

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 759

Introduced by Avery, 28.

Read first time January 04, 2012

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to petitions; to amend sections 32-628 and
2 32-629, Reissue Revised Statutes of Nebraska; to require
3 petition sponsors to provide and maintain records of
4 identification for petition circulators; to change
5 requirements for circulators; to harmonize provisions;
6 and to repeal the original sections.

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

1 Section 1. Section 32-628, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-628 (1) All petitions prepared or filed pursuant to
4 the Election Act or any petition which requires the election
5 commissioner or county clerk to verify signatures by utilizing the
6 voter registration register shall provide a space at least two and
7 one-half inches long for written signatures, a space at least two
8 inches long for printed names, and sufficient space for date of birth
9 and street name and number, city or village, and zip code. Lines on
10 each petition shall not be less than one-fourth inch apart. Petitions
11 may be designed in such a manner that lines for signatures and other
12 information run the length of the page rather than the width.
13 Petitions shall provide for no more than twenty signatures per page.

14 (2) For the purpose of preventing fraud, deception, and
15 misrepresentation, every sheet of every petition containing
16 signatures shall have upon it, above the signatures, the statements
17 contained in this subsection, except that a petition for recall of an
18 elected official shall also have the additional information specified
19 in subsection (2) of section 32-1304. The statements shall be printed
20 in boldface type in substantially the following form:

21 WARNING TO PETITION SIGNERS—VIOLATION OF ANY OF THE
22 FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL
23 CHARGES: Any person who signs any name other than his or her own to
24 any petition or who is not qualified to sign the petition shall be
25 guilty of a Class I misdemeanor. Any person who falsely swears to a

1 circulator's affidavit on a petition, who accepts money or other
2 things of value for signing a petition, or who offers money or other
3 things of value in exchange for a signature upon any petition shall
4 be guilty of a Class IV felony.

5 (3) Every sheet of a petition which contains signatures
6 shall have upon it, below the signatures, an affidavit as provided in
7 this subsection, except that the affidavit for a petition for recall
8 of an elected official shall also include the additional language
9 specified in subsection (3) of section 32-1304. The affidavit shall
10 be in substantially the following form:

11 STATE OF NEBRASKA)
12) ss.
13 COUNTY OF)
14 , (name of circulator) being
15 first duly sworn, deposes and says that he or she is the circulator
16 of this petition containing signatures, that he or she is
17 ~~an elector of the State of Nebraska, at least eighteen years of age,~~
18 that each person whose name appears on the petition personally signed
19 the petition in the presence of the affiant, that the date to the
20 left of each signature is the correct date on which the signature was
21 affixed to the petition and that the date was personally affixed by
22 the person signing such petition, that the affiant believes that each
23 signer has written his or her name, street and number or voting
24 precinct, and city, village, or post office address correctly, that
25 the affiant believes that each signer was qualified to sign the

1 petition, and that the affiant stated to each signer the object of
2 the petition as printed on the petition before he or she affixed his
3 or her signature to the petition.

4 Circulator

5 Address

6 Subscribed and sworn to before me, a notary public,
7 this day of 20.... at, Nebraska.

8 Notary Public

9 (4) Each sheet of a petition shall have upon its face and
10 in plain view of persons who sign the petition a statement in letters
11 not smaller than sixteen-point type in red print on the petition. If
12 the petition is circulated by a paid circulator, the statement shall
13 be as follows: This petition is circulated by a paid circulator. If
14 the petition is circulated by a circulator who is not being paid, the
15 statement shall be as follows: This petition is circulated by a
16 volunteer circulator.

17 Sec. 2. Section 32-629, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 32-629 (1) Except as otherwise provided in section
20 32-1404 for initiative and referendum petitions, only a registered
21 voter of the State of Nebraska shall qualify as a valid signer of a
22 petition and may sign petitions under the Election Act.

23 (2) ~~Only an elector of the State of Nebraska~~ a person who
24 is at least eighteen years of age shall qualify as a valid circulator
25 of a petition and may circulate petitions under the Election Act.

1 (3) The sponsor or principal circulator of a petition
2 under the Election Act shall provide each circulator of such petition
3 with identification. The identification shall be designed so that it
4 will be visible to each prospective signer of the petition. The
5 identification shall contain a number unique to that circulator and
6 other information as determined by the Secretary of State. The
7 identification shall not contain the name or other personal
8 information of the circulator. The sponsor or principal circulator
9 shall maintain records indicating the name and address of each
10 circulator and the number assigned to each circulator. The sponsor or
11 principal circulator shall make the records available for purposes of
12 investigation upon request from the Secretary of State, the Attorney
13 General, or a law enforcement agency.

14 Sec. 3. Original sections 32-628 and 32-629, Reissue
15 Revised Statutes of Nebraska, are repealed.