

**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011**  
**COMMITTEE STATEMENT**  
**LB449**

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**Hearing Date:** Wednesday February 16, 2011  
**Committee On:** Government, Military and Veterans Affairs  
**Introducer:** Nelson  
**One Liner:** Change the Election Act

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

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**Vote Results:**

|                            |   |   |
|----------------------------|---|---|
| <b>Aye:</b>                | 5 | Senators Brasch, Janssen, Price, Schumacher, Sullivan |
| <b>Nay:</b>                | 1 | Senator Karpisek                                      |
| <b>Absent:</b>             | 1 | Senator Pahls   |
| <b>Present Not Voting:</b> | 1 | Senator Avery   |

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**Proponents:**  
Senator John Nelson  
Dave Phipps  
Wayne Bena

**Representing:**  
Introducer  
Douglas County Election Commissioner  
Sarpy County Election Commission

**Opponents:**

**Representing:**

**Neutral:**  
Neal Erickson  
Larry Dix

**Representing:**  
Secretary of State  
Nebraska Association of County Officials

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**Summary of purpose and/or changes:**

LB 449 makes several changes to the Election Act, including provisions regarding election commissioners, deputy registrar training, filing periods for candidates, size of precincts, ballots for early voting, and recall petitions.

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**Explanation of amendments:**

The committee amendment strikes the original sections of the bill and replaces them with the following provisions:

The amendment allows an election commission to be appointed to an elective office during his or her term as election commissioner. Acceptance of such appointment will be deemed to be his or her resignation from the office of election commissioner.

To remain qualified as a deputy registrar, he or she will complete a training session at least once every three years unless the Secretary of State determines additional training is required. Current law provides that deputy registrars are not required to attend another training session unless the Secretary of State determines additional training is required.

The registration application is changed to request an applicant to provide an email address. At the request of the applicant, a designation will be made that the email address is private and will preclude the listing on any list of voter registrations.

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The amendment provides for filing periods for candidates for elective offices. Currently, there are filing deadlines for incumbents and non-incumbents. The amendment provides a period of filing beginning December 1 and ending at the current deadline for incumbent and non-incumbent candidates.

Similarly, the amendment provides that any candidate engaging in a write-in campaign will file with the filing officer no earlier than December 1 and not later than 10 days prior to the election.

The amendment adds Class V school districts (Omaha public schools) to the list of offices that if there are not more than two candidates for each position to be filled, any such candidates will be declared nominated and their names will not appear on the primary ballot. Other offices currently included on this list include: Natural Resource Districts, public power districts, community colleges boards and Class III schools.

Precincts will contain not less than 75 or more than 1750 registered voters. Currently the standard is not less than 75 or more than 1000 registered voters.

Current law requires the county clerk, election commissioner or any employee of either to write his or her customary signature or initials on the early voting ballots. The amendment allows the signature or initials to be affixed to the ballot.

The amendment eliminates the requirement in the ballot for early voting oath that the voter print his or her address and name.

The record of early voters and applications for such ballots will be open to public inspection prior to the election. Currently, applications are open to the public prior to the election and both applications and the record of early voters are open to the public after the completion of the election.

The amendment adds the learning community coordinating council to the list of political subdivisions required to pay for the costs of nominating and electing its officers.

In recall petitions, the principal circulator will gather the petition pages within 20 days after the receipt of the official's defense statement. If sufficient signatures were gathered to place the issue on the ballot, the governing body will order an election not less than 30 or more than 75 days after the notification of the official whose removal is sought. The current deadline is not less than 30 or more than 45 days.

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Bill Avery, Chairperson