

## LEGISLATIVE BILL 424

Approved by the Governor March 26, 1992

Introduced by Wesely, 26; Conway, 17

AN ACT relating to elections; to amend sections 10-703.01, 32-210.01, 32-212, 32-303, 32-403, 32-428.05, 32-428.06, 32-450, 32-451, 32-456, 32-464, 32-4,113, 32-4,132, 32-835, and 70-612, Reissue Revised Statutes of Nebraska, 1943, and sections 32-705, 32-1403, and 32-1404, Revised Statutes Supplement, 1990; to change the compensation paid to certain election officials; to provide a residency requirement for candidates for the Public Service Commission; to change provisions relating to endorsements on ballots and write-in votes; to authorize the use of optical-scan voting or tabulating devices; to change requirements for certain petitions and petition circulators; to change provisions relating to voting subdivisions for directors of public power and irrigation districts; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 10-703.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

10-703.01. In all special elections called for voting on the question of issuing bonds of the district, the county clerk or election commissioner or, if the school district lies in more than one county, the county clerk or election commissioner in the county having the greatest number of electors entitled to vote on the question, shall designate the polling places and appoint the election officials, who need not be the regular election officials, and otherwise conduct the election as provided under Chapter 32, except as otherwise specifically provided in this section. The school district shall designate the form of ballot and reimburse the county clerk or election official for the expenses of conducting the election.

The school district officers shall give notice of the election at least twenty days prior to the election and cause the sample ballot to be published in

a newspaper of general circulation in the school district one time not more than ten days nor less than three days prior to the election, and no notice of the election shall be required to be given by the county clerk or election commissioner. The notice of election shall state where absentee ballots may be obtained.

The ballots shall be counted by the county clerk or election commissioner conducting the election and two disinterested persons appointed by him or her. When the polls are closed, the election board shall deliver the ballots to the county clerk or election commissioner conducting the election who, with the two disinterested persons appointed by him or her, shall proceed to count the ballots.

Absentee ballots shall be furnished to the county clerk or election commissioner and ready for distribution by the county clerk or election commissioner conducting the election not less than fifteen days prior to the election as set out in section 32-848 and returned as provided in the Absentee Voters Act.

When a school district lies in more than one county, the county clerk or election commissioner in any other county containing part of such school district shall, upon request, certify its registration books for those precincts in which the school district is located to the county clerk or election commissioner conducting the election and shall immediately forward all requests for absentee ballots to the county clerk or election commissioner charged with the issuing of such ballots. Not less than five days prior to the election, the school district officers shall certify to the county clerk or election commissioner conducting the election a list of all registered electors of the school district in any other county or counties qualified to vote on the bond issue.

Absentee ballots cast at the election shall be counted by the same board as counted other ballots at the election. When all the ballots have been counted, the returns of such election shall be turned over to the school board or board of education of the district in which the election was held, for the purpose of making a canvass thereof.

The two disinterested persons appointed on the counting board shall receive three dollars and thirty four dollars and twenty-five cents per hour for each hour of service rendered.

Sec. 2. That section 32-210.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

32-210.01. At the discretion of the district or precinct election inspectors, any clerk of election may perform the duties of a judge of election, except the ~~signing~~ initialing of ballots, and any judge of election may perform the duties of a clerk of election. In all counties in which an appointed election commissioner conducts the election, the judges and clerks of election and the board of canvassers for the county shall receive ~~three dollars and thirty-five~~ four dollars and twenty-five cents for each hour of service rendered, except that, in precincts having counting boards, no member of the receiving board shall receive pay for more than fifteen hours of service. ~~District Precinct and district~~ inspectors shall be paid at the rate of ~~three dollars and ninety-five~~ four dollars and eighty-five cents per hour for the hours they shall serve. Each member of the election board shall sign an affidavit stating the number of hours such member has worked. All such expenses shall be paid out of the general fund of the county, except as otherwise provided in section 32-226.

Sec. 3. That section 32-212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-212. The election commissioner may also appoint to the receiving board, at such time as ~~shall be~~ is necessary, persons qualified as herein specified to serve in case of vacancy among any of the judges or clerks, or with and in addition to the officers in any election district ~~wherein in which~~ it may be deemed necessary by the election commissioner to meet any emergency to have additional officers, not exceeding two, in any election district to carry into effect the provisions of sections 32-201 to 32-232. The election commissioner may also, ~~when where,~~ in his or her judgment, their services are not required, excuse from serving at the elections the two clerks appointed for each election district, and in such case, the judges of election shall perform the duties of the clerks without additional compensation. The election inspector in each district may perform the duties of either a judge or clerk of election when so authorized by the election commissioner. Any additional appointees shall commence and end their duties at the time designated by the election commissioner. Each appointee shall be paid at the rate of ~~three dollars and thirty~~ four dollars and twenty-five cents per hour for each hour of service rendered.

Sec. 4. That section 32-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-303. At the general election to be held in the year 1964, and each six years thereafter, there shall be elected one public service commissioner from public service commissioner district number one and one public service commissioner from public service commissioner district number three; at the general election in 1964, there shall be elected one public service commissioner from public service commissioner district number five for a term of four years, and in the year 1968, and each six years thereafter, there shall be elected one public service commissioner from public service commissioner district number five and one public service commissioner from public service commissioner district number four; and at the general election in the year 1966, and each six years thereafter, there shall be elected one public service commissioner from public service commissioner district number two.

All candidates shall be residents of the district from which they seek election. All members shall be residents of the district from which they are elected. Removal from the district shall cause a vacancy in the office of public service commissioner for the unexpired term.

Sec. 5. 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 initialing 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 seventy years of age.

(3) Each of the appointees, referred to in

subsections (1) and (2) of this section, shall (a) be of good character, of approved integrity, well informed, and able to read, write, and speak the English language, (b) reside in the election precinct in which he or she 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 less than one hundred votes 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 have closed or, if the county clerk deems it necessary, he or she 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~~ through (3) of this section in making his or her 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~~ is to receive from the county clerk the ballots and other equipment necessary for holding the election in the precinct of which he or she 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 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 in which 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 elections and the board of canvassers for the county shall receive the following pay: For each hour of service rendered, each person shall receive three dollars and thirty-five four dollars and twenty-five cents, but in precincts having a counting board, no member of the receiving board shall receive pay for more than fifteen hours of service. Each member of the election board shall sign an affidavit stating the number of hours he or she 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 five dollars and mileage at the rate provided in section 23-1112, for county officers and employees. All such expenses shall be paid out of the general fund of the county.

Sec. 6. That section 32-428.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-428.05. Before counting any votes, the counting board shall examine each paper ballot or punch card. If , and if any paper ballot or punch card is not endorsed upon the back by does not have the initials of 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 initialed. Such ballot shall be placed in the rejected ballot envelope and sealed in the ballots-cast sack.

Sec. 7. That section 32-428.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read

as follows:

32-428.06. If (1) at any stage of the counting a ballot shall be found having a given or generally recognized name and surname of a person written or printed on a line provided for that purpose and the square or oval to the left of the name of the candidate has been marked with a cross or other clear, intelligible mark or, if the ballot is a punch card ballot, the office and name of the write-in candidate has been written on the ballot envelope or jacket and the square properly marked or (2) the provisions of subsection (2) of section 32-428.10 are applicable, the ballot shall be counted. When any ballot has been overvoted, such ballot shall be rejected for the office and the counting board shall make the following notation on the back of the ballot: Rejected for the office of ....., overvoted.

Sec. 8. 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 presents himself or herself at the polling place of his or her election district or precinct, for the purpose of voting at any election then in progress, he or she shall receive from the judge of the election board a ballot, on the back of which the names or on which the initials of two judges of the election board are affixed.

No judge of election shall deposit any ballot in a ballot box unless the ballot has been identified by 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. 9. That section 32-451, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-451. The county clerk or election commissioner of each county shall cause to be printed, in large type on cards in English, instructions for the guidance of electors in preparing their ballots. He or she shall furnish five such cards to the judges of election in each election precinct, at the same time and in the same manner as the printed ballots. The judges of election shall post such cards in each voting place on the day of election. Such cards shall be printed in large, clear type and shall contain full instructions to the voters; according to Schedule A; hereof contained in

this section.

#### SCHEDULE A

##### Instructions to Voters

1. Persons desiring to vote must procure their ballots from a judge of the election board.

2. Voters must then, without leaving the polling place, proceed to a compartment and prepare their ballots.

3. Prepare your ballots as follows:

(a) Make a cross or other clear, intelligible mark in the square to the left of the name of the candidate for whom you wish to vote.

(b) If two or more candidates are to be voted for, for the same office, make such a cross or other clear, intelligible mark in the square to the left of the name of each candidate for whom you wish to vote. However, do not vote for more candidates for an office than the ballot indicates are required to fill that office.

(c) When voting on proposals for constitutional amendments, proposals submitted by initiative or referendum, bond issues, or other propositions, indicate your vote by making a cross or other clear, intelligible mark in the square to the left indicating your affirmative or negative vote, Yes or No vote, or For or Against vote, as the case may be.

(d) In each division of the ballot at a primary election, there shall be no write-in space for delegates to the county convention, delegates to the national convention, or directors of public power districts. In each division of the ballot at a general election, there shall be no write-in space for President and Vice President, directors of public power districts, directors of reclamation districts, members of the board of educational service units, or directors of natural resources districts. Below the names of all candidates for an office placed on the ballot by nomination or petition, a blank space shall be provided in which electors may write the name of any person for whom they wish to vote and whose name is not printed on the ballot, except that for officers named in this subdivision there shall be no write-in space provided.

4. If you spoil a ballot, return it to a judge of the election board and obtain from him or her a new ballot, but you cannot get more than a total of four in all.

5. After having marked your ballots, fold them separately so as to conceal the front of the ballot and expose only the written names initials of the



election officials, ~~on the back.~~

6. Hand your ballots to a judge of election who, in your presence, will deposit the ballots in the ballot box, after which you should immediately leave the polling place.

7. Do not take any ballot from the polling place. If you do so, you thereby forfeit the right to vote.

Sec. 10. That section 32-456, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-456. The voter shall fold his or her ballot so as to conceal the names and marks and to expose the names ~~or~~ initials of the judges of the election board affixed on the ~~back thereof~~ ballot. He ~~or she~~ The voter shall, without delay, and without exposing the names or marks upon the front thereof, and without leaving the enclosure in which the compartments are placed, deliver the ballot so folded to the judge of election, who shall, without exposing the names or marks on the front or face thereof, approve the signatures upon the back thereof; initials on the ballot and deposit the ballot in the ballot box in the presence of the ~~elector~~ voter, and the ~~elector~~ voter shall forthwith leave the enclosure.

Sec. 11. That section 32-464, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-464. Except in counties having an election commissioner, upon the day fixed for holding any election therein, the proper authorities of every city shall detail a police officer to each polling place of such city and the proper authorities of every village shall detail the village marshal of such precinct to the voting places of such village or precinct. The special duties of the police officer or village marshal, in addition to the preservation of peace and order, shall be as follows: (1) He or she shall, as far as possible, remain at or near the entrance of the enclosure in which the compartments are placed; (2) he or she shall not permit any person to enter such enclosure unless duly provided with an official ballot signed with the names ~~of~~ initialed by two judges of the election board; (3) he or she shall not permit any person to enter the enclosure while the several compartments therein are occupied; (4) he or she shall not permit any person to leave the enclosure without first voting or surrendering his or her ballot to a judge of the election board; and (5) he or she shall not permit any person to leave the

polling room after receiving a ballot without first voting or surrendering his or her ballot. In counties having an election commissioner, such election commissioner shall have power to appoint such police officers as may be necessary to maintain order at the election and enforce the election laws.

Sec. 12. That section 32-4,113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-4,113. The governing body of any county may, by purchase, lease, or rental, acquire a sufficient number of voting machines, electronic counting devices, or punch card voting systems to comply with the requirements of sections 32-4,113 to 32-4,130, and such voting machines, electronic counting devices, or punch card voting systems may be used for voting in all primary and general elections, and may be used in special elections, city elections, school elections, and referendum elections, including all constitutional amendment measures, all state, county, and municipal, and school referendums, and including all bond issues submitted by the county, municipal political subdivisions, and school authorities. For purposes of sections 32-4,113 to 32-4,130, voting machines shall be construed to include optical-scan voting or tabulating devices.

Sec. 13. 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, or 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. 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 comply with section 32-450.

Any reference to the folding of ballots in the statutes will not apply to punch card 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 to 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 initialed by two judges of election as provided in section 32-450. The voter after casting his or her punch card ballot 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 initials 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 or her ballot. 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 or her 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 the hour established by law for the closing of the polls at the discretion of the appropriate election official, notwithstanding the provisions of section 32-441.

Sec. 14. That section 32-705, Revised Statutes Supplement, 1990, be amended to read as follows:

32-705. (1) Every sheet of every petition mentioned in sections 32-702 to 32-704 containing signatures shall have upon it, and below the signatures, an affidavit in substantially the following form:

STATE OF NEBRASKA )
) ss.
COUNTY OF ..... )
..... being first duly sworn,

Name of Circulator
deposes and says that he or she is the circulator of the foregoing petition containing ..... signatures; that he or she is a registered voter of the State of Nebraska; that each person whose name appears on the petition sheet personally signed the petition in the presence of affiant; that the date to the left of each signature is the correct date on which the signature was affixed to the petition and that the date was personally affixed by the person signing such petition; that affiant believes that each signer has stated his or her name, street, and street number or voting precinct and his or her city, village, or post office address correctly; that affiant believes that each petitioner was a registered voter of the state and county at the time of signing the petition or will be a registered voter of the state and county on or before the date on which the petition is required to be filed with the Secretary of State for signature verification and qualified to sign the petition; and that affiant stated to each petitioner before he or she affixed his or her signature the purpose of such petition.

.....
Circulator

.....
Address

Subscribed and sworn to before me, a notary public, this ..... day of ..... 19...., at ....., Nebraska.

.....
Notary Public

(2) Every sheet of every petition mentioned in sections 32-702 to 32-704 containing signatures shall have upon it, and above the signatures, a statement

printed in boldface type in substantially the following form:

WARNING: Any person willfully and knowingly signing any name other than his or her own to any petition, any person willfully and knowingly signing his or her name more than once for the same measure at one election, any person who willfully and knowingly circulates a petition if he or she is not, at the time of circulating the same petition, a registered voter and qualified to circulate the same petition, any person who willfully and knowingly signs a petition if he or she is not a registered voter at the time of signing the petition or will not be a registered voter on or before the date on which the petition is required to be filed with the Secretary of State for signature verification and qualified to sign the petition, any person who willfully and knowingly falsely swears to any signature upon any such petition, any person who willfully and knowingly accepts money or other things of value for signing the petition, or any circulator who willfully and knowingly offers money or other things of value in exchange for a signature upon any such petition shall be guilty of a Class IV felony. Such statement shall be printed in boldface type:

(3) Every sheet of every petition mentioned in sections 32-702 to 32-713.01 circulated by a paid circulator shall have upon it the following language in letters not smaller than sixteen-point type in a contrasting color from other print on the petition: This petition is circulated by a paid circulator.

(4) Every circulator of a petition shall be of the constitutionally prescribed age or upwards and a resident and a registered voter of the State of Nebraska and a resident of the county in which he or she is registered to vote. Every circulator circulating petitions pursuant to sections 32-702 to 32-713 outside of the county in which he or she is registered to vote shall be registered with the Secretary of State who shall provide forms for this purpose. The Secretary of State shall make available to the counties a list of registered circulators for each petition drive. Any person willfully and knowingly circulating a petition outside of the county in which he or she is registered to vote without registering with the Secretary of State shall be guilty of a Class I misdemeanor.

(5) All signatures secured in a manner contrary to sections 32-702 to 32-713 shall not be counted. Clerical and technical errors in a petition shall be disregarded if the forms prescribed in this

section are substantially followed.

Sec. 15. That section 32-835, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-835. (1) Upon receipt by the election official of an application for an absentee ballot, the official, if he or she finds that the applicant is a qualified elector and is entitled to vote an absentee ballot as applied for in the application, shall deliver to the applicant in person or by mail, postage paid, a proper absentee ballot. The official shall deliver or mail with the ballot an unsealed identification envelope upon the face of which shall be printed a form substantially as follows:

ABSENTEE VOTER'S IDENTIFICATION

I, the undersigned voter, declare under penalty of election falsification that the enclosed ballot or ballots contained no voting marks of any kind when I received them, and I caused the ballot or ballots to be marked, enclosed in the identification envelope, and sealed in such envelope.

My voting residence in Nebraska is: ..... (street and number or rural route and number) of ..... (city, village, or township) Nebraska. I am a qualified elector of the State of Nebraska.

(Applicant must check the true statement concerning his or her absence.)

.... I shall be absent from the county at the time of the election.

.... I am physically unable to go to the polls.

.... I will be unable to go to the polling place on the day of the election because of hospitalization.

.... I cannot attend the polls on the day of the election because of the tenets of my religion.

.... I am legally blind.

.... I am a law enforcement official, an election official or employee, a firefighting official, or an emergency vehicle operator or attendant staff member and I will be carrying out my official duties for a period in excess of twelve hours on the day of the election.

The primary election ballot, if any, within this envelope is a primary election ballot of the ..... party.

Ballots contained herein within this envelope are for the ..... (general, special, or primary) election to be held on the ..... day of ..... 19....

I hereby declare, under penalty of election falsification, that the statements above are true, as I

verily believe.

.....  
signature of voter

THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE NOT TO EXCEED TEN THOUSAND DOLLARS, OR BOTH.

(2) Before any absent voter is issued a ballot, the county clerk, election commissioner, or any employee working in his or her office shall first write his or her name in full on the back of customary signature on such ballot. No ballot shall be counted by the absent voters' counting board or canvassing board unless the ballot is identified by a signature as set out in this section.

(3) The election official shall mail with the ballot and the unsealed identification envelope an unsealed return envelope upon the face of which shall be printed the official title and post office address of such official. The return envelope shall be of such size that the identification envelope can be conveniently placed within it for returning such identification envelope to the official.

Sec. 16. That section 32-1403, Revised Statutes Supplement, 1990, be amended to read as follows:

32-1403. (1) A petition demanding that the question of removing an officer listed in section 32-1402 be submitted to the registered voters shall be signed by registered voters equal in number to at least thirty-five percent of the total vote cast for that office in the last general election, except for an office when more than one candidate is chosen in which case the petition shall be signed by registered voters equal in number to at least thirty-five percent of the number of votes cast for the person receiving the most votes for such office in the last general election. A petition for the recall of a member of a Class 1 school district shall be signed by registered voters of the school district equal in number to at least twenty-five percent of the total number of registered voters residing in the school district.

(2) The signatures shall be affixed to petition papers which shall be considered part of the petition filed under this section. The petition papers shall be procured from the filing clerk. The Secretary of State shall design the uniform petition papers to be distributed by all filing clerks. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the filing clerk by at least one

registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The affidavit shall state the name and office of the officer sought to be removed and shall request that the filing clerk issue initial petition papers to the principal circulator or circulators for circulation.

(3) The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of such issuance, and the number of papers issued and shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate and unless it is filed as provided in sections 32-1401 to 32-1409.

(4) Each petition paper presented to a registered voter for his or her signature shall indicate clearly at the top (a) that the signatories are registered voters qualified by residence to vote for the office in question and support the holding of a recall election, (b) the name and office of the individual sought to be recalled, and (c) a general statement of the reason or reasons for which recall is sought. In no case shall the decision of a county attorney to prosecute or not to prosecute any individual be stated on any petition as a reason for recall.

(5) Each petition paper shall contain a statement entitled Instructions to Petition Circulators. The statement shall be prepared by the Secretary of State and, in addition to any other information the Secretary of State deems necessary to assist circulators in understanding the provisions governing the petition process established by sections 32-1401 to 32-1409, shall include the following statements:

No one shall circulate this petition paper in an attempt to gather signatures unless he or she is (1) duly registered to vote and (2) qualified by his or her place of residence to vote in a general election for the office in question.

No one circulating this petition paper in an attempt to gather signatures shall sign the circulator's affidavit attached hereto unless each person who has signed the petition paper did so in the presence of the circulator.



(6) Each petition paper shall contain the following warning which shall be placed immediately after the information required to be printed on the petition paper under subsection (4) of this section: WARNING TO PETITION SIGNERS--VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL CHARGES: Any person signing any name other than his or her own to this petition, knowingly signing his or her name more than once to any petition, or receiving any compensation in return for signing this petition shall be guilty of a Class I misdemeanor. Any person signing this petition knowing that he or she is not a registered voter shall be guilty of a Class IV misdemeanor.

(7) Every sheet of every petition circulated by a paid circulator shall have upon it the following language in letters not smaller than sixteen-point type in a contrasting color from other print on the petition: This petition is circulated by a paid circulator.

(8) Each signer of a recall petition shall sign and print his or her given name and surname, indicate the date of signing, and list his or her place of residence, as defined in section 32-107, by street and number or by rural address. To each petition paper there shall be attached an affidavit of the circulator stating the number of signers to such part of the petition and that each signature affixed to the paper was made in his or her presence and is the genuine signature of the person whose name it purports to be.

(9) ~~(8)~~ No one circulator shall circulate any petition paper in an attempt to gather signatures unless he or she is (a) duly registered to vote and (b) qualified by his or her place of residence to vote in a general election for the office in question.

Sec. 17. That section 32-1404, Revised Statutes Supplement, 1990, be amended to read as follows:

32-1404. (1) All papers comprising a recall petition shall be filed, as one instrument, for signature verification with the filing clerk within thirty days after the filing clerk issues the initial petition papers to the principal circulator or circulators under subsection (2) of section 32-1403. The petition shall be filed with the filing clerk by any principal circulator.

(2) Within ten days after the filing of the petition, the filing clerk shall ascertain whether or not the petition is properly signed by the requisite number of registered voters. If the requisite number of

signatures has not been gathered, the filing clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose. If the filing clerk finds that any signer did not correctly affix his or her signature or other information as set forth in subsection ~~(7)~~ (8) of section 32-1403, he or she shall promptly notify the principal circulator or circulators that the petition may be cured at any time within ten days after the giving of such notice by the filing of a supplementary petition, with the corrected material, on additional petition papers issued and filed as provided for the original petition papers. No new signatures may be added after the initial filing of the petition and no signatures may be removed unless the filing clerk receives an affidavit signed by the person requesting his or her signature be removed. The filing clerk shall, within five days after the filing of any supplementary petition under this subsection, examine the supplementary petition papers to determine whether the incorrect material has been adequately corrected.

(3) Following the examination of a supplementary petition, the filing clerk shall join the supplementary petition papers to the original petition and attach a certificate indicating whether the petition as corrected has been signed by the requisite number of registered voters. If the certificate shows the petition as corrected to be insufficient, the filing clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

(4) If due to reapportionment the boundaries of the district change, the recall procedure and special election shall apply to the registered voters in the new district.

Sec. 18. That section 70-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-612. Subject to the provisions of Chapter 70, article 6, and subject to the approval of the Nebraska Power Review Board, the board of directors of a district may amend the petition for its creation to provide for the division of the territory of such district into two or more subdivisions for the nomination and election of some or all of the directors. Each subdivision shall be composed of one or more voting precincts, or divided voting precincts, and the total population of each such subdivision shall be approximately the same. Two or more subdivisions may be

combined for election purposes, and members of the board of directors to be elected from such combined subdivisions may be nominated and elected at large when not less than seventy-five percent of the population of the combined subdivisions is within the corporate limits of any city. In the event a district formed ~~comprises~~ three includes all or part of two or more counties and is (1) engaged in furnishing electric light and power and more than fifty percent of its customers are rural customers or (2) engaged in furnishing electric light and power and in the business of owning and operating irrigation works, then and in that event such subdivisions may be formed by following precinct or county boundary lines without regard to population if in the judgment of the Nebraska Power Review Board the interests of the rural users of electricity or of users of irrigation water service in such district will not be prejudiced thereby.

Sec. 19. That original sections 10-703.01, 32-210.01, 32-212, 32-303, 32-403, 32-428.05, 32-428.06, 32-450, 32-451, 32-456, 32-464, 32-4,113, 32-4,132, 32-835, and 70-612, Reissue Revised Statutes of Nebraska, 1943, and sections 32-705, 32-1403, and 32-1404, Revised Statutes Supplement, 1990, are repealed.

Sec. 20. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.