

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 183**

Introduced by Karpisek, 32.

Read first time January 14, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to election commissioners; to amend sections  
2 32-207, 32-209, 32-213, and 32-214, Reissue Revised  
3 Statutes of Nebraska; to provide for appointment by the  
4 county board in certain counties; to eliminate powers and  
5 duties of the Governor regarding such appointments; to  
6 harmonize provisions; and to repeal the original  
7 sections.

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

1           Section 1. Section 32-207, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-207 The office of election commissioner shall be  
4 created for each county having a population of more than one hundred  
5 thousand inhabitants. ~~The election commissioner shall be appointed by~~  
6 ~~the Governor~~ At the expiration of the term of each election  
7 commissioner serving on the effective date of this act, his or her  
8 successor shall be appointed by the county board and shall serve for  
9 a term of four years or until a successor has been appointed and  
10 qualified. In the event of a vacancy, the ~~Governor~~ county board shall  
11 appoint an election commissioner to serve the unexpired portion of  
12 the term.

13           Sec. 2. Section 32-209, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           32-209 (1) The election commissioner in counties having a  
16 population of more than one hundred thousand inhabitants shall  
17 appoint a chief deputy election commissioner in the manner provided  
18 in section 32-210. The chief deputy election commissioner shall be a  
19 member of a different political party than the election commissioner,  
20 shall be a registered voter in the county and of the party he or she  
21 is to represent, and shall be a resident of such county for at least  
22 one year.

23           (2) The chief deputy election commissioner shall hold  
24 office until the term of the election commissioner expires.

25           (3) The chief deputy election commissioner shall give

1 bond to the State of Nebraska in the sum of five thousand dollars  
2 with security to be approved by the ~~Governor~~ county board conditioned  
3 on the faithful performance of the duties of such office.

4 (4) The chief deputy election commissioner shall perform  
5 duties assigned by the election commissioner. In the absence of the  
6 election commissioner, the chief deputy election commissioner shall  
7 perform all the duties of the election commissioner consistent with  
8 the policies and procedures established by the election commissioner.  
9 The chief deputy election commissioner shall also be responsible for  
10 carrying out any directions properly made and given by the election  
11 commissioner prior to his or her absence.

12 Sec. 3. Section 32-213, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 32-213 Before entering upon his or her duties, the  
15 election commissioner shall take and subscribe an oath in the form  
16 provided in section 11-101.01 and shall give bond in the sum of ten  
17 thousand dollars conditioned on the faithful and honest performance  
18 of the duties of the office and the care and preservation of the  
19 property of the office within thirty days after appointment as  
20 provided in section 11-105. ~~When the election commissioner is~~  
21 ~~appointed by the Governor, the bond shall be given to the State of~~  
22 ~~Nebraska, approved by the Governor, and filed with the Secretary of~~  
23 ~~State. When the election commissioner is appointed by the county~~  
24 ~~board, the~~ The bond shall be given to, approved by, and filed with  
25 the county board.

1           Sec. 4. Section 32-214, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-214 (1) The election commissioner shall be responsible  
4 for the enforcement of the Election Act as it relates to his or her  
5 office and for the competency, integrity, and conduct of his or her  
6 chief deputy election commissioner and all personnel appointed by him  
7 or her.

8           (2) The election commissioner or chief deputy election  
9 commissioner shall be removed when it appears that ~~(1)-(a)~~ he or she  
10 has been derelict in the performance of the duties of his or her  
11 office, ~~(2)-(b)~~ he or she is incompetent, ~~(3)-(c)~~ his or her conduct  
12 is prejudicial to the public interest, ~~(4)-(d)~~ he or she has  
13 appointed incompetent, negligent, or corrupt precinct or district  
14 inspectors, judges of election, clerks of election, or deputy  
15 registrars, ~~(5)-(e)~~ a fair and impartial registration of voters was  
16 not obtained in any district of the county, or ~~(6)-(f)~~ the act was  
17 not enforced in the county. ~~If the election commissioner is appointed~~  
18 ~~by the Governor, the Governor shall remove the election commissioner~~  
19 ~~or chief deputy election commissioner when either is subject to~~  
20 ~~removal under this section. If the Governor fails to remove the~~  
21 ~~election commissioner or the chief deputy election commissioner when~~  
22 ~~either the election commissioner or deputy, or both, are subject to~~  
23 ~~removal under this section, any citizen of the county may institute~~  
24 ~~an action to order the Governor to remove the election commissioner,~~  
25 ~~chief deputy election commissioner, or both. If the election~~

1 ~~commissioner is appointed by the county board, the~~

2           (3) The county board shall remove the election  
3 commissioner or chief deputy election commissioner when either is  
4 subject to removal under this section. If the county board fails to  
5 remove the election commissioner or the chief deputy election  
6 commissioner when either the election commissioner or deputy, or  
7 both, are subject to removal under this section, any citizen of the  
8 county may institute an action to order the county board to remove  
9 the election commissioner, chief deputy election commissioner, or  
10 both.

11           Sec. 5. Original sections 32-207, 32-209, 32-213, and  
12 32-214, Reissue Revised Statutes of Nebraska, are repealed.