's usual place
5 of residence and mailing a copy by first-class mail to the official's
6 last-known address. If the official chooses, he or she may submit a
7 defense statement ~~in typewritten form~~ in concise language of sixty words
8 or less for inclusion on the petition. Any such defense statement shall
9 be submitted to the filing clerk within twenty days after the official
10 receives the copy of the filing form affidavit. The filing clerk shall
11 prepare the petition papers within five business days after receipt of
12 the defense statement. The principal circulator or circulators shall
13 gather the petition papers within twenty days after being notified by the
14 filing clerk that the petition papers are available ~~the receipt of the~~
15 ~~official's defense statement~~. The filing clerk shall notify the principal
16 circulator or circulators that the necessary signatures must be gathered
17 within thirty days from the date of issuing the petitions.

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

29 (5) Petition signers shall conform to the requirements of sections
30 32-629 and 32-630. Each signer of a recall petition shall be a registered
31 voter and qualified by his or her place of residence to vote for the

1 office in question.

2 Sec. 60. Section 32-1306, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 32-1306 (1) If the recall petition is found to be sufficient, the
5 filing clerk shall notify the official whose removal is sought and the
6 governing body of the affected political subdivision that sufficient
7 signatures have been gathered. Notification of the official sought to be
8 removed may be by any method specified in section 25-505.01 or, if
9 notification cannot be made with reasonable diligence by any of the
10 methods specified in section 25-505.01, by leaving such notice at the
11 official's usual place of residence and mailing a copy by first-class
12 mail to the official's last-known address.

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

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

1 Sec. 61. Section 32-1309, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-1309 No recall petition filing form shall be filed against an
4 elected official within twelve months after a recall election has failed
5 to remove him or her from office or within six months after the beginning
6 of his or her term of office or within six months prior to the incumbent
7 filing deadline for the office.

8 Sec. 62. Section 32-1405, Reissue Revised Statutes of Nebraska, is
9 amended to read:

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

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

27 (3) The Secretary of State shall prepare five camera-ready copies of
28 the petition from the information filed by the sponsor and any changes
29 accepted by the sponsor and shall provide the copies to the sponsor
30 within five business days after receipt of the review required in
31 subsection (2) of this section. The sponsor shall print the petitions to

1 be circulated from the forms provided. Prior to circulation, the sponsor
2 shall file a final blank copy of the petition to be circulated with the
3 Secretary of State.

4 ~~(4) The changes made to this section by Laws 1995, LB 337 shall~~
5 ~~apply to initiative and referendum petitions filed on or after September~~
6 ~~9, 1995.~~

7 Sec. 63. Section 32-1407, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-1407 (1) Initiative petitions shall be filed in the office of the
10 Secretary of State at least four months prior to the general election at
11 which the proposal would be submitted to the voters.

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

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

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

28 Sec. 64. Section 32-1409, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 32-1409 (1) Upon the receipt of the petitions, the Secretary of
31 State, with the aid and assistance of the election commissioner or county

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

30 (2) Upon completion of the determination of registration, the
31 election commissioner or county clerk shall prepare in writing a

1 certification under seal setting forth the name and address of each
2 signer found not to be a registered voter and the petition page number
3 and line number where the name is found, and if the reason for the
4 invalidity of the signature or address is other than the nonregistration
5 of the signer, the election commissioner or county clerk shall set forth
6 the reason for the invalidity of the signature. If the election
7 commissioner or county clerk determines that a signer has affixed his or
8 her signature more than once to any page or pages of the petition and
9 that only one person is registered by that name, the election
10 commissioner or county clerk shall prepare in writing a certification
11 under seal setting forth the name of the duplicate signature and shall
12 count only the earliest dated signature. The election commissioner or
13 county clerk shall deliver all pages of the petition and the
14 certifications to the Secretary of State within forty days after the
15 receipt of such pages from the Secretary of State. The delivery shall be
16 by hand carrier, by use of law enforcement officials, or by certified
17 mail, return receipt requested. The Secretary of State may grant to the
18 election commissioner or county clerk an additional ten days to return
19 all pages of the petition in extraordinary circumstances.

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

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

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

10 Sec. 65. Section 32-1524, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 32-1524 (1) For purposes of this section:

13 (a) Electioneering means the deliberate, visible display or audible
14 or physical dissemination of information for the purpose of advocating
15 for or against:

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

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

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

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

25 (b) Information includes:

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

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

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

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

1 (v) Literature or any writing or drawing referring to a candidate,
2 officeholder, or ballot measure described in subdivision (a) of this
3 subsection.

4 (2) (1) No judge or clerk of election or precinct or district
5 inspector shall do any electioneering while acting as an election
6 official.

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

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

19 (5) (4) Any person violating this section shall be guilty of a Class
20 V misdemeanor.

21 Sec. 66. Section 49-1499.03, Reissue Revised Statutes of Nebraska,
22 is amended to read:

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

1 sooner:

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

4 (ii) Deliver a copy of the statement to the commission and to the
5 person in charge of keeping records for the political subdivision who
6 shall enter the statement onto the public records of the subdivision.

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

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

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

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

28 (ii) Deliver a copy of the statement to the person in charge of
29 keeping records for the city, village, or school district who shall enter
30 the statement onto the public records of the city, village, or school
31 district; and

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

4 (b) The person holding elective office may apply to the commission
5 for an opinion as to whether the person has a conflict of interest.

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

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

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

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

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

24 (4) ~~(3)~~ Matters involving an interest in a contract are governed
25 either by sections 49-14,102 and 49-14,103 or by sections 49-14,103.01 to
26 49-14,103.06. Matters involving the hiring of an immediate family member
27 are governed by section 49-1499.04. Matters involving nepotism or the
28 supervision of a family member by an official or employee in the
29 executive branch of state government are governed by section 49-1499.07.

30 Sec. 67. Section 49-14,126, Revised Statutes Cumulative Supplement,
31 2018, is amended to read:

1 49-14,126 The commission, upon finding that there has been a
2 violation of the Nebraska Political Accountability and Disclosure Act or
3 any rule or regulation promulgated thereunder, may issue an order
4 requiring the violator to do one or more of the following:

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

11 Sec. 68. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
12 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33,
13 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51,
14 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, and 69 of
15 this act become operative three calendar months after the adjournment of
16 this legislative session. The other sections of this act become operative
17 on their effective date.

18 Sec. 69. Original sections 18-2515, 23-149, 23-202, 23-293,
19 23-2501, 23-2502, 23-2505, 23-2508, 23-2509, 23-2511, 23-2512, 23-2513,
20 23-2515, 23-2516, 31-787, 31-793, 32-116, 32-202, 32-221, 32-223, 32-230,
21 32-231, 32-236, 32-552, 32-618, 32-631, 32-803, 32-816, 32-901, 32-903,
22 32-904, 32-907, 32-910, 32-916, 32-952, 32-956, 32-1002, 32-1008,
23 32-1010, 32-1012, 32-1013, 32-1041, 32-1121, 32-1306, 32-1309, 32-1405,
24 32-1407, 32-1409, 32-1524, and 49-1499.03, Reissue Revised Statutes of
25 Nebraska, and sections 14-2103, 18-2713, 23-148, 23-2503, 23-2504,
26 23-2506, 23-2507, 23-2510, 23-2514, 32-330, 32-607, 32-1007, 32-1303, and
27 49-14,126, Revised Statutes Cumulative Supplement, 2018, are repealed.

28 Sec. 70. Original section 14-2105, Reissue Revised Statutes of
29 Nebraska, is repealed.

30 Sec. 71. Since an emergency exists, this act takes effect when
31 passed and approved according to law.