

## LEGISLATIVE BILL 453

Approved by the Governor May 27, 1975

Introduced by Anderson, 37

AN ACT relating to elections; to amend, revise, clarify, harmonize, and adopt provisions for elections; to amend sections 32-210, 32-402.01, 32-403, 32-424, 32-428, 32-450, 32-4,132, 32-513, 32-517, 32-528, 32-803, 32-807.01, 32-815, 32-1001.25, 32-1001.28, 32-1056, 32-1241, 32-1302, 32-1305 to 32-1310, 32-1312 to 32-1314, 46-530, 46-531, and 79-2202.01, Reissue Revised Statutes of Nebraska, 1943, and sections 18-102, 19-613, 19-3011, 19-3051, 70-610, 70-611, and 70-615, Revised Statutes Supplement, 1974; and to repeal the original sections, and also sections 23-282, 23-284 to 23-286, 23-288, 23-289, 32-431, 32-438.01, 32-449, 32-453, 32-462, 32-486 to 32-489, 32-493.02, 32-496, 32-498, 32-504.02, 32-539 to 32-541, 32-814, 32-817, 32-1301, 32-1311, and 70-613, Reissue Revised Statutes of Nebraska, 1943, and section 19-3033, Revised Statutes Supplement, 1974.

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

Section 1. That section 18-102, Revised Statutes Supplement, 1974, be amended to read as follows:

18-102. Such proposal shall be written or printed and shall contain the full text of the proposed ordinance and, to be mandatory, shall be signed by at least fifteen per cent of the voters of such city, ~~making the same and shall state after each signature the residence, with street and number, or if not able to designate residence in that way, it shall be designated by the number of the lot or tract of land where petitioners reside.~~ The voter registration list at the time of the filing of the proposal ~~shall be used to determine the number of voters therein, and the total number of voters of said city voting for the elective officers of the city at the last general city election prior to the presenting of such proposal, as shown by the official list of voters book,~~ shall be deemed the number of voters in said city for the purpose of determining the sufficiency of such a petition. ~~At least ten of the persons signing the same shall take an oath before a competent officer that they are themselves duly qualified voters residing as stated after their signatures attached to such proposal, that they believe all the other persons~~

~~who signed such proposal are also duly qualified voters, and that they believe all the signatures thereto attached to be genuine.~~ Such proposal shall be filed with the clerk of such city.

Sec. 2. That section 19-613, Revised Statutes Supplement, 1974, be amended to read as follows:

19-613. Members of the council shall be residents and qualified electors of the city. Except as provided in section 70-624.04, they shall not hold any other public office or employment except that of notary public, or member of the state militia, or volunteer fireman, and shall not be interested in the profits or emoluments of any contract, job, work or service for the city. Except as provided in section 70-624.04, any such contract in which any member is or may become interested may be declared void by the council. Any councilman who shall cease to possess any of the qualifications herein required, or who shall have been convicted of a crime while in office, shall forthwith forfeit his office. The council shall be the judge of the election and qualifications of its members, subject to review by the courts.

Sec. 3. That section 19-3011, Revised Statutes Supplement, 1974, be amended to read as follows:

19-3011. The municipal clerk shall, at least fifteen days prior to the municipal election, appoint three judges and two clerks of election in each precinct in the municipality, to be known as a receiving board. In precincts where more than one hundred votes were polled cast for Governor or President in the last general election, the municipal clerk shall, in the same manner, appoint two additional judges and two additional clerks to be known as the election counting board, ~~and to serve as such~~. In precincts where there were not one hundred votes polled cast for Governor or President in the last general election, the receiving board shall act as a counting board and count the ballots after the polls are closed, and make return thereof in the same manner provided as in the case of counting boards. In precincts having a counting board, the board shall commence its duties at a given time specified by the city clerk, at which time it shall proceed with the counting. If the judges of election or the counting board cannot agree as to the legality of the vote to be counted, then the clerk of election serving on the board shall have the same powers as the judges of election in determining the legality of such votes. The municipal clerk shall, at the time of appointing the three judges and two clerks of election on the receiving board, designate one of the

appointees as a messenger, whose duty it shall be to receive from the municipal clerk the ballots and other supplies necessary for holding the election in the precinct of which he is a judge or a clerk. At the time of appointing the counting board, the municipal clerk shall designate one of the appointees as a messenger to take charge and return the ballots and other supplies to the municipal clerk as soon as possible after all the votes are counted. The ballots and other supplies for the election shall be delivered by the messengers to the polling places in their respective precincts, at least one hour before the time provided by law for opening the polls. No person shall be eligible to serve on any receiving or counting board who is a candidate for any office at such election. Each of such appointees shall (1) be of good character, approved integrity, well informed, able to read, write, and speak the English language; (2) reside in the precinct in which he is to serve; (3) be entitled to vote in the election precinct involved; and (4) hold office for a term of two years or until judges and clerks of election are appointed for the next municipal election. The municipal clerk shall keep a written record of all such appointments, which record must be made at the time of appointment, and which shall be considered part of the public records of his office.

Sec. 4. That section 19-3051, Revised Statutes Supplement, 1974, be amended to read as follows:

19-3051. ~~The provisions of Chapter 32, article 8, relating to the procuring, casting, counting, certifying, and canvassing of a vote by an absent or disabled elector in the case of state elections, shall apply to such persons desiring to cast their ballots at any municipal election, except that any vote cast by such persons must be in the hands of the municipal clerk before the Monday following such municipal election, otherwise such ballot cast shall not be counted.~~ The municipal clerk shall prepare and have printed, at the cost of the municipality, all ballots, forms, and supplies that may be necessary to be used to enable such absent, or disabled, or confined electors elector to so cast ~~his ballot~~ their ballots, and shall adapt as nearly as possible all forms therefor that were prepared by the Secretary of State of the State of Nebraska for the preceding state election. The ballots furnished to such electors shall be prepared and printed as other official ballots and shall be made available not less than fifteen days prior to the election as provided in section 32-819. Voters who will be absent from the city or village, disabled, or confined on election day may vote an absentee, disabled, or confined voters' ballot as provided by section 32-803, 32-807.01, or 32-1241, except

that the ballots will not be available until fifteen days prior to the election as provided in section 32-819. All absent, disabled, and confined voters' ballots which have been returned shall be counted on election day as provided in Chapter 32, article 8, and the canvass board shall count all absent, disabled, and confined voters ballots returned not later than the second day after the election.

Sec. 5. That section 32-210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-210. The election commissioner shall, using his own judgment and discretion and not restricted by any recommendation whatever, select and appoint three qualified persons as judges of election and two qualified persons as clerks of election for each election district in such county. They shall be persons of good repute and character, able to read and write the English language, and eligible to qualify as electors of the county in which such election is held. No person shall be appointed a judge or clerk of election who is a candidate for office at such election, except candidates for delegate to a county political convention. Before entering upon the duties of his office, each judge and clerk so appointed shall sign an oath and file the same with the election commissioner. The oath need not be taken and signed before a person authorized to administer oaths.

The oath shall be in the following form: I, ....., on this ..... day of ....., 19...., do solemnly swear, or affirm, under the penalties of perjury, that I will support and defend the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation or for purpose of evasion; and that I will faithfully and impartially perform the duties of the office of election official of ..... County, Nebraska, according to law, and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God.

Such judges and clerks shall be appointed for--a term ending not less than thirty days prior to the next general--state statewide primary election after---the election--for--which--they--were--appointed--to--serve and hold office for a term of two years or until judges and clerks of election are appointed for the next statewide primary election, except that in any county having a population of three hundred thousand or more the appointees shall serve for not less than four elections and be appointed by the election commissioner not less than thirty days prior to the first election in which appointments are necessary. They shall serve as judges and clerks at all general, city, special, municipal, and primary elections in such counties during their term of office. Where a vacancy in the office of judge or clerk shall occur from any cause, the commissioner shall make an appointment, as herein provided, to fill such vacancy. If any judge or clerk fails to appear at the hour appointed for the opening of the polls, the remaining officers shall proceed to conduct the election and notify the election commissioner. Two of the judges and one of the clerks of election shall belong to the political party which-at-the last-general-state--election--cast casting the highest number of votes in the county for Governor or for President in the last preceding general state election, and one of the judges and one of the clerks of--election shall belong to the political party which,--at--the--state general-election,--polls casting the next highest number of votes in the county for Governor or for President in the last preceding general state election; provided, that one of the judges in either event may be a person eligible to qualify as an elector but who is affiliated with neither party. The judges and clerks of the election receiving board may be men or women, according to the discretion of the election commissioner. If, in the judgment of the commissioner, any person holding the position of judge or clerk of election is found not to possess all the qualifications prescribed in this section, or if any such judge or clerk shall be guilty of neglecting the duties of his office or of any official misconduct, such person shall be removed forthwith by the commissioner and the vacancy immediately filled.

Sec. 6. That section 32-402.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-402.01. At least fifty days before any primary or general election, the Secretary of State shall transmit to each county clerk or election commissioner a certified list containing the names of all candidates.

The certification prior to the primary election shall list the office to be filled, the name of each candidate for whom nomination or petition papers have been filed in the office of the Secretary of State, entitled to be voted for at such primary election, the party or principle he represents, and the post-office address of such candidate.

The certification prior to the general election shall list the office to be filled, the name of each candidate nominated at the primary or filed by petition as shown by the records in the office of the Secretary of State, entitled to be voted for at such general election, and the party or principle he represents.

If joint elections are held at the time of the statewide primary election by a village, city, and county, only one notice of election need be published and signed by the county clerk or election commissioner.

The notice of election for a primary or general election shall state the date on which the election is to be held and the hours the polls will be open. Such notice of election shall appear in at least one issue of the newspapers designated by the county board no later than forty days prior to the primary or general election. The publication shall be not smaller than eight point nor larger than ten point and shall be in such form as shall be prescribed by the Secretary of State.

Not later than forty days prior to the primary election, the county clerk or election commissioner shall post in his office the notice of election naming all candidates certified to him by the Secretary of State and of all candidates filing in his office.

Not later than forty days prior to the general election, the county clerk or election commissioner shall post in his office the notice of election naming all candidates nominated in the primary election or filing petitions as certified by the Secretary of State and of all candidates filing in his office who were nominated in the primary election or who filed petitions.

The notice of election shall only state that amendments or referendums will be voted upon and that any amendments or referendums will be published by the Secretary of State, being a true copy of the title and text, once each week for three consecutive weeks preceding the election.

The notice of election shall be posted in lieu of sample ballots until such time as sample ballots are

printed as provided by law.

Sec. 7. That section 32-403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-403. (1) The county clerk of each county, except in counties having an election commissioner, shall, at least fifteen days prior to the primary election, give notice of appointment by each political party of three judges and two clerks of election in each election precinct in the county to be known as the receiving board. Any clerk of election may perform the duties of a judge of election, except the signing of ballots, and any judge of election may perform the duties of clerk of election.

(2) In precincts where more than one hundred votes were polled for Governor at the last gubernatorial election, or for President at the last presidential election, the county clerk of a county referred to in subsection (1) of this section shall, in the same manner, appoint two judges and two clerks to be known as the election counting board, which appointees shall be not more than sixty-five years of age.

(3) Each of the appointees, referred to in subsections (1) and (2) of this section, shall (a) be of good character, approved integrity, well informed, and able to read, write, and speak the English language, (b) reside in the election precinct in which he is to serve, (c) be entitled to vote in the election precinct, and (d) hold office for a term of two years or until judges and clerks of election are appointed for the next primary election.

(4) In precincts where there were not less than one hundred votes polled cast for the office of Governor at the last gubernatorial election, or for the office of President at the last presidential election, whichever was most recent, the receiving board shall count the ballots after the polls are have closed and ~~make return thereof in the same manner as is provided for counting boards, and the members thereof shall have the same qualifications as appointees mentioned in subsection (2) of this section~~ or, if the county clerk deems it necessary, he may appoint a counting board to commence its duties at a specified time set by the county clerk. The counting board shall follow the procedures set forth in section 32-480 in the exchange of ballot boxes. At any time the receiving board becomes the counting board after the polls have closed or at any time a counting board is appointed, the county clerk shall follow

subsections (1) to (3) of this section in making his appointments.

(5) No person shall be eligible to serve on any election or counting board who is a candidate for any office except delegate to a county political convention at such election.

(6) The county clerk, except in counties having an election commissioner, shall at the time of appointing the three judges and two clerks of election on the receiving board, as provided for by subsection (1) of this section, designate one of the appointees as a messenger whose duty it shall be to receive from the county clerk the ballots and other equipment necessary for holding the election in the precinct of which he is a judge or clerk. Such ballots and other equipment shall be delivered by the messengers at the polling place in their respective voting precincts, at least one hour before the time provided by law for opening the polls.

(7) At the time of appointing the election counting board, as provided for by subsection (2) of this section, the county clerk shall designate one of the appointees as a messenger to take charge and return the ballots and other equipment to the county clerk as soon as possible after the votes are counted. In precincts where there is no counting board the messenger designated to receive the ballots from the county clerk shall be the messenger to return the equipment to the county clerk.

(8) The county clerk, except in counties having an election commissioner, may also appoint, as shall be necessary, not to exceed ~~four~~ six persons, qualified as specified in subsections (3) and (5) of this section, to serve in case of a vacancy among any of the judges or clerks, or with and in addition to the officers in any election district, wherein it may be deemed necessary by the county clerk to meet any emergency to have additional officers to carry into effect the provisions of Chapter 32. Such appointees shall commence their duties at the hour ordered by the county clerk and perform such duties as the county clerk may direct, including the duties of a judge or clerk of election or of the counting board. Such an appointee shall receive the same compensation as that of the judges of such election district.

~~(9) Judges and clerks of the election receiving board shall be paid twenty-eight dollars for services rendered from seven a.m. to nine p.m.; Provided, that in precincts or wards using the receiving board for counting or employing a separate counting board, each member shall receive two dollars per hour for each hour of service~~



rendered: Judges and clerks of elections and the board of canvassers for the county shall receive the following pay: For each hour of service rendered, each person shall receive two dollars and thirty cents, but in precincts having a counting board, no member of the receiving board shall receive pay for more than fourteen hours of service. Each member of the election board shall sign an affidavit stating the number of hours he has worked.

The messenger appointed to receive and deliver the election supplies to the election place and the messenger appointed to make the returns to the county clerk shall each receive for such service three five dollars and mileage at the rate of ~~ten cents for each mile necessarily traveled in the performance of such duties paid county board members.~~ All such expenses shall be paid out of the general fund of the county.

Sec. 8. That section 32-424, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-424. (1) After the primary election, the The county clerk or other official, whose duty it is to prepare the official ballot for the general election to be held in this state, election commissioner shall place the names of all nonpolitical candidates, including those candidates certified to him by the Secretary of State, including members of the legislature, except those who by statute are to be on separate ballots, upon the same official general election ballot as the political candidates, and substantially in the same general form. All official and sample general election ballots shall be printed and in the possession of the issuing officer not later than ten days before the general election and subject to inspection by the candidates or their agents. The official ballot shall be headed with the words Official Ballot and sample ballots shall be headed by the words Sample Ballot. The names placed on the official and sample general election ballots shall be of candidates nominated in the primary election or of petition candidates and the names of the candidates shall be placed under the proper titles. The placing of names of all political candidates on the general election ballot shall follow the procedures provided in section 32-426. The general election ballot shall be printed as required by sections 32-419 and 32-421.01. Sample ballots in each precinct shall be the same as the official ballots for the precinct. One set of sample ballots shall be posted in the office of the county clerk or election commissioner not later than ten days prior to the general election.

(2) The names of the nonpolitical candidates; referred-to-in-subsection-(1)-of-this-section; shall be rotated on the official general election ballot, as provided-by-law-for-the-nomination-of-members-of-the State-Board-of-Education, county-judges, county superintendents, Regents-of-the-University-of-Nebraska, members-of-the-Legislature, and-directors-of-public-power and-irrigation-districts-and-reclamation-districts-at-the primary-election. The county clerk or other-official; referred-to-in-subsection-(1)-of-this-section; election commissioner shall place on the official general election ballot, on each office division, twice as many names as there are places to be filled at the general election. The names of such nonpolitical candidates shall be the names of the persons who received the highest number of votes for the office for which they were candidates in the primary. If more than one person was candidate for the same position in the primary, the county clerk or other-official election commissioner, in preparing the official ballot for the general election, shall place thereon the names of the two persons who received the highest number of votes in the primary for the position for which they were candidates; but in no event shall the names on the official ballot in each office division be more than twice the number of offices to be filled at the general election. The county clerk or election commissioner, in preparing his official ballots, shall follow the order of precincts or wards as set out in the official abstract book on file in his office. The first set of ballots for the first precinct or ward listed shall be the names of candidates filing by date and hour and who received the highest number of votes at the primary election as certified by the Secretary of State or of those candidates filing petitions, and for local candidates the names of candidates shall be listed in the order of filing by date and hour with the county clerk or election commissioner and who received the highest number of votes at the primary election, except as provided for Class III schools which shall follow section 79-803.10, or of those candidates filing petitions. Thereafter the names shall be rotated precinct by precinct in each office division in the order in which the precincts are set out in the official abstract book. In making the change of position, the printer shall take the line of type at the head of each division and place it at the bottom of that division, shoving up the column so that the name that was second shall be first after the change. When the name of a person is written in and voted for as a candidate for any such position, who did not file as aforesaid as a candidate in the primary election for such nomination, such person shall not be entitled to a certificate of nomination at such primary election nor have his name placed on the general election ballot

unless he shall have received at least be one of the candidates receiving the second-highest number of votes cast for such qualifying him for nomination and unless the number of votes so received by him shall be was at least five per cent of the total vote cast for Governor or for President at the preceding general election in the political division from which nominees for such position are to be chosen.

(3) Petitions for the nomination of directors of public power and irrigation districts or directors of reclamation districts, and for members of the Legislature shall be filed in accordance with the provisions of section 32-537 even though the district to be represented by such officer may comprise only one county or less than one county.

(4) The candidate or candidates receiving the highest number of votes at the general election shall be declared duly elected to the office or offices for which they were candidates.

Sec. 9. That section 32-428, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-428. In each division of the ballot at a primary election there shall be no write-in space for county weed control authority, delegates to the county convention, delegates to the national convention, area board of a technical community college, county surveyor, county superintendent, directors of public power districts, directors of reclamation districts, and members of the board of educational service units. In each division of the ballot at a general election there shall be no write-in space for President and Vice President, county weed control authority, directors of public power districts, area board of a technical community college, county surveyors surveyor, county superintendent, township officers, directors of reclamation districts, members of the board of educational service units, and directors of natural resources districts. Beneath all candidates placed on the ballot by nomination or petition, a blank space shall be provided into which electors may write the name of any person for whom they wish to vote and whose name is not printed upon the ballot but for officers named in this section there shall be no write-in space provided. ~~The vote for a person whose name is so written in shall be counted, even though not marked as if printed on the ballot.~~

In any primary election, if the names of candidates properly filed for nomination at the primary election for the offices named in this section, except for delegates to the county and national conventions, do not exceed two candidates for each vacancy to be filled, all so filed shall be declared nominated and their names shall not appear on any primary ballots. If the number of candidates for delegates to a county or national convention are the same in number or less than the number of candidates to be elected, the names shall not appear on the ballot and those so filed shall receive a certificate of election. If the names of candidates exceed the number of delegates to be elected, all so filed shall have their names placed on the ballot and the electors shall cast ballots for the candidates of their choice. Certificates of nomination and election shall be issued as provided by law. The county clerk or election commissioner shall place the names of the automatically nominated candidates on the general election ballot as provided in section 32-424. The official abstract of votes kept by the county or the state, as the case may be, shall show the names of the nominated candidates with the statement nominated without opposition.

Sec. 10. That section 32-450, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-450. When any duly qualified elector shall present himself at the polling place of his election district or precinct, for the purpose of voting at any election then in progress, he shall receive from the judge of the election board a ballot, on the back of which two judges of the election board shall first write their names in ink or write their initials and an identifying number, which number has been assigned by the county clerk or election commissioner. Punch card envelopes and jackets shall be signed and identified as provided in section 32-4,132.

No judge of election shall deposit any ballot in a ballot box unless the same is identified by the signatures or initials and identifying number of two of the judges of election. Every person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined in a sum of not less than ten dollars nor more than one hundred dollars.

Sec. 11. That section 32-4,132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-4,132. The election commissioner, or county clerk, is authorized to use punch card voting systems, electronic tabulating machines, together with such accessories as may be necessary therewith, for tabulating the votes cast at any election. The tabulating may be done at a location or locations within any county as designated by the election commissioner or county clerk. Upon completion of such count, the ballots shall be conveyed under supervision of the county clerk or election commissioner to the office of such official. The election commissioner, or county clerk, may select the ballot or ballots to be used; provided, that the Secretary of State shall approve the form of the ballot used in any election the results of which are canvassed by the state canvassing board. Punch card voting systems may be used in combination with paper ballots. At any time that paper ballots are used, such paper ballots shall be signed by two judges of election as provided in section 32-450.

Any reference to the folding of ballots in the statutes will not apply to punch card voting--systems ballots. Before issuing any punch card ballot, such card shall be stamped with a rubber stamp, which stamp shall be so constructed as to name the county and state that such ballot card is an official ballot. Such stamp shall be placed on that portion of the ballot which carries the ballot position numbers and on the stub which is to be reviewed by the judge of the election. The stamp shall be furnished to each election board by the county clerk or election commissioner.

Each write-in ballot jacket shall be signed by two judges of election as provided in section 32-450. The voter after casting his punch card ballot will shall place the ballot inside the official ballot envelope provided for write-in votes and hand the envelope to the judge in charge of the ballot box, who shall inspect the official signatures of the election judges of the judges before depositing the envelope containing the ballot card in the ballot box. No judge of the election shall deposit any write-in jacket in any ballot box unless the write-in jacket contains the official ballot card identified by the official stamp on the stub, which portion shall be removed before depositing it in the ballot box, and which stamp identifies the remaining portion of the ballot to be the official ballot issued by the election board, and which also carries the official ballot stamp and the write-in jacket is identified by the signatures or initials and identifying number of two judges of election. Any ballot card or write-in jacket not properly identified shall be rejected in the presence of the voter, with the judges of election making the

notation on both the ballot card and write-in jacket  
~~Rejected, not properly identified, and another ballot~~  
~~shall be issued to the voter who shall then be permitted~~  
~~to cast his ballot. The If it is determined that the~~  
~~ballot card and write-in jacket are in order, the judge~~  
 shall then deposit the write-in jackets and ballots in  
 the ballot box in the presence of the voter, who shall  
 then promptly leave the polling place.

The election commissioner, or county clerk, shall select the type size to be used for punch card voting systems. Such type size shall be as large as is practicable within the space limitation of the punch card voting system ballot notwithstanding any references in section 32-419 to the size of type and ballot.

The election commissioner, or county clerk, may, through his duly appointed election officials, arrange to have partial returns delivered to the central tabulating location or locations at any time desired after the opening of the polls, if at least twenty-five ballots have been cast therein.

The ballot boxes containing the punch cards with official envelopes may be opened prior to eight p.m. at the discretion of the appropriate election official, notwithstanding the provisions of section 32-441.

Sec. 12. That section 32-513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-513. Prior to the filing of any nomination papers, there shall be paid to the county treasurer or city treasurer in case of municipal officers for the use of the general fund of the county or city of the candidate's residence, by or on behalf of each candidate, a filing fee as follows: For the office of United States Senator, for state officers, including members of the Legislature, members of Congress, district-county-judges, county officers, including county superintendent of public instruction, district superintendent of public instruction, and municipal officers, a sum equal to one per cent of the annual salary such candidate will receive if he is elected and qualifies for the office he files for as a candidate; for directors of public power and irrigation districts in those districts receiving annual gross revenue of forty million dollars or more, twenty-five dollars, and in those districts receiving annual gross revenue of less than forty million dollars, ten dollars; and reclamation districts, twenty-five dollars--when--their--annual--compensation--exceeds--one thousand--dollars;--otherwise--ten--dollars;--and--for

~~delegates-to-the-national-conventions~~, ten dollars. No nominating papers shall be filed until the proper treasurer's receipt, showing the payment of such filing fee, shall be presented to the officer with whom the nominating paper is to be filed. No certificate of nomination or certificate of election shall be issued to any candidate who is nominated or elected by write-in votes until the filing fee required for such office is paid and the receipt is filed with the person issuing the certificate, which filing fee shall be paid within ten days after the canvass of the votes. A filing fee of twenty-five dollars shall be required from candidates for Regents of the University of Nebraska and the State Board of Education. There shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than five hundred dollars per year.

Sec. 13. That section 32-517, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-517. All certificates of nomination or nomination statements, which are in apparent conformity with the provisions of sections 32-512 to 32-516, shall be deemed to be valid, unless objections thereto shall be duly made in writing within ten days after the filing of the same. In case such objection is made, notice thereof shall forthwith be mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence as given in the certificate of nomination or in the nomination affidavits of such persons, on file in that office; Provided, that nothing herein contained shall prevent any political party committee of the jurisdiction of the state, district, or county from instituting actions in court based upon fraud or crime resorted to in connection with the certificate of nomination or the acceptance thereof. No county committee shall have authority to bring such action as to candidates for congressional or state offices, or as to candidates to be elected from legislative districts composed of more than one county. A state political committee may bring an action to determine the legality of any candidate for a state or congressional office or for any district office where the district composes more than one county. Objections to the use of party name may also be made and passed upon in the same manner as objections to certificates and nomination statements. The officer with whom the original certificate was filed, or who made an affidavit to the original nominating statement shall, in the first instance, pass upon the validity of such objection, and his decision shall be final, unless an order shall be made in the matter by the

county court, by a judge of the district court, or by a Judge of the Supreme Court at chambers, on or before the ~~fiftieth~~ fifty-fifth day preceding the election. Such order may be made summarily upon application of any party interested or political party committee as herein provided, and upon such notice as the court or judge may require. The decision of the Secretary of State, or the order of the county or district judge or Supreme Court Judge, shall be binding on all county, municipal or other officers with whom certificates of nomination are filed.

Sec. 14. That section 32-528, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-528. ~~(1) The method of voting at primary elections shall be by ballot, to be printed as provided by Chapter 32, article 5. Not later than forty days before the primary election, the county clerk or election commissioner shall group the candidates for each party by themselves, including those candidates certified to him by the Secretary of State, and prepare a sample ballot:~~

~~The names on the sample ballots, partisan and nonpartisan, shall be placed in the order as certified by the Secretary of State. Names placed on the sample ballots, partisan and nonpartisan, by the county clerk or election commissioner shall be in the order of the candidates filing in his office by date and hour. Sample ballots shall be posted in a conspicuous place in the office of the county clerk or election commissioner not later than thirty-five days prior to the election. The official primary ballot shall be printed substantially as is required by sections 32-449 and 32-420.01: (1) The county clerk or election commissioner shall place the names of all political candidates certified to him by the Secretary of State and of those political candidates filing in his office on a primary election ballot, which ballot shall be headed with the party designation.~~

~~The names of all nonpolitical candidates certified by the Secretary of State and of those nonpolitical candidates filing in the office of the county clerk or election commissioner shall be placed on their respective primary election ballot, which ballot shall be headed by the words nonpolitical ballot.~~

~~The names of all political and nonpolitical candidates certified by the Secretary of State to be placed on the primary election ballot and the names of all local political and nonpolitical candidates' names to be placed on the primary election ballot shall be in the order of the candidates' filing by date and hour with the~~



respective filing officer. All official and sample primary election ballots shall be printed as required by sections 32-419 and 32-420.01 and shall be in the hands of the issuing officer not later than ten days before the primary election and subject to inspection by the candidates or their agents. The official primary election ballot shall be headed with the words official ballot and the sample primary election ballot shall be headed with the words sample ballot. Sample ballots in each election precinct shall be the same as the official ballots for the precinct. One set of sample ballots shall be posted in the office of the county clerk or election commissioner not later than ten days prior to the primary election.

(2) The county clerk or election commissioner, in preparing his official ballots, shall follow the order of precincts or wards as set out in the official abstract book on file in his office. At the primary election, the first set of ballots for the first precinct or ward shall be the names of candidates filing by date and hour as certified by the Secretary of State and for local candidates the names of candidates shall be listed in the order of filing by date and hour with the county clerk or election commissioner. The names of all political and nonpolitical candidates at a primary election, where there is more than one candidate for the same office, shall be rotated precinct by precinct in each office division in the order in which the precincts are set out in the official abstract book. The form shall be set up with the names in the order in which they are placed upon the sample ballot prepared by the county clerk or election commissioner; in printing the official ballots for the various election districts, the positions of the names shall be changed in each office division for each election district; The first set of ballots shall be prepared using the names shown on the sample ballot for the first precinct listed in the official canvass book and thereafter the names of the candidate shall then be rotated precinct by precinct in each office division in the order in which the precincts are listed in the official canvass books on file in the office of the county clerk or election commissioner. In making the changes of position, the printer shall take the line of type at the head of each office division and place it at the bottom of that division, shoving up the column so that the name that was second shall be first after the change. Sample ballots in each election precinct shall be the same as the official ballots for the precinct.

It shall be the duty of the election boards in the various election districts and precincts to deliver a nonpartisan ballot to each registered elector along with

the regular primary official ballot when the elector presents himself to vote at the primary election.

Sec. 15. That section 32-803, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-803. Any qualified voter of this state who will be absent from the county where such voter resides on the day of any election may, not more than ninety days nor later than 4:00 p.m. on the Friday before such election, apply in writing to the county clerk or election commissioner of the county of such voter's residence, as issuing officer, and request that such officer forward an absent voter's ballot to such voter by mail, or by such means as the Congress of the United States may provide. The application for an absent voter's ballot shall be in writing and signed by the voter, or his or her spouse or parent, and shall state the voter's residence address or courthouse address if registered pursuant to section 32-803.01, and the address outside the county where the ballot and supplies shall be sent to the voter. All ballots mailed to voters outside the county of their residence shall be voted, attested, and mailed as provided in section 32-812. ~~Applications for absent voters' ballots may be mailed or distributed by anyone and a single application or letter shall be sufficient for several ballots if each elector requesting a ballot has signed such single application.~~ If the election be a primary election, the voter must state the political party with which such voter affiliates. Any qualified voter, not more than thirty-five days before any election and not later than 4:00 p.m. on the day preceding such election, may appear in person at the office of the county clerk or election commissioner in the county of his residence to obtain a ballot and vote before leaving the county. Those persons appearing at the office of the county clerk or election commissioner after the deadline for registering and prior to the election to vote absentee shall not be permitted to register with the absent voters' ballots. Registration with absent voters' ballots shall be for those electors absent from the county as provided in section 32-221.

Sec. 16. That section 32-807.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-807.01. (1) Any disabled voter who is not registered may register at any time during the regular registration period by sending a letter of request for registration forms to the county clerk or election commissioner of the county of his residence. The letter

of request may be sent by use of the United States mail or by any person acting in behalf of the disabled voter. A disabled voter may also register by completing the duplicate set of registration forms accompanying the disabled voters' ballots. The registration forms received by a disabled voter through the United States mail or through the disabled voter's agent shall be completed and signed by the disabled person and any other person knowing of the physical disability of such person. The county clerk or election commissioner shall provide on the registration form a place for the signature of the person knowing of the elector's disability. Registration forms shall be returned under separate cover to the county clerk or election commissioner by the disabled person's agent or by the United States mail. Any voter disabled because of any physical disability may, not more than thirty-five days before any election and not later than 4:00 p.m. on the Friday preceding such election, request ballots to be mailed ~~or have his agent obtain his ballots for delivery to the disabled elector to a specific address.~~ Any voter disabled because of any physical disability may, ~~on the day not more than thirty-five days~~ before any election and not later than 12:00 noon on the day of such election, request ballots ~~to be delivered to a specific address~~ by appointing an agent to personally pick up the ballots at the office of the county clerk or election commissioner. ~~The agent shall deliver the ballots to the disabled voter and return the same no later than 8:00 p.m. on the day of the election.~~ A request for ballots shall be in writing to the county clerk or election commissioner ~~of the county of the disabled voter's residence stating the disabled voter's mailing address by street and number or similar description, such as rural route, in the county where the voter has established his home and show his voter's registration address,~~ political party, telephone number if available, and voting precinct if known. The application must be signed by the disabled voter, his or her spouse, parent, son or daughter, or any other person acting as an agent for him. No candidate or any person serving on a committee for a candidate shall act as agent for any disabled voter. The county clerk or election commissioner shall include duplicate registration forms with each set of ballots if the disabled voter has not previously registered. Each disabled voter will receive an identification envelope and a set of instructions. The envelope shall be printed in such form as the Secretary of State shall prescribe and shall have conspicuously printed thereon the following:

## WARNING

Any person who willfully casts a disabled voter's ballot or any person who willfully signs the disabled

voter's identification envelope of a person who is not disabled shall be guilty of a felony and subject to a fine not to exceed one hundred dollars or imprisonment in the county jail for not to exceed thirty days, or to both such fine and imprisonment.

(2) Upon issuing a disabled voter's ballot, the county clerk or election commissioner shall at once enter the disabled voter's name, address, and voting precinct in the absent and disabled list of voters book, which book shall be open to the public upon completion of the election.

(3) All ballots of disabled voters returned by an agent not later than the hour established for the closing of the polls 8:00 p.m. on election day and all ballots of disabled voters returned by mail on or before election day shall be accepted for approval by the absent and disabled voters canvassing counting board.

(4) The county clerk or election commissioner shall publish in a newspaper of general circulation an application form to be used by disabled voters in making application for ballots after ballots become available. The application shall be in such form as the Secretary of State shall prescribe.

(5) All identification envelopes shall be signed or marked by the disabled voter and signed by one person knowing of the voter's disability. If either the signature or mark of the disabled voter or the signature of a person knowing of the voter's disability is omitted from the identification envelope, the envelope, without being opened, shall be rejected and placed in the rejected ballot envelope and sealed in the ballot sack with all other supplies.

Sec. 17. That section 32-815, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-815. In each county, having an election commissioner, the county clerk or election commissioner shall appoint a counting board of four persons, two of each political party receiving the highest and next highest vote for Governor or President at the last previous election, to be known as the absent, disabled, and confined voters counting board. Two of the persons appointed shall act as judges and two of the persons appointed shall act as clerks who, together with the county clerk or deputy election commissioner, shall serve at all state elections and shall constitute an election counting board for the absent and disabled voters of the

county. The county clerk or election commissioner, as he deems necessary, may appoint additional persons of the same number of each political party to augment such counting board. The counting board shall perform all the functions assigned by this chapter to the canvassing board in relation to absent and disabled voters' ballots. The counting board shall first meet at 4:00 p.m. on the second day following the election and shall publicly open such return envelopes as have been received by the election commissioner and allow public inspection of the identification envelopes without the same leaving the custody of the board as directed by the county clerk or election commissioner for the purpose of getting all absent, disabled, and confined voter identification envelopes in order for opening and counting on election day. The board shall compare the voter's name on the identification envelopes with the names shown on the absent and disabled list of voters book name on his voter registration. If the names appearing thereon agree, if the signature of the voter on the identification envelope agrees with that on the application retained by the election commissioner, name on the identification envelope appears to be that of the voter whose name is on the voter registration record and if it appears that the applicant is a qualified voter, such ballot identification envelope shall be accepted for opening without further questioning on election day, and if it does not appear that such voter has already voted at such election, or that the vote is fraudulent, the identification envelope shall be opened, and if the ballot has the election commissioner's endorsement thereon, the same shall be placed, without having been unfolded, in a ballot box to be provided and known as the absent and disabled voters' ballot box, as soon as all such absent and disabled voters' ballots which have been previously received by the election commissioner have been either deposited in the ballot box or have been rejected, said ballot box shall be opened and the ballots therein counted, handled, and disposed of, and the return of such vote made by the absent and disabled voters' election board in like manner as provided for other election boards to receive, count, and return the ballots of present voters except as otherwise provided in this article. The counting board described in this section shall be subject to all of the provisions of section 32-844 relating to notice, recess, and adjournment. The absent, disabled, and confined voters counting board shall commence its duties on election day at the time ordered by the county clerk or election commissioner and, without any further check of the identification envelopes except those received on election day which must be approved prior to opening, shall open the envelopes and if the ballot or ballots have the endorsement of the

county clerk, election commissioner, or any employee thereof, the same shall be placed without unfolding into a ballot box. As soon as all ballots have been placed in the ballot box and unopened and rejected identification envelopes or ballots have been disposed of according to law, the ballots shall be counted the same as all other ballots and an unofficial count released to the county clerk or election commissioner. All ballots, rejected ballots, identification envelopes, and applications shall be sealed in a ballots-cast sack the same as all other ballots voted on election day.

Sec. 18. That section 32-1001.25, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1001.25. On the day fixed as provided in section 32-1001.24, the county clerk or election commissioner and the county board of canvassers who officiated in making the official county canvass of the election returns shall proceed ~~in his office,~~ to open such ballots, in the presence of the contestor and the contestee ~~and their attorneys, or such of them as demand to be present,~~ or their representatives and after swearing them not to disclose any fact discovered from such ballots except such as may be contained in the clerk's certificate. While such ballots are open and being examined, the county clerk or election commissioner shall exclude all other persons from ~~his office~~ the counting room. ~~The county board of canvassers shall receive the same pay as authorized for election boards.~~

Sec. 19. That section 32-1001.28, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1001.28. The certificate of the county clerk or election commissioner ~~made under the provisions of section 32-492~~ certifying the total number of votes received by a candidate shall be prima facie evidence of the facts stated therein; but the persons present at the examination of the ballots may be heard as witnesses to contradict the certificates.

Sec. 20. That section 32-1056, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1056. The Secretary of State shall publish an official election calendar at least ninety days prior to the primary election. Such calendar, to be approved as to form by the Attorney General, shall set forth the various election deadline dates and other pertinent data

as determined by the Secretary of State, and ~~the Attorney General~~. The official election calendar shall be for the exclusive use of the various election officials in this state and shall be merely a guideline which shall in no way legally bind the Secretary of State or the Attorney General.

Sec. 21. That section 32-1241, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1241. Any person who is confined by public order and has not been convicted of treason or a felony under the laws of this state or of the United States shall be able to register and vote by use of the United States mail or by an agent appointed by such voter. ~~Such person may register during the regular registration period or by completing the duplicate set of registration forms accompanying the confined voter's ballots. The registration forms received by the confined voter through the United States mail or through the confined voter's agent shall be completed and signed by the confined person and verified by the warden, county sheriff, deputy sheriff, chief of police, or any other officer of the law. Registration forms shall be returned under separate cover to the county clerk or election commissioner by the confined voter's agent or by the United States mail. Any confined voter who knows he will be confined by public order on election day may, not more than thirty-five days before any election and not later than 4:00 p.m. on the Friday preceding such election, request ballots to be mailed or have his agent obtain his ballots for delivery to his place of confinement. Any voter confined by public order may, on the day not more than thirty-five days before any election and not later than 12:00 noon on the day of the election, request ballots to be delivered to his place of confinement by appointing an agent to personally pick up the ballots at the office of the county clerk or election commissioner. The agent shall deliver the ballots to the confined voter and return the ballots to the issuing officer not later than 8:00 p.m. on the day of the election. A request for ballots shall be in writing to the county clerk or election commissioner of the county of the confined voter's residence stating the confined voter's mailing address by street and number or similar description, such as rural route in the county where the voter has established his home and shall show his voter registration address, political party, and voting precinct if known. The application must be signed by the confined voter. The county clerk or election commissioner shall include duplicate registration forms with each set of ballots if the confined voter has not previously registered. **!!!**~~

confined voters shall be considered to be absent from the county of their residence for voting purposes and shall be entitled to vote an absentee ballot. Each confined voter will receive an identification envelope. The identification envelope shall be signed by the confined voter and by the warden, sheriff, deputy sheriff, chief of police, or any other officer of the law. The confined voter's identification envelope shall be as follows:

CONFINED VOTER'S IDENTIFICATION

I, the undersigned, say that my home address is ..... county of ....., State of Nebraska; that I will be absent from my home on the day of election because of being confined by public order and that I affiliate with the ..... political party (fill this blank only for a primary election), that the within ballot was received, exhibited to, and thereafter marked in the presence of an officer of the law knowing of my confinement, and that I have not voted at the election for which the within ballot was printed except by the within ballot.

Dated this ..... day of ....., 19.....  
.....  
Signature of Voter.  
.....  
Officer of the Law sign here.

Upon issuing a confined voter's ballot, the county clerk or election commissioner shall at once enter the confined voter's name, address, and voting precinct in the absent and disabled list of voters book to be kept by the county clerk or election commissioner, ~~which book shall be open to the public.~~ All ballots of confined voters shall be voted not later than 8:00 p.m. on election day and the officer of the law signing the identification envelope envelopes shall show the time of day when the ballots were cast, which shall be not later than 8:00 p.m. on the day of the election the hour established by law for the closing of the polls. A confined voter's ballot shall be counted if the ballots are in the hands of the county clerk or election commissioner issuing officer not later than 10:00 p.m. on the second day following the election.

Sec. 22. Each citizen of the United States who was a citizen of another state or county and who has come into this state and any county of this state for the purpose of making it his place of residence shall be entitled to vote for President and Vice President at the general election, but for no other offices, if he shall have moved into the state and county after the close of voter registration pursuant to section 32-216 and is of



the constitutionally prescribed age of an elector on or before election day. New residents moving into the state and county shall cast their ballots in the office of the county clerk or election commissioner not later than the hour for the closing of the polls on election day.

Each registered elector moving from one precinct to another within a county who fails to change his address prior to the closing of voter registration shall be able to vote for President and Vice President by casting his ballot in the office of the county clerk or election commissioner not later than the hour for the closing of the polls on election day.

Sec. 23. If it shall appear as evidenced by the primary election abstract of votes cast that any candidate for United States Senator, Representative in Congress, or any state or district officer or any other candidate who files his application for nomination with the Secretary of State, or any county, district, municipal, school, or other candidate who filed his application for nomination with the county clerk or election commissioner failed to be nominated in a primary election by a margin of two per cent or less of the votes received by the candidate of his party who received the highest number of votes for that office, or in the case of a nonpartisan office by a margin of two per cent or less of the votes received by the candidate receiving the highest number of votes for that office, or failed to be elected in a general or special election by a margin of one and one half per cent or less of the votes received by the candidate of his party who received the highest number of votes for that office or, in the case of a nonpartisan office, by a margin of one and one half per cent or less of the votes received by the candidate receiving the highest number of votes for that office, the Secretary of State, county clerk, or election commissioner shall order a recount of the votes cast for the specific office or offices in question unless the losing candidate files a written statement with the person with whom he made his filing that he does not want a recount. A recount shall also be ordered for the office in which the total votes cast for all candidates exceed one hundred thousand and the total vote received by any losing candidate is within one per cent of the total vote received by any winning candidate.

Sec. 24. The Secretary of State shall, by registered or certified mail, make demand upon each county clerk and election commissioner of each county in which a recount is evident for a recount to be made at the courthouse at a specified date and time set by the Secretary of State. The recount shall be made by the

county board of canvassers who officiated in making the official county canvass of the election returns. If any member of such board cannot for any reason participate in such recount, another person shall be appointed in his place in essentially the same manner and under the same conditions as the original board was selected. The recount for candidates filing with the county clerk or election commissioner shall be made as soon as possible after the official abstract has been signed by the county canvassing board or, for the candidates filing with the Secretary of State, the recount shall be made as soon as possible after the official abstract has been signed by the state canvassing board. Immediately after the signing of the abstract, the Secretary of State, county clerk, or election commissioner shall notify all candidates involved in any recount. The apparent losing candidate may specify the date and time for the recount but, if he does not so specify by the third Wednesday following the election, the election officer with whom filings for the office were made shall set the date and time. In no case shall any recount be made later than the fifth Wednesday after the election. The Secretary of State shall promulgate and provide each county clerk and election commissioner with rules and regulations as in his opinion shall be necessary to conduct such recounts in a fair, impartial, and uniform manner, including provisions for allowing interested political parties and candidates involved to be represented by their appointed agents during the recount. Appointed agents shall have the authority to challenge any ballots so cast.

Sec. 25. After the recount has been certified, the county clerk or election commissioner shall make a certificate of election or a certificate of nomination in the case of a primary election for each of the persons having the highest number of votes for the officers covered by the recount and cause such certificates to be delivered to the persons entitled thereto.

Sec. 26. (1) If, after a recount has been made following a general or special election, it appears that any two or more persons have an equal and the highest number of votes for the same county, city, village, or school district office, the county canvassing board shall, in the presence of the candidates or their representatives, determine by lot which of the candidates shall be elected. The county clerk or election commissioner shall make a certificate of election for the person so elected and shall cause such certificate to be delivered to the person entitled thereto.

(2) If, after a recount has been made following a primary election, it appears that any two or more persons

have an equal and the highest number of votes for the same nomination for the same county, city, village, or school district office, the county canvassing board shall, in the presence of the candidates or their representatives, determine by lot which of the candidates shall be nominated. The county clerk or election commissioner shall make a certificate of nomination for the person so nominated and shall cause such certificate to be delivered to the person entitled thereto.

Sec. 27. All expenses of a recount for any of the offices named in section 23 of this act shall be paid by each county. Members of the county canvassing board assisting in a recount shall receive the same pay as authorized for election boards.

Sec. 28. In precincts using paper ballots, the recount shall be of the ballots cast and the votes thereon shall be summarized on sheets other than those used at the election. In precincts using lever-type machines, the recount shall be of the numbers recorded for each candidate on the numerical counters or paper printouts and a separate summary sheet shall be used for each machine. In precincts using punch cards, the punched cards shall be hand-counted by the matching of the punched out numbers and the votes shall be summarized on separate sheets.

Sec. 29. If any candidate failed to be nominated or elected by more than the margin provided in section 23 of this act, the losing candidate may submit a certified written request for a recount at his expense. The request shall be filed with the filing officer with whom the candidate filed for election not later than the tenth day after the county canvassing board or the state canvassing board convenes. Prior to conducting the recount, the cost thereof shall be determined by the county clerk or election commissioner and the requesting candidate shall be so notified. If the recount involves more than one county, the county clerks or election commissioners shall certify the cost to the Secretary of State, who shall then notify the candidate of the determined cost. The candidate shall pay such expense, on demand, to the county treasurer of each county involved to be placed in the county general fund to help defray the cost of the recount. If the actual expense is less than the determined cost, the candidate may file a claim with the county board for overpayment of the recount, which refund shall be made from the county general fund. If the recount determines the contestant to be the winner, all costs which he has paid shall be refunded.

Sec. 30. Upon receipt of the return envelopes of the absent, disabled, and confined voters voting in any primary or general election, the county clerk or election commissioner shall keep the same unopened in a fireproof safe or other suitable location which shall be locked. All ballots returned not later than election day shall be counted by the absent, disabled, and confined voters counting board as prescribed in section 32-815.

Sec. 31. At 1:00 p.m. on the second day after any election, the county clerk or election commissioner, together with not less than two nor more than ten electors of different political parties of the county chosen by him, shall constitute a county canvassing board who shall follow the procedures of section 32-815 for the counting of the remaining absent, disabled, and confined voters' ballots received in his office not later than 10:00 a.m. on the second day after the election and count and make returns of the votes cast in the same manner as other votes are counted and recorded. The county clerk or election commissioner shall release the returns upon completion of the counting of the ballots.

Sec. 32. After completion of action pursuant to section 31 of this act, the board of canvassers shall proceed with the official canvass of the votes cast on election day. If, in the process of canvassing the votes for any candidate or measure in any election precinct or ward, the county clerk, election commissioner, or canvassing board determines that there is an obvious error in the certification of the votes, the error shall be corrected. The county canvassing board shall have the authority to open the ballots-cast sacks and recount the ballots of any candidate or any measure which appear to be in error. If the canvassing board finds and corrects any such error, it shall make the correction entry in the list of voters book number one and two and official summary of votes cast number one and two and attach a letter of explanation to each book where the correction was made. The letter shall be signed by all canvassing board members. When it has been determined that the returns in all precincts are correct, the canvassing board shall enter the same in a permanent ledger, which ledger shall be preserved by the county clerk or election commissioner for the period of time specified by the State Records Board pursuant to sections 84-1201 to 84-1220, after which time it may be transferred to the State Archives, Nebraska State Historical Society, for permanent preservation. Any recesses or adjournments of such canvassing board shall be to a fixed time and publicly announced, and such board shall not act except at such times as shall have been so noticed or announced and continuously thereafter. When a recess is called for

overnight, all ballots that have not been counted and all other supplies shall be locked in a fireproof safe or other suitable location under lock and key until such board reconvenes.

Sec. 33. All applications, voted ballots, and rejected ballots shall be placed in the absent, disabled, and confined voters ballots-cast sack, which shall be sealed and kept until such time as election materials may be destroyed as provided in section 32-499.

Sec. 34. At least forty-eight hours prior to the sitting of the board of canvassers as an absent, disabled, and confined voters counting board, the county clerk or election commissioner shall post in a conspicuous place in his office a notice stating the day and hour when the canvassing board will sit as a counting board.

Sec. 35. If, at any stage of the canvass, a write-in ballot is found with the name or names of candidates printed or written on a line provided for write-in candidates and the name or names of the candidate are printed on the ballot, such ballot shall be rejected, and the counting board shall make the following notation on the back of the ballot, punch card, or paper printout: Rejected for the office of ..... written or printed name is same as the printed name placed on ballot by county clerk or election commissioner.

Sec. 36. The writing in of a name shall be sufficient evidence of the voter's intent and if considered valid by the counting board the vote shall be counted. No cross or intelligible mark shall be required.

Sec. 37. No ballot shall be deemed fraudulent because it contains a less number of votes cast than there are positions to fill. All valid votes shall be counted.

Sec. 38. (1) To vote for a candidate, an elector using a paper ballot shall make a cross or other clear intelligible mark in the square to the left of the name of every candidate for whom he desires to vote, and in the case of a question he shall make such cross or intelligible mark in the square to the left of the answer he wishes to give.

(2) On voting machines the cross shall be made to the right of the candidate's name or question by moving a lever to the voting position, and on punch cards the card

shall be punched, making a hole in the card, which card has been programmed with numbers assigned to the candidates and questions.

Sec. 39. Before counting any votes, the counting board shall examine each paper ballot or punch card, and if any paper ballot or punch card is not endorsed upon the back by two judges of election as provided in sections 32-450 and 32-4,132, the counting board shall reject such ballot and make the following notation on the back of the ballot: Rejected, not properly endorsed. Such ballot shall be placed in the rejected ballot envelope and sealed in the ballots-cast sack.

Sec. 40. If, at any stage of the canvass, whether voting by paper ballot, punch card, or voting machine, a ballot shall be found having a Christian, given, or generally-recognized name and the surname of a person residing in the county, precinct, district or township written or printed on a line provided for that purpose, making such person a candidate for a specified office, the ballot shall be counted if the Christian, given, or generally-recognized name and the surname written or printed on the ballot is reasonably close to the proper spelling of the person's Christian, given, or generally-recognized name and surname, and the counting board is satisfied that such person is a qualified write-in candidate. When any ballot is found having a name written in and a vote cast for a candidate or candidates whose name or names are printed on the ballot, or whenever more names have been marked than there are candidates to be elected, such ballot shall be rejected for the office involved and the counting board shall make the following notation on the back of the ballot, punch card, or paper printout: Rejected for the office of .....  
Overvoted.

Sec. 41. When a punch card voting system is used, the write-in portion of the ballot may be on a piece of paper or envelope separate from the ballot card and shall allow the voter adequate space to write in the name of a person for whom he desires to vote. The elector shall clearly identify the office for which the write-in vote is cast. If the office designation has been omitted, the ballot card shall be rejected for the office involved and the counting board shall make the following notation on the back of the ballot card and also on the ballot jacket: Write-in rejected for .....  
no office designation.

Sec. 42. At any time a ballot jacket is found having a name written in and a vote cast for a candidate

or candidates whose name or names are printed on the ballot, the ballot card shall be rejected for the office involved and the counting board shall make the following notation on the back of the ballot card and also on the ballot jacket: Rejected for the office of ..... overvoted. When a ballot has been overvoted because of an elector voting for a candidate or candidates and also writing in the name or names of a candidate or candidates, the counting board shall immediately duplicate the overvoted ballot omitting the overvoted portion of the ballot and shall number the original ballot, ballot jacket, and duplicate ballot with the same identifying number, which number shall be in numerical order, in each precinct, and the original ballot shall remain in the ballot jacket and the duplicate shall be counted.

Sec. 43. If there are two or more persons at any election having the same surname and who may have their names written in for the same office and the Christian, given, or generally-recognized name and surname do not belong to anyone, the ballot or punch card or write-in on a voting machine shall be rejected and the counting board shall make the following notation on the back of the ballot, punch card, or on the paper printout on a voting machine: Rejected for the office of ..... improper Christian, given, or generally-recognized name for all write-in candidates.

Sec. 44. (1) Except as provided in subsection (2) of this section, when a ballot is found, whether voting by paper ballot, punch card, or voting machine, with a write-in using the surname of a person only and there is more than one person in the county having the same surname, the counting board shall reject such ballot to that office and the counting board shall make the following notation on the back of the ballot, punch card, or paper printout: Rejected for the office of ..... no Christian, given, or generally-recognized name.

(2) Any candidate who has been actively engaged in a write-in campaign and who shall have filed a notarized affidavit of his intentions with the county clerk or election commissioner not later than the day prior to the election shall be entitled to all write-in votes when only the surname of the candidate has been written, if such surname is reasonably close to the proper spelling.

Sec. 45. That section 32-1302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1302. A person new resident moving into this state and any county, precinct, township, or ward and desiring to qualify under sections 32-1301 to 32-1314--in order to vote for President and Vice President is not required to register, but at least two clear days before may cast his ballot for such candidates even though he is not registered to vote. Such ballot must be cast not later than the hour for the closing of the polls on the day of the election. The new resident shall make an application in the form of an affidavit executed in duplicate in the presence of the county clerk or election commissioner, as the case may be, substantially as follows:

State of Nebraska )  
 ) ss.  
County of ..... )

I, ....., do solemnly swear that:

1. I am a citizen of the United States.
2. Before becoming a resident of this state, or county, precinct, township, or ward, in Nebraska, I resided at post-office-address-and-residence the following address, describing it by street number or similar description, if in a city or village, and by section, township, and range, if outside of a city or village, and the voting precinct, county, and state in which such residence is located.  
.....  
.....
3. On the day of the next presidential election, I shall be at least eighteen-years-of-age-and-I-have-been-a resident-of-this-state-or-county--in--Nebraska--since .....; now-residing--at--post-office address-and-residence; describing it by street number or similar description, if in a city or village, and by section, township, and range, if outside of a city or village, and the voting precinct, county, and state in which such residence is located: the constitutionally prescribed age of an elector and I reside at  
.....  
.....  
(Complete Address)
4. I have resided in Nebraska less than six months or in this county less than forty days; am unable to vote for all offices because the voter registration deadline has passed and, under the laws of this state, I believe I am entitled to vote at the presidential for the candidates for President and Vice President at the election to be held November ..... 19....
5. I hereby make application for a presidential and vice presidential ballot. I have not voted and will not vote otherwise than by this ballot at--that--election



for President and Vice President.

Signed .....  
(applicant)

Subscribed and sworn to before me this .....  
day of ....., 19.... .

Signed .....  
(Title and name of  
officer authorized to  
administer oaths.)

Sec. 46. That section 32-1305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1305. If satisfied that the application is proper and that the applicant is qualified to vote under sections ~~32-1304~~ 32-1302 to 32-1314, the county clerk or election commissioner, as the case may be, then shall deliver to the applicant a ballot for President and Vice President ~~when ballots are available after the closing of voter registration~~ but not later than ~~two clear days prior to the next presidential election~~ the hour for the closing of the polls on the day of the election in ~~counties having an election commissioner and three clear days in all other counties~~

Sec. 47. That section 32-1306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1306. (1) The applicant, upon receiving the ballot for President and Vice President shall mark forthwith the ballot in the presence of the county clerk or election commissioner, as the case may be, but in such manner that the official cannot know how the ballot is marked. He shall then fold the ballot in the election official's presence so as to conceal the markings, deposit and seal it in an envelope furnished by the election official.

(2) The voter shall enclose the envelope containing the ballot in a carrier envelope which shall be securely sealed. The carrier envelope shall have imprinted upon its back, a statement substantially as follows:

Certification of New Resident Voter

I have qualified as a new resident voter in this state, or county, township, precinct, or ward in Nebraska to vote for President and Vice President and I have not applied nor do I intend to apply for an absentee voter's ballot from the state or county in Nebraska from which I have removed and I have not

voted and I will not vote otherwise than by this ballot.

Dated: .....  
 Witness .....  
 (Election Officer) (Signature of Voter)

The voter shall sign the certification upon the enclosure envelope as set forth above, and shall then deliver the sealed carrier to the county clerk or election commissioner, as the case may be, who shall keep the carrier envelope in his office until delivered by him to the absent, and disabled, and confined voters voters'-election counting board.

Sec. 48. That section 32-1307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1307. The county clerk or election commissioner, ~~as the case may be,~~ shall keep open to public inspection a list of all persons ~~who have applied under sections 32-1304 to 32-1314 to vote voting in the state, county, township, precinct, or ward~~ as new or former residents, showing with their names, addresses and application dates.

Sec. 49. That section 32-1308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1308. The county clerk or election commissioner, ~~as the case may be,~~ shall record the new or former resident voter's name in ~~a poll~~ the list of voters book with a notation designating him as a new or former resident voting for President and Vice President only. All former residents shall be considered as absentee voters and shall follow the provisions of section 32-803.

Sec. 50. That section 32-1309, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1309. The vote of any new or former resident may be challenged for cause. The absent and disabled voters' election counting board have all the powers and authority conferred upon them by law in respect to hearing and determining the legality of challenged votes.

Sec. 51. That section 32-1310, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1310. Any person new resident willfully making a false statement or affidavit required by sections ~~32-4304~~ 32-1302 to 32-1314 shall be fined not less than fifty dollars nor more than one hundred dollars, or punished by imprisonment in the county jail for a period of not more than thirty days, or both such fine and imprisonment. If any public official willfully refuses or neglects to perform any of the duties prescribed by sections ~~32-4304~~ 32-1302 to 32-1314 or violates any of its provisions, he shall be fined not less than one hundred dollars nor more than one thousand dollars or punished by imprisonment in the county jail for a period not more than ninety days, or both such fine and imprisonment.

Sec. 52. That section 32-1312, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1312. As used in sections ~~32-4304~~ 32-1302 to 32-1314 state includes the District of Columbia.

Sec. 53. That section 32-1313, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1313. Sections ~~32-4304~~ 32-1302 to 32-1314 shall be so construed as to effectuate its their general purpose to make uniform the law of those states which enact it them.

Sec. 54. That section 32-1314, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1314. Sections ~~32-4304~~ 32-1302 to 32-1314 may be cited as the Uniform Act for Voting by New or Foreign Residents in Presidential Elections.

Sec. 55. That section 46-530, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-530. Within thirty days after entering the final order establishing the district the department shall enter an order appointing the board of directors named in the petition in accordance with subsection (5) of section 46-516. After the selection of the original board of directors of a district as provided for in subsection (5) of section 46-516, their successors shall be nominated and elected at a general election and shall take office subject to the provisions of sections 46-504 to 46-573 substantially in the same method and after the

~~same manner as is provided by law for the nomination and election of a judge of the district court on the first Thursday after the first Tuesday in January next succeeding their election.~~ Qualified electors of the municipality or municipalities within the territory which composes the territory of a district shall be qualified electors of such district. Such nomination and election shall be by separate nonpartisan ballot without regard to political affiliation. It shall be the duty of all state and local officers and of all officers of election to perform all duties imposed upon them by the laws of this state pertaining to primary and general elections insofar as is applicable to election of directors of districts organized under the provisions of sections 46-501 to 46-573. All costs incident to the nomination and election of such directors shall be paid by such district.

The candidates for directors of reclamation districts shall file applications for having their names placed on the general election ballot, which applications shall be filed on or before August 1 of each general election year. In such districts the candidates receiving the highest number of votes at the general election shall be declared duly elected to the offices for which they were candidates. Accompanying all applications for election shall be a receipt for the filing fees paid to the county treasurer of the candidate's county of residence, which receipt shall be in the amount of ten dollars.

Sec. 56. That section 46-531, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-531. Not less than ninety days prior to any district election later than July 1 of each even-numbered year, the secretary of the board in each reclamation district shall certify to the Secretary of State the names of the counties, municipalities and election precincts then comprising the district and at the same time he shall certify the number of directors to be elected, the length of terms, and the election districts or subdivisions in which they are to be elected respectively. The Secretary of State shall prescribe the forms to be used for such certifications. The secretary of the district shall also furnish to the Secretary of State and officials of election county clerks and election commissioners such additional information as they may reasonably require in the proper performance of their duties in the conduct of elections and the certification of the results of the same. The term of each member of the board thus elected shall be six years

and until his successor is elected and qualified.

Sec. 57. That section 70-610, Revised Statutes Supplement, 1974, be amended to read as follows:

70-610. (1) After the selection of the original board of directors of a district as provided for in sections 70-604 and 70-609, their successors shall, except as provided in this section, be nominated and elected and shall take office, subject to the provisions of sections 70-601 to 70-672. Registered voters residing within the voting precincts in which any or all of the precinct is served by a public power district, except those areas specifically excluded in the chartered territory, shall be qualified electors of such district and shall be eligible to cast ballots for the directors.

Any person filing nomination papers as a candidate for director shall file such nomination papers as provided in Chapter 32. A candidate for director shall be a qualified elector and shall ~~have--resided~~ reside within the chartered territory or subdivision as defined in the charter of the district.

In districts receiving annual gross revenue of less than forty million dollars the candidates for district director shall not appear on the primary ballot. Candidates for directors of such districts shall file applications for nomination with the Secretary of State on or before August 1 of each general election year. In such districts the candidates receiving the highest number of votes at the general election shall be declared duly elected to the offices for which they were candidates.

~~Accompanying--all--applications--for--nomination shall be a--receipt--for~~ In those districts receiving annual gross revenue of forty million dollars or more, there shall be a treasurer's receipt from the candidate's county of residence accompanying the application for nomination in the amount of twenty-five dollars, when the annual--compensation--exceeds--one--thousand--dollars; otherwise--ten--dollars; from the county treasurer--of--the county in--which--the--candidate--resides and in those districts receiving annual gross revenue of less than forty million dollars, there shall be a treasurer's receipt from the candidate's county of residence in the amount of ten dollars.

(2) Such nomination and election of directors, as referred to in subsection (1) of this section, shall be by separate nonpartisan ballot. If, after a primary election in a district receiving annual gross revenue of

forty million dollars or more, there shall be a vacancy on the ballot for members of board of directors through any cause whatever, the man polling the third highest in the primary shall be the candidate, and if two vacancies exist then the third and fourth highest in the primary shall be the candidates. If there were no third and fourth highest in the primary, then candidates may file by petition, by securing signatures of ten per cent of the legal voters voting for Governor or President within the district at the preceding general election, and if more persons file than there are places vacant, the candidates shall be chosen by drawing for place. Any such petition must be filed with the Secretary of State not less than sixty days prior to the general election. The petition must show the name and address of the candidate, the office to be filled, and the names and addresses of the signers, the truth of which must be shown by the circulator or circulators thereof by the affidavit filed with such petition. ~~Accompanying the petition shall be a receipt for twenty-five dollars when the annual compensation exceeds one thousand dollars; otherwise ten dollars from the county treasurer of the county in which the candidate resides.~~ In those districts receiving annual gross revenue of forty million dollars or more, there shall be a treasurer's receipt from the candidate's county of residence accompanying the petition in the amount of twenty-five dollars, and in those districts receiving annual gross revenue of less than forty million dollars, there shall be a treasurer's receipt from the candidate's county of residence in the amount of ten dollars. A vacancy shall be deemed to exist whenever any person shall cease for any reason to be a candidate for the office of member of board of directors for which he was nominated in the primary or when no person was nominated for such office in the primary. It shall be the duty of all state and local officers and officers of election to perform all duties imposed upon them by the laws of this state pertaining to primary and general elections, insofar as applicable to the election of directors of districts organized under the provisions of sections 70-601 to 70-672. Each public power district shall pay for the election expenses of nominating and electing its directors as provided in this section. Except as provided in this section, the district shall pay to each county wherein the name of one or more candidates appears upon the ballot as follows: Counties having a population of less than three thousand inhabitants, seventy-five dollars; counties having a population of three thousand but less than nine thousand inhabitants, one hundred fifty dollars; counties having a population of nine thousand but less than fourteen thousand inhabitants, two hundred dollars; counties having a population of fourteen thousand but less than

twenty thousand inhabitants, two hundred fifty dollars; counties having a population of twenty thousand but less than sixty thousand inhabitants, three hundred dollars; counties having a population of sixty thousand but less than one hundred thousand inhabitants, fifteen hundred dollars; counties having a population of one hundred thousand but less than two hundred thousand inhabitants, three thousand dollars; and counties having a population of two hundred thousand inhabitants or more, fifty-five hundred dollars. The population of a county for purposes of this section shall be the population as determined by the most recent federal decennial census.

When the name of one or more candidates of a district appears on ballots in less than one half of the precincts in a county, the cost to the district shall be reduced fifty per cent. When the name of one or more candidates of a district appears on ballots in less than one-tenth of the precincts in a county, there shall be no cost to the district. Election expenses shall be due and payable by each public power district within thirty days after receipt of a statement from the county.

Sec. 58. That section 70-611, Revised Statutes Supplement, 1974, be amended to read as follows:

70-611. Not later than February 1 in each even-numbered year, the secretary of the district in districts grossing forty million dollars or more annually shall certify to the Secretary of State on forms prescribed the names of the counties, ~~municipalities, and election-precincts that comprising the district in which all registered voters are eligible to vote for public power district candidates, and for other counties the names of the election precincts within each county, excluding the municipalities in which voters are not eligible to vote on public power district candidates.~~ At the same time he shall certify the number of directors to be elected ~~and the election districts or subdivisions in which they are to be elected~~ and the length of terms for which each is to be elected.

Those districts grossing less than forty million dollars annually shall prepare the same type of certification as those districts grossing over forty million dollars annually and file such certification with the Secretary of State not later than July 1 of each even-numbered year.

At The secretary of each district shall, at the time of filing the certification, all--districts--shall cause to be published once in a newspaper or newspapers of general circulation within the district a list of the

incumbent directors, naming the counties or election precincts, excluding those municipalities in which voters are not eligible to vote for public power district candidates, in the same general form as the certification filed with the Secretary of State, and the district or subdivision of the district which they represent. A certified copy of the published notice shall be filed with the Secretary of State within ten days after such publication.

The term of each member of the board thus elected shall be not more than six years and until his successor is elected and qualified.

Sec. 59. That section 70-615, Revised Statutes Supplement, 1974, be amended to read as follows:

70-615. A vacancy on the board of directors shall exist in the event of the (1) death, disability or removal from the chartered area or resignation of any director, (2) removal from the subdivision from which said director was elected, (3) elimination or detachment from the chartered area of the territory in which a director or directors reside, or (4) expiration of the term of office of a director and failure to elect a director to fill such office at the preceding general election. In the event of a vacancy from any of said causes, or otherwise, such vacancy or vacancies shall, except in districts having within their chartered area twenty-five or more cities and villages, be filled by the board of directors. In districts having within their chartered area twenty-five or more cities and villages, vacancies shall be filled by the Governor. If a vacancy occurs during the term of any director prior to the deadline for filing, and the unexpired term extends beyond the first Thursday after the first Tuesday in January following the next general election, an appointment shall be until the first Thursday after the first Tuesday in January following the next general election, and candidates may file nomination papers as provided by law for the placing of their names upon the ballot for election to the unexpired term. If a vacancy occurs during the term of any director after the deadline for filing for election, an appointment shall be until the first Thursday after the first Tuesday in January following the next general election for which candidates may file nomination papers as provided by law.

At any time a vacancy is to be filled by election the secretary of the district shall give notice to the public by publishing the notice of vacancy, length of term, and the deadline for filing, once in a newspaper or newspapers of general circulation within the district.



Any appointment shall be filed with the Secretary of State by certified mail.

Sec. 60. That section 79-2202.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2202.01. Any candidate for membership on the board of an educational service unit in the primary election in 1970 shall file for election in the appropriate educational service unit as such units will be constituted after July 1, 1970.

The governing board of each educational service unit shall, not later than thirty days after each primary and general election, pay the county clerk or election commissioner in each county comprising the educational service unit a fee of fifty dollars for conducting its election. The governing board shall also pay for having its official and sample ballots printed at the time of the statewide primary and statewide general elections, including the publishing of the sample ballot appearing in the newspaper. All payments received under this section shall be placed in the county general fund and shall be used to help defray the cost of elections.

Sec. 61. That original sections 32-210, 32-402.01, 32-403, 32-424, 32-428, 32-450, 32-4132, 32-513, 32-517, 32-528, 32-803, 32-807.01, 32-815, 32-1001.25, 32-1001.28, 32-1056, 32-1241, 32-1302, 32-1305 to 32-1310, 32-1312 to 32-1314, 46-530, 46-531, and 79-2202.01, Reissue Revised Statutes of Nebraska, 1943, and sections 18-102, 19-613, 19-3011, 19-3051, 70-610, 70-611, and 70-615, Revised Statutes Supplement, 1974, and also sections 23-282, 23-284 to 23-286, 23-288, 23-289, 32-431, 32-438.01, 32-449, 32-453, 32-462, 32-486 to 32-489, 32-493.02, 32-496, 32-498, 32-504.02, 32-539 to 32-541, 32-814, 32-817, 32-1301, 32-1311, and 70-613, Reissue Revised Statutes of Nebraska, 1943, and section 19-3033, Revised Statutes Supplement, 1974, are repealed.