

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 187**

Introduced by Council, 11.

Read first time January 07, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to recall petitions; to amend section 32-1303,  
2 Reissue Revised Statutes of Nebraska; to change the  
3 number of signatures required on certain recall  
4 petitions; and to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-1303, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-1303 (1) A petition demanding that the question of  
4 removing an elected official or member of a governing body listed in  
5 section 32-1302 be submitted to the registered voters shall be signed  
6 by registered voters equal in number to at least ~~thirty-five~~thirty  
7 percent of the ~~total vote cast for that office in the last general~~  
8 ~~election, number of registered voters in the political subdivision at~~  
9 the last general election or the number of registered voters in the  
10 precinct, district, or subdistrict at the last general election if  
11 the elected official or member is elected by the registered voters of  
12 a precinct, district, or subdistrict, except that (a) for an office  
13 ~~for which more than one candidate is chosen, the petition shall be~~  
14 ~~signed by registered voters equal in number to at least thirty-five~~  
15 ~~percent of the number of votes cast for the person receiving the most~~  
16 ~~votes for such office in the last general election, (b) for a member~~  
17 ~~of a board of a Class I school district, the petition shall be signed~~  
18 ~~by registered voters of the school district equal in number to at~~  
19 ~~least twenty-five percent of the total number of registered voters~~  
20 ~~residing in the district on the date that the recall petitions are~~  
21 ~~first checked out from the filing clerk by the principal circulator,~~  
22 ~~and (c) (b) for a member of a governing body of a village, the~~  
23 ~~petition shall be signed by registered voters equal in number to at~~  
24 ~~least forty-five percent of the total vote cast for the person~~  
25 ~~receiving the most votes for that office in the last general~~

1 election. The signatures shall be affixed to petition papers and  
2 shall be considered part of the petition.

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

5 (3) The petition papers shall be procured from the filing  
6 clerk. Prior to the issuance of such petition papers, an affidavit  
7 shall be signed and filed with the filing clerk by at least one  
8 registered voter. Such voter or voters shall be deemed to be the  
9 principal circulator or circulators of the recall petition. The  
10 affidavit shall state the name and office of the official sought to  
11 be removed, shall include in typewritten form in concise language of  
12 sixty words or less the reason or reasons for which recall is sought,  
13 and shall request that the filing clerk issue initial petition papers  
14 to the principal circulator for circulation. The filing clerk shall  
15 notify the official sought to be removed by any method specified in  
16 section 25-505.01 or, if notification cannot be made with reasonable  
17 diligence by any of the methods specified in section 25-505.01, by  
18 leaving a copy of the affidavit at the official's usual place of  
19 residence and mailing a copy by first-class mail to the official's  
20 last-known address. If the official chooses, he or she may submit a  
21 defense statement in typewritten form in concise language of sixty  
22 words or less for inclusion on the petition. Any such defense  
23 statement shall be submitted to the filing clerk within twenty days  
24 after the official receives the copy of the affidavit. The filing  
25 clerk shall notify the principal circulator or circulators that the

1 necessary signatures must be gathered within thirty days from the  
2 date of issuing the petitions.

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

14 (5) Petition signers shall conform to the requirements of  
15 sections 32-629 and 32-630. Each signer of a recall petition shall be  
16 a registered voter and qualified by his or her place of residence to  
17 vote for the office in question.

18 Sec. 2. Original section 32-1303, Reissue Revised  
19 Statutes of Nebraska, is repealed.