

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 946

Introduced by Murante, 49.

Read first time January 16, 2014

Committee:

A BILL

1 FOR AN ACT relating to elections; to amend sections 10-703.01,
2 32-209, 32-210, 32-405, 32-608, 32-953, 32-956, 32-957,
3 and 32-1202, Reissue Revised Statutes of Nebraska, and
4 section 32-208, Revised Statutes Cumulative Supplement,
5 2012; to change provisions relating to wages paid to
6 counting board members, election commissioners, chief
7 deputy election commissioners, special elections, filing
8 fees, special elections by mail, and election expenses
9 chargeable to political subdivisions; and to repeal the
10 original sections.

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

1 Section 1. Section 10-703.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 10-703.01 In all special elections called for voting on
4 the question of issuing bonds of the school district, the county
5 clerk or election commissioner or, if the school district lies in
6 more than one county, the county clerk or election commissioner in
7 the county having the greatest number of electors entitled to vote on
8 the question shall designate the polling places and appoint the
9 election officials, who need not be the regular election officials,
10 and otherwise conduct the election as provided under the Election Act
11 except as otherwise specifically provided in this section. Any
12 special election held under this section shall be subject to section
13 32-405. The school district shall designate the form of ballot and
14 reimburse the county clerk or election official for the expenses of
15 conducting the election as provided in sections 32-1201 to 32-1208.
16 The school district officers shall give notice of the election at
17 least twenty days prior to the election and cause the sample ballot
18 to be published in a newspaper of general circulation in the school
19 district one time not more than ten days nor less than three days
20 prior to the election, and no notice of the election shall be
21 required to be given by the county clerk or election commissioner.
22 The notice of election shall state where ballots for early voting may
23 be obtained.

24 The ballots shall be counted by the county clerk or
25 election commissioner conducting the election and two disinterested

1 persons appointed by him or her. When the polls are closed, the
2 receiving board shall deliver the ballots to the county clerk or
3 election commissioner conducting the election who, with the two
4 disinterested persons appointed by him or her, shall proceed to count
5 the ballots.

6 Ballots for early voting shall be furnished to the county
7 clerk or election commissioner and ready for distribution by the
8 county clerk or election commissioner conducting the election not
9 less than fifteen days prior to the election.

10 When a school district lies in more than one county, the
11 county clerk or election commissioner in any other county containing
12 part of such school district shall, upon request, certify its
13 registration books for those precincts in which the school district
14 is located to the county clerk or election commissioner conducting
15 the election and shall immediately forward all requests for ballots
16 for early voting to the county clerk or election commissioner charged
17 with the issuing of such ballots. Not less than five days prior to
18 the election, the school district officers shall certify to the
19 county clerk or election commissioner conducting the election a list
20 of all registered voters of the school district in any other county
21 or counties qualified to vote on the bond issue.

22 All ballots cast at the election shall be counted by the
23 same board. When all the ballots have been counted, the returns of
24 such election shall be turned over to the school board or board of
25 education of the district in which the election was held for the

1 purpose of making a canvass thereof.

2 The two disinterested persons appointed on the counting
3 board shall receive wages at no less than the minimum rate set in
4 section 48-1203 for each hour of service rendered.

5 Sec. 2. Section 32-208, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 32-208 The election commissioner in counties having a
8 population of more than one hundred thousand inhabitants shall be a
9 registered voter, a resident of such county for at least one year,
10 and of good moral character and integrity and capacity. No person who
11 is a candidate for any elective office or is a deputy, clerk, or
12 employee of any person who is a candidate for any elective office
13 shall be eligible for the office of election commissioner. The
14 election commissioner shall not hold any other elective office or
15 become a candidate for an elective office during his or her term of
16 office. ~~or within six months after leaving office.~~ An election
17 commissioner may be appointed to an elective office during his or her
18 term of office as election commissioner, and acceptance of such
19 appointment shall be deemed to be his or her resignation from the
20 office of election commissioner.

21 Sec. 3. Section 32-209, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 32-209 (1) The election commissioner in counties having a
24 population of more than one hundred thousand inhabitants shall
25 appoint a chief deputy election commissioner in the manner provided

1 in section 32-210. The chief deputy election commissioner shall be a
2 member of a different political party than the election commissioner,
3 shall be a registered voter in the county and of the party he or she
4 is to represent, and shall be a resident of such county for at least
5 one year.

6 (2) The chief deputy election commissioner shall hold
7 office until the term of the election commissioner expires.

8 (3) Before entering upon his or her duties, the chief
9 deputy election commissioner shall take and subscribe an oath in the
10 form provided in section 11-101.01.

11 ~~(3)-(4)~~ The chief deputy election commissioner shall give
12 bond to the State of Nebraska in the sum of five thousand dollars
13 with security to be approved by the Governor conditioned on the
14 faithful performance of the duties of such office.

15 ~~(4)-(5)~~ The chief deputy election commissioner shall
16 perform duties assigned by the election commissioner. In the absence
17 of the election commissioner, the chief deputy election commissioner
18 shall perform all the duties of the election commissioner consistent
19 with the policies and procedures established by the election
20 commissioner. The chief deputy election commissioner shall also be
21 responsible for carrying out any directions properly made and given
22 by the election commissioner prior to his or her absence.

23 Sec. 4. Section 32-210, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-210 The election commissioner in counties having a

1 population of more than one hundred thousand inhabitants shall,
2 within ten days after being appointed or being notified that a
3 vacancy exists in the office of chief deputy election commissioner,
4 notify by registered or certified mail the county chairperson of the
5 political parties from which a chief deputy election commissioner may
6 be appointed that an appointment needs to be made. The county
7 chairperson of the political parties shall call a meeting of a
8 committee comprised of the county chairperson, vice-chairperson,
9 secretary, and treasurer of the political parties within ten days
10 after receiving the letter for the purpose of preparing a list of
11 three or more candidates. The list shall be submitted to the election
12 commissioner within five days after the meeting, and the election
13 commissioner shall select a chief deputy election commissioner from
14 the list of names of candidates submitted within ten days after
15 receiving ~~the list.~~ all lists.

16 Sec. 5. Section 32-405, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 32-405 Any special election under the Election Act shall
19 be held on the first Tuesday following the second Monday of the
20 selected month unless otherwise specifically provided. No special
21 election shall be held under the Election Act in April, May, June,
22 October, November, or December of an even-numbered year unless it is
23 held in conjunction with the statewide primary or general election. A
24 special election for a Class IV or V school district may be held in
25 conjunction with the primary or general election for a city of the

1 primary or metropolitan class which is governed by a home rule
2 charter.

3 Sec. 6. Section 32-608, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-608 (1) Except as provided in subsection (4) or (5) of
6 this section, a filing fee shall be paid by or on behalf of each
7 candidate prior to filing for office. For candidates who file in the
8 office of the Secretary of State as provided in subdivision (1) of
9 section 32-607, the filing fee shall be paid to the Secretary of
10 State who shall remit the fee to the State Treasurer for credit to
11 the Election Administration Fund. For candidates for any city or
12 village office, the filing fee shall be paid to the city or village
13 treasurer of the city or village in which the candidate resides. For
14 candidates who file in the office of the election commissioner or
15 county clerk, the filing fee shall be paid to the election
16 commissioner or county clerk in the county in which the office is
17 sought. The election commissioner or county clerk shall remit the fee
18 to the county treasurer. The fee shall be placed in the general fund
19 of the county, city, or village. No candidate filing forms shall be
20 filed until the proper payment or the proper receipt showing the
21 payment of such filing fee is presented to the filing officer. On the
22 day of the filing deadline, the city or village treasurer's office
23 shall remain open to receive filing fees until the hour of the filing
24 deadline.

25 (2) Except as provided in subsection (4) or (5) of this

1 section, the filing fees shall be as follows:

2 (a) For the office of United States Senator, state
3 officers, including members of the Legislature, Representatives in
4 Congress, county officers, and city or village officers, except the
5 mayor or council members of cities having a home rule charter, a sum
6 equal to one percent of the annual salary ~~such candidate will receive~~
7 ~~if he or she is elected and qualifies as of November 30 of the year~~
8 preceding the election for the office for which he or she files as a
9 candidate;

10 (b) For directors of public power and irrigation
11 districts in districts receiving annual gross revenue of forty
12 million dollars or more, twenty-five dollars, and in districts
13 receiving annual gross revenue of less than forty million dollars,
14 ten dollars;

15 (c) For directors of reclamation districts, ten dollars;
16 and

17 (d) For Regents of the University of Nebraska, members of
18 the State Board of Education, and directors of metropolitan utilities
19 districts, twenty-five dollars.

20 (3) All declared write-in candidates shall pay the filing
21 fees that are required for the office at the time that they present
22 the write-in affidavit to the filing officer. Any undeclared write-in
23 candidate who is nominated or elected by write-in votes shall pay the
24 filing fee required for the office within ten days after the canvass
25 of votes by the county canvassing board and shall file the receipt

1 with the person issuing the certificate of nomination or the
2 certificate of election prior to the certificate being issued.

3 (4) No filing fee shall be required for any candidate
4 filing for an office in which a per diem is paid rather than a salary
5 or for which there is a salary of less than five hundred dollars per
6 year. No filing fee shall be required for any candidate for
7 membership on a school board, on the board of an educational service
8 unit, on the board of governors of a community college area, on the
9 board of directors of a natural resources district, or on the board
10 of trustees of a sanitary and improvement district.

11 (5) No filing fee shall be required of any candidate
12 completing an affidavit requesting to file for elective office in
13 forma pauperis. A pauper shall mean a person whose income and other
14 resources for maintenance are found under assistance standards to be
15 insufficient for meeting the cost of his or her requirements and
16 whose reserve of cash or other available resources does not exceed
17 the maximum available resources that an eligible individual may own.
18 Available resources shall include every type of property or interest
19 in property that an individual owns and may convert into cash except:

20 (a) Real property used as a home;

21 (b) Household goods of a moderate value used in the home;

22 and

23 (c) Assets to a maximum value of three thousand dollars
24 used by a recipient in a planned effort directed towards self-
25 support.

1 (6) If any candidate dies prior to an election, the
2 spouse of the candidate may file a claim for refund of the filing fee
3 with the proper governing body prior to the date of the election.
4 Upon approval of the claim by the proper governing body, the filing
5 fee shall be refunded.

6 Sec. 7. Section 32-953, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 32-953 ~~The~~ (1) Except as otherwise provided in subsection
9 (2) of this section, the election commissioner or county clerk shall
10 mail the official ballot to all registered voters of the political
11 subdivision at the addresses appearing on the voter registration
12 register on the same day. The ballots shall be mailed by
13 nonforwardable first-class mail not sooner than the twentieth day
14 before the date set for the election and not later than the tenth day
15 before the date set for the election. The election commissioner or
16 county clerk shall include with the ballot an unsealed identification
17 envelope meeting the requirements of subsection (2) of section 32-947
18 and instructions sufficient to describe the voting process.

19 (2) The election commissioner or county clerk may choose
20 not to mail a ballot to all registered voters who have been sent a
21 notice pursuant to section 32-329 and failed to respond to the
22 notice. If the election commissioner or county clerk chooses not to
23 mail a ballot to such voters, he or she shall mail a notice to all
24 such registered voters explaining how to obtain a ballot and stating
25 the applicable deadlines.

1 Sec. 8. Section 32-956, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-956 If a ballot is destroyed, spoiled, lost, or not
4 received by the registered voter, the voter may obtain a replacement
5 ballot from the election commissioner or county clerk by signing a
6 statement verified on oath or affirmation on a form prescribed by the
7 Secretary of State that the ballot was destroyed, spoiled, lost, or
8 not received and delivering the statement to the election
9 commissioner or county clerk by ~~noon~~ 5 p.m. on the date set for the
10 election. If the voter mails the statement, the election commissioner
11 or county clerk shall not deliver a replacement ballot to the voter
12 unless the statement is received prior to the close of business on
13 the fourth business day before the date set for the election. If the
14 election commissioner or county clerk receives a statement meeting
15 the requirements of this section, he or she shall deliver a
16 replacement ballot to the voter if the voter is present in the office
17 or shall mail a replacement ballot to the voter at the address shown
18 on the statement. The election commissioner or county clerk shall
19 keep a record of all replacement ballots issued under this section.

20 Sec. 9. Section 32-957, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-957 An official ballot under section 32-953 shall be
23 counted only if it is returned in the identification envelope, the
24 envelope is signed by the voter to whom it was issued, and the
25 signature is verified by the election commissioner or county clerk.

1 The election commissioner or county clerk shall verify the signature
2 on each identification envelope received in his or her office with
3 the signature appearing on the voter registration records. If the
4 election commissioner or county clerk is unable to verify a
5 signature, the election commissioner or county clerk shall contact
6 the voter within two days after determining that he or she is unable
7 to verify the signature to ascertain whether the voter cast a ballot.
8 The election commissioner or county clerk may request that the
9 registered voter sign and submit a current signature card pursuant to
10 section 32-318. The election commissioner or county clerk may begin
11 verifying the signatures as the envelopes are received in his or her
12 office. If the election commissioner or county clerk determines that
13 a voter has voted more than once, no ballot cast by that voter in
14 that election shall be counted. The election commissioner or county
15 clerk shall ~~not~~ make public any record or list of registered voters
16 who have returned their ballots. ~~until the election has been~~
17 ~~certified by the canvassing board.~~

18 Sec. 10. Section 32-1202, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-1202 The cost of publication and posting of notices
21 and ballots, the cost of precinct registration lists, the
22 compensation of temporary employees, inspectors, judges and clerks of
23 election, and members of counting boards, the overtime costs of all
24 permanent employees of the election commissioner or county clerk
25 relating to elections, the cost of renting, heating, lighting, and

1 equipping polling places including placing and removing ballot boxes
2 and other fixtures and equipment, the cost of printing and delivering
3 ballots and sample ballots, the cost of postage, cards of
4 instructions for voters, maps, voter books for the polling place,
5 other election supplies, and electronic media, the expense of
6 programming and operation of voting systems, and all other expenses
7 of conducting statewide primary and general elections not listed in
8 section 32-1201 shall be chargeable to the political subdivisions in
9 and for which such elections are held.

10 Sec. 11. Original sections 10-703.01, 32-209, 32-210,
11 32-405, 32-608, 32-953, 32-956, 32-957, and 32-1202, Reissue Revised
12 Statutes of Nebraska, and section 32-208, Revised Statutes Cumulative
13 Supplement, 2012, are repealed.