

## LEGISLATIVE BILL 946

Approved by the Governor April 2, 2014

Introduced by Murante, 49.

FOR AN ACT relating to elections; to amend sections 10-703.01, 23-1901.01, 32-209, 32-210, 32-405, 32-525, 32-542, 32-543, 32-567, 32-608, 32-713, 32-714, 32-949.01, 32-953, 32-956, 32-957, 32-1202, 79-406, 79-443, 79-451, 79-4,123, 79-547, 79-549, 79-550, and 79-10,111, Reissue Revised Statutes of Nebraska, section 32-616, Revised Statutes Cumulative Supplement, 2012, and sections 32-101, 49-1413, 49-1415, 49-1433.01, 49-1445, 49-1455, 49-1456, 49-1457, 49-1461.01, 49-1463.01, 49-1467, 49-1469, 49-1477, 49-1479.02, 49-1488.01, and 79-4,129, Revised Statutes Supplement, 2013; to change provisions relating to bond elections, county surveyor elections, school board elections, administration and conduct of elections, vacancies, presidential electors, and threshold amounts under the Nebraska Political Accountability and Disclosure Act; to provide an operative date; to provide severability; and to repeal the original sections.

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

Section 1. Section 10-703.01, Reissue Revised Statutes of Nebraska, is amended to read:

10-703.01 In all special elections called for voting on the question of issuing bonds of the school 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 the Election Act except as otherwise specifically provided in this section. Any special election held under this section shall be subject to section 32-405. The school district shall designate the form of ballot and reimburse the county clerk or election official for the expenses of conducting the election as provided in sections 32-1201 to 32-1208. 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 ballots for early voting 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 receiving 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.

Ballots for early voting 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.

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 ballots for early voting 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 voters of the school district in any other county or counties qualified to vote on the bond issue.

All ballots cast at the election shall be counted by the same board. 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 wages at no less than the minimum rate set in section 48-1203 for each hour of service rendered.

Sec. 2. Section 23-1901.01, Reissue Revised Statutes of Nebraska, is amended to read:

23-1901.01 (1) ~~Except as provided in subsection (2) of this section, a county surveyor elected after November 1986~~ A person need not be a resident of the county when he or she files for election as county surveyor, but a county surveyor shall reside in a county for which he or she holds office. ~~if elected as county surveyor, such person shall reside in a county for which he or she holds office.~~

(2) ~~When there is no qualified surveyor within a county who will accept the office of county surveyor,~~ In a county having a population of less than one hundred fifty thousand inhabitants in which the voters have voted against the election of a county surveyor pursuant to section 32-525 or in which no county surveyor has been elected and qualified, the county board of such county ~~may employ~~ shall appoint a competent surveyor either on a full-time or part-time basis from any other county of the State of Nebraska to such office. In making such ~~employment,~~ appointment, the county board shall negotiate a contract with the surveyor, such contract ~~to specify the terms and conditions of the appointment or employment,~~ including shall specify the responsibility of the appointee to carry out the statutory duties of the office of county surveyor and shall specify the compensation of the surveyor for the performance of such duties, which compensation shall not be subject to section 33-116. A ~~county surveyor employed~~ appointed under this subsection shall serve the same term as that of an elected surveyor. ~~and~~

(3) A person appointed to the office of county surveyor in any county shall not be required to reside in the county of employment. ~~appointment.~~

Sec. 3. Section 32-101, Revised Statutes Supplement, 2013, is amended to read:

32-101 Sections 32-101 to 32-1551 and section 11 of this act shall be known and may be cited as the Election Act.

Sec. 4. Section 32-209, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(3) Before entering upon his or her duties, the chief deputy election commissioner shall take and subscribe an oath in the form provided in section 11-101.01.

~~(3)~~ (4) The chief deputy election commissioner shall give bond to the State of Nebraska in the sum of five thousand dollars with security to be approved by the Governor conditioned on the faithful performance of the duties of such office.

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

Sec. 5. Section 32-210, Reissue Revised Statutes of Nebraska, is amended to read:

32-210 The election commissioner in counties having a population of more than one hundred thousand inhabitants shall, within ten days after being appointed or being notified that a vacancy exists in the office of chief deputy election commissioner, notify by registered or certified mail the county chairperson of the political parties from which a chief deputy election commissioner may be appointed that an appointment needs to be made. The county chairperson of the political parties shall call a meeting of a committee comprised of the county chairperson, vice-chairperson, secretary, and treasurer of the political parties within ten days after receiving the letter for the purpose of preparing a list of three or more candidates. The list shall be submitted to the election commissioner within five days after the meeting, and the election commissioner shall select a chief deputy election commissioner from the list of names of candidates submitted within ten days after receiving ~~the list.~~ all lists. If a political party does not submit a list within the timeframes required by this section, the election commissioner shall select a chief deputy election commissioner from the lists

received.

Sec. 6. Section 32-405, Reissue Revised Statutes of Nebraska, is amended to read:

32-405 Any special election under the Election Act shall be held on the first Tuesday following the second Monday of the selected month unless otherwise specifically provided. No special election shall be held under the Election Act in April, May, June, October, November, or December of an even-numbered year unless it is held in conjunction with the statewide primary or general election. A special election for a Class III, IV, or V school district which is located in whole or in part in a county in which a city of the primary or metropolitan class is located may be held in conjunction with the primary or general election for a city of the primary or metropolitan class which is governed by a home rule charter.

Sec. 7. Section 32-525, Reissue Revised Statutes of Nebraska, is amended to read:

32-525 (1) Except as provided in section 22-417 and except for counties which vote not to elect the county surveyor as provided in subsection (2) or (4) of this section, when there is a qualified surveyor within a county who will accept the office of county surveyor if elected, a county surveyor on either a full-time or part-time basis, as determined by the county board in accordance with section 23-1901, shall be elected in each county having a population of less than one hundred fifty thousand inhabitants at the statewide general election in 1990 and each four years thereafter.

(2) (a) Except as provided in section 22-417 and in subsection (3) of this section, in each county having a population of less than one hundred fifty thousand inhabitants, the question of electing a county surveyor in the county shall be submitted to the registered voters of the county at the statewide general election in 2020. The form of submission upon the ballot shall be as follows: For election of county surveyor; Against election of county surveyor.

(b) If a majority of the votes cast on the question are against the election of a county surveyor in such county, the office of county surveyor shall cease as an elected office with the expiration of the term of the incumbent or shall remain as it exists if no elected official holds that office. In such counties, the office shall be filled as provided in subsection (2) of section 23-1901.01.

(c) If a majority of the votes cast on the question are in favor of the election of a county surveyor, the office shall continue to be elected as provided in subsection (1) of this section or, if no elected county surveyor is in office, a county surveyor shall be elected at the next statewide general election as provided in subsection (1) of this section.

(3) If a county having a population of less than one hundred fifty thousand inhabitants has an elected county surveyor in office on January 1, 2020, the county board may, prior to February 1, 2020, following a public hearing, adopt a resolution to continue to elect the county surveyor for the county and not to submit the question pursuant to subsection (2) of this section.

(4) (a) Beginning in 2021, in each county having a population of less than one hundred fifty thousand inhabitants, the county board shall submit the question of electing a county surveyor in the county to the registered voters of the county at the next statewide general election if (i) the county board, by majority vote of all the members of the county board, adopts a resolution on or before September 1 prior to the next statewide general election to submit the question to the voters or (ii) a petition conforming to section 32-628 asking for the submission of the question to the voters is presented to the election commissioner or county clerk on or before September 1 prior to the next statewide general election signed by at least ten percent of the registered voters of the county. The election commissioner or county clerk shall verify the signatures pursuant to section 32-631 and place the question on the ballot if he or she determines that at least ten percent of the registered voters of the county have signed the petition.

(b) The form of submission upon the ballot shall be as follows: For election of county surveyor; Against election of county surveyor.

(c) If a majority of the votes cast on the question are against the election of a county surveyor in such county, the office of county surveyor shall cease as an elected office with the expiration of the term of the incumbent or shall remain as it exists if no elected official holds that office. In such counties, the office shall be filled as provided in subsection (2) of section 23-1901.01.

(d) If a majority of the votes cast on the question are in favor of the election of a county surveyor, the office shall continue to be elected as provided in subsection (1) of this section or, if no elected county surveyor

is in office, a county surveyor shall be elected at the next statewide general election as provided in subsection (1) of this section.

(5) The term of the county surveyor shall be four years or until his or her successor is elected and qualified. The county surveyor shall meet the qualifications found in sections 23-1901 and 23-1901.01. The county surveyor shall be elected on the partisan ballot.

Sec. 8. Section 32-542, Reissue Revised Statutes of Nebraska, is amended to read:

32-542 ~~Three school board members shall be elected for each Class II school district at each statewide general election, except that when (1) Members of the school board of a Class II school district shall be elected at the statewide general election. The school board of a Class II school district shall have no fewer than five members and no more than nine members as provided in section 79-550. The number of members to be elected at the statewide general election and the terms for which they will be elected shall be determined by the election commissioner or county clerk with the aid of the secretary of the school board. Terms shall be staggered so that approximately one-half of the members are elected to each board at each general election for terms of four years. When it becomes necessary to establish the staggering of terms by electing at-large members for terms of different duration at the same election, candidates receiving the greatest number of votes shall be elected for the longest terms. When a Class II school district is created by a Class I school district which determines by a majority vote to establish a high school pursuant to section 79-406, a six-member the school board shall be elected at the next statewide general election and the three approximately one-half of the members receiving the highest number of votes shall be elected for terms of four years, and the three members receiving the next highest number of votes shall be elected for terms of two years.~~

(2) Each member's term of office shall begin on the date of the first regular meeting of the board in January following the statewide general election at which he or she is elected and, except as otherwise provided in this section, shall continue for four years or until the member's successor is elected and qualified. The term of a board member holding office on January 1, 1997, which term would otherwise expire before the first regular meeting of the board in January following the statewide general election, shall be extended to the first regular meeting of the board in January following the date his or her term would otherwise expire. The school board members of a Class II school district shall meet the qualifications found in section 79-543.

Sec. 9. Section 32-543, Reissue Revised Statutes of Nebraska, is amended to read:

32-543 (1) If a caucus is held for nominations under section 79-549 for a Class III school district, the board of education shall consist of six members to be elected by the registered voters of the school district at the statewide primary election. Two members shall be elected at each election for a term of six years. The members shall meet the qualifications found in section 79-543.

(2) Except as provided in subsection (1) of this section, members of the board of education of a Class III school district shall be nominated at the statewide primary election and elected at the statewide general election. The board of education of a Class III school district shall have ~~six or no~~ no fewer than five members and no more than nine members as provided in section 79-549 or 79-550, and the members shall be nominated and elected at large or by district or ward as provided in section 32-554 or nominated by district or ward and elected at large as provided in section 79-550. The number of members to be nominated at the statewide primary election and elected at the statewide general election and the terms for which they will be nominated and elected shall be determined by the election commissioner or county clerk with the aid of the elected secretary of the board of education of the district. The terms of office of members of such board shall expire on the first Thursday after the first Tuesday in January. Terms shall be staggered so that ~~three approximately one-half of the members shall be~~ are elected to each ~~six-member board and four or five members shall be elected to each nine-member~~ the board at each general election for terms of four years. When it becomes necessary to establish the staggering of terms by electing members for terms of different duration at the same election, candidates receiving the greatest number of votes shall be elected for the longest terms. The members shall meet the qualifications found in section 79-543.

Sec. 10. Section 32-567, Reissue Revised Statutes of Nebraska, is amended to read:

32-567 Vacancies in office shall be filled as follows:

(1) In state and judicial district offices and in the membership of

any board or commission created by the state when no other method is provided, by the Governor;

(2) In county offices, by the county board;

(3) In the membership of the county board, by the county clerk, county attorney, and county treasurer;

(4) In the membership of the city council, according to section 32-568 or 32-569, as applicable;

~~(4)~~ (5) In township offices, by the township board or, if there are two or more vacancies on the township board, by the county board;

~~(5)~~ (6) In offices in public power and irrigation districts, according to section 70-615;

~~(6)~~ (7) In offices in natural resources districts, according to section 2-3215;

~~(7)~~ (8) In offices in community college areas, according to section 85-1514;

~~(8)~~ (9) In offices in educational service units, according to section 79-1217;

~~(9)~~ (10) In offices in hospital districts, according to section 23-3534;

~~(10)~~ (11) In offices in metropolitan utilities districts, according to section 14-2104;

~~(11)~~ (12) In membership on airport authority boards, according to section 3-502, 3-611, or 3-703, as applicable;

~~(12)~~ (13) In membership on the board of trustees of a road improvement district, according to section 39-1607;

~~(13)~~ (14) In membership on the council of a municipal county, by the council; and

~~(14)~~ (15) For learning community coordinating councils, according to section 32-546.01.

Unless otherwise provided by law, all vacancies shall be filled within forty-five days after the vacancy occurs unless good cause is shown that the requirement imposes an undue burden.

Sec. 11. The second half of a term of office for a member of the Legislature starts on the day of the meeting of the Legislature at which members are regularly sworn in to office in the second calendar year which begins after the four-year term begins.

Sec. 12. Section 32-608, Reissue Revised Statutes of Nebraska, is amended to read:

32-608 (1) Except as provided in subsection (4) or (5) of this section, a filing fee shall be paid by or on behalf of each candidate prior to filing for office. For candidates who file in the office of the Secretary of State as provided in subdivision (1) of section 32-607, the filing fee shall be paid to the Secretary of State who shall remit the fee to the State Treasurer for credit to the Election Administration Fund. For candidates for any city or village office, the filing fee shall be paid to the city or village treasurer of the city or village in which the candidate resides. For candidates who file in the office of the election commissioner or county clerk, the filing fee shall be paid to the election commissioner or county clerk in the county in which the office is sought. The election commissioner or county clerk shall remit the fee to the county treasurer. The fee shall be placed in the general fund of the county, city, or village. No candidate filing forms shall be filed until the proper payment or the proper receipt showing the payment of such filing fee is presented to the filing officer. On the day of the filing deadline, the city or village treasurer's office shall remain open to receive filing fees until the hour of the filing deadline.

(2) Except as provided in subsection (4) or (5) of this section, the filing fees shall be as follows:

(a) For the office of United States Senator, state officers, including members of the Legislature, Representatives in Congress, county officers, and city or village officers, except the mayor or council members of cities having a home rule charter, a sum equal to one percent of the annual salary ~~such candidate will receive if he or she is elected and qualifies as of~~ November 30 of the year preceding the election for the office for which he or she files as a candidate;

(b) For directors of public power and irrigation districts in districts receiving annual gross revenue of forty million dollars or more, twenty-five dollars, and in districts receiving annual gross revenue of less than forty million dollars, ten dollars;

(c) For directors of reclamation districts, ten dollars; and

(d) For Regents of the University of Nebraska, members of the State Board of Education, and directors of metropolitan utilities districts, twenty-five dollars.

(3) All declared write-in candidates shall pay the filing fees that are required for the office at the time that they present the write-in affidavit to the filing officer. Any undeclared write-in candidate who is nominated or elected by write-in votes shall pay the filing fee required for the office within ten days after the canvass of votes by the county canvassing board and shall file the receipt with the person issuing the certificate of nomination or the certificate of election prior to the certificate being issued.

(4) No filing fee shall be required for any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than five hundred dollars per year. No filing fee shall be required for any candidate for membership on a school board, on the board of an educational service unit, on the board of governors of a community college area, on the board of directors of a natural resources district, or on the board of trustees of a sanitary and improvement district.

(5) No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office in forma pauperis. A pauper shall mean a person whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own. Available resources shall include every type of property or interest in property that an individual owns and may convert into cash except:

(a) Real property used as a home;

(b) Household goods of a moderate value used in the home; and

(c) Assets to a maximum value of three thousand dollars used by a recipient in a planned effort directed towards self-support.

(6) If any candidate dies prior to an election, the spouse of the candidate may file a claim for refund of the filing fee with the proper governing body prior to the date of the election. Upon approval of the claim by the proper governing body, the filing fee shall be refunded.

Sec. 13. Section 32-616, Revised Statutes Cumulative Supplement, 2012, is amended to read:

32-616 (1) Any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or ~~before~~ after March 1 and before the general election in the calendar year of the general election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in sections 32-617 to 32-621 or by nomination by political party convention or committee pursuant to section 32-627 or 32-710.

(2) Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under subsection (2) of section 32-625 and the candidate files for the office by petition as prescribed in sections 32-617 and 32-618, files as a write-in candidate as prescribed in section 32-615, or is nominated by political party convention or committee pursuant to section 32-627 or 32-710.

Sec. 14. Section 32-713, Reissue Revised Statutes of Nebraska, is amended to read:

32-713 (1) The certificates of appointment for presidential electors shall be served by the Governor on each person appointed. The Governor shall notify the presidential electors to be at the State Capitol at noon on the first Monday after the second Wednesday in December after appointment and report to the Governor at his or her office in the capitol as being in attendance. The Governor shall serve the certificates of appointment by registered or certified mail. In submitting this state's certificate of ascertainment as required by 3 U.S.C. 6, the Governor shall certify this state's presidential electors and state in the certificate that:

(a) The presidential electors will serve as presidential electors unless a vacancy occurs in the office of presidential elector before the end of the meeting at which the presidential electors cast their votes, in which case a substitute presidential elector will fill the vacancy; and

(b) If a substitute presidential elector is appointed to fill a vacancy, the Governor will submit an amended certificate of ascertainment stating the names on the final list of this state's presidential electors.

(2) The presidential electors shall convene at 2 p.m. of such Monday at the Governor's office in the capitol. Each presidential elector shall execute the following pledge: As a presidential elector duly selected (or appointed) for this position, I agree to serve and to mark my ballots for President and Vice President for the presidential and vice-presidential candidates who received the highest number of votes in the state if I am an at-large presidential elector or the highest number of votes in my

congressional district if I am a congressional district presidential elector.

Sec. 15. Section 32-714, Reissue Revised Statutes of Nebraska, is amended to read:

32-714 (1) The Governor shall provide each presidential elector with a list of all the presidential electors. If any presidential elector is absent or if there is a deficiency in the proper number of presidential electors, those present shall elect from the citizens of the state so many persons as will supply the deficiency and immediately issue a certificate of election, signed by those present or a majority of them, to the person or persons so chosen. In case of failure to elect as required in this subsection by 3 p.m. of such day or in case of a vacancy created under subsection (4) of this section, the Governor shall fill the vacancies by appointment. Each appointee shall execute the pledge in section 32-713. After all vacancies are filled, the college of presidential electors shall proceed with the election of a President of the United States and a Vice President of the United States and certify their votes in conformity with the Constitution and laws of the United States.

(2) The Secretary of State shall provide each presidential elector with a presidential and vice-presidential ballot. Each at-large presidential elector shall cast mark his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in the state and consistent with his or her pledge. Each congressional district presidential elector shall cast mark his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in his or her congressional district and consistent with his or her pledge.

(3) Each presidential elector shall present the completed ballot to the Secretary of State. The Secretary of State shall examine each ballot and accept as cast each ballot marked by a presidential elector consistent with his or her pledge. The Secretary of State shall not accept and shall not count the ballot if the presidential elector has not marked the ballot or has marked the ballot in violation of his or her pledge.

(4) A presidential elector who refuses to present a ballot, who attempts to present an unmarked ballot, or who attempts to present a ballot marked in violation of his or her pledge vacates the office of presidential elector.

Sec. 16. Section 32-949.01, Reissue Revised Statutes of Nebraska, is amended to read:

32-949.01 If a ballot for early voting is destroyed, spoiled, lost, or not received by the registered voter, the voter may cast a provisional ballot pursuant to section 32-915 at the voter's polling place on election day or may obtain a replacement ballot from the election commissioner or county clerk by signing a statement verified on oath or affirmation on a form prescribed by the Secretary of State that the original ballot for early voting was destroyed, spoiled, lost, or not received and delivering the statement to the election commissioner or county clerk. To receive a replacement ballot in person, the voter shall return the statement to the office of the election commissioner or county clerk by ~~noon~~ 8 p.m. on the day of the election. To receive a replacement ballot by mail, the voter shall return the statement to such office prior to the close of business on the fourth business day before the election. If the election commissioner or county clerk receives a statement meeting the requirements of this section, he or she shall deliver a replacement ballot to the voter if the voter is present in the office or shall mail a replacement ballot to the voter at the address shown on the statement. The election commissioner or county clerk shall keep a record of all replacement ballots issued under this section.

Sec. 17. Section 32-953, Reissue Revised Statutes of Nebraska, is amended to read:

32-953 ~~The~~ (1) Except as otherwise provided in subsection (2) of this section, the election commissioner or county clerk shall mail the official ballot to all registered voters of the political subdivision at the addresses appearing on the voter registration register on the same day. The ballots shall be mailed by nonforwardable first-class mail not sooner than the twentieth day before the date set for the election and not later than the tenth day before the date set for the election. The election commissioner or county clerk shall include with the ballot an unsealed identification envelope meeting the requirements of subsection (2) of section 32-947 and instructions sufficient to describe the voting process.

(2) The election commissioner or county clerk may choose not to mail a ballot to all registered voters who have been sent a notice pursuant to section 32-329 and failed to respond to the notice. If the election commissioner or county clerk chooses not to mail a ballot to such voters, he or she shall mail a notice to all such registered voters explaining how to

obtain a ballot and stating the applicable deadlines.

Sec. 18. Section 32-956, Reissue Revised Statutes of Nebraska, is amended to read:

32-956 If a ballot is destroyed, spoiled, lost, or not received by the registered voter, the voter may obtain a replacement ballot from the election commissioner or county clerk by signing a statement verified on oath or affirmation on a form prescribed by the Secretary of State that the ballot was destroyed, spoiled, lost, or not received and delivering the statement to the election commissioner or county clerk by ~~noon~~ 5 p.m. on the date set for the election. If the voter mails the statement, the election commissioner or county clerk shall not deliver a replacement ballot to the voter unless the statement is received prior to the close of business on the fourth business day before the date set for the election. If the election commissioner or county clerk receives a statement meeting the requirements of this section, he or she shall deliver a replacement ballot to the voter if the voter is present in the office or shall mail a replacement ballot to the voter at the address shown on the statement. The election commissioner or county clerk shall keep a record of all replacement ballots issued under this section.

Sec. 19. Section 32-957, Reissue Revised Statutes of Nebraska, is amended to read:

32-957 An official ballot under section 32-953 shall be counted only if it is returned in the identification envelope, the envelope is signed by the voter to whom it was issued, and the signature is verified by the election commissioner or county clerk. The election commissioner or county clerk shall verify the signature on each identification envelope received in his or her office with the signature appearing on the voter registration records. If the election commissioner or county clerk is unable to verify a signature, the election commissioner or county clerk shall contact the voter within two days after determining that he or she is unable to verify the signature to ascertain whether the voter cast a ballot. The election commissioner or county clerk may request that the registered voter sign and submit a current signature card pursuant to section 32-318. The election commissioner or county clerk may begin verifying the signatures as the envelopes are received in his or her office. If the election commissioner or county clerk determines that a voter has voted more than once, no ballot cast by that voter in that election shall be counted. The election commissioner or county clerk shall ~~not~~ make public any record or list of registered voters who have returned their ballots. until the election has been certified by the canvassing board.

Sec. 20. Section 32-1202, Reissue Revised Statutes of Nebraska, is amended to read:

32-1202 The cost of publication and posting of notices and ballots, the cost of precinct registration lists, the compensation of temporary employees, inspectors, judges and clerks of election, and members of counting boards, the overtime costs of all permanent employees of the election commissioner or county clerk relating to elections, the cost of renting, heating, lighting, and equipping polling places including placing and removing ballot boxes and other fixtures and equipment, the cost of printing and delivering ballots and sample ballots, the cost of postage, cards of instructions for voters, maps, voter books for the polling place, other election supplies, and electronic media, the expense of programming and operation of voting systems, and all other expenses of conducting statewide primary and general elections not listed in section 32-1201 shall be chargeable to the political subdivisions in and for which such elections are held.

Sec. 21. Section 49-1413, Revised Statutes Supplement, 2013, is amended to read:

49-1413 (1) Committee shall mean (a) any combination of two or more individuals which receives contributions or makes expenditures of more than five thousand dollars ~~or more~~ in a calendar year for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates or the qualification, passage, or defeat of one or more ballot questions or (b) a person whose primary purpose is to receive contributions or make expenditures and who receives or makes contributions or expenditures of more than five thousand dollars ~~or more~~ in a calendar year for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates or the qualification, passage, or defeat of one or more ballot questions, except that an individual, other than a candidate, shall not constitute a committee.

(2) Except as otherwise provided in section 49-1445, a committee shall be considered formed and subject to the Nebraska Political Accountability and Disclosure Act upon raising, receiving, or spending more



than five thousand dollars in a calendar year as prescribed in this section.

(3) A corporation, labor organization, industry, trade, or professional association, limited liability company, or limited liability partnership is not a committee if it makes expenditures or provides personal services pursuant to sections 49-1469 to 49-1469.08.

Sec. 22. Section 49-1415, Revised Statutes Supplement, 2013, is amended to read:

49-1415 (1) Contribution shall mean a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, donation, pledge or promise of money or anything of ascertainable monetary value to a person, made for the purpose of influencing the nomination or election of a candidate, or for the qualification, passage, or defeat of a ballot question. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected or returned.

(2) Contribution shall include the purchase of tickets or payment of an attendance fee for events such as dinners, luncheons, rallies, testimonials, and similar fundraising events; an individual's own money or property other than the individual's homestead used on behalf of that individual's candidacy; and the granting of discounts or rebates by broadcast media and newspapers not extended on an equal basis to all candidates for the same office.

(3) Contribution shall not include:

(a) Volunteer personal services provided without compensation, or payments of costs incurred of less than two hundred fifty dollars ~~or less~~ in a calendar year by an individual for personal travel expenses if the costs are voluntarily incurred without any understanding or agreement that the costs shall be, directly or indirectly, repaid;

(b) Amounts received pursuant to a pledge or promise to the extent that the amounts were previously reported as a contribution; or

(c) Food and beverages, in the amount of not more than fifty dollars ~~or less~~ in value during a calendar year, which are donated by an individual and for which reimbursement is not given.

Sec. 23. Section 49-1433.01, Revised Statutes Supplement, 2013, is amended to read:

49-1433.01 Major out-of-state contributor means a corporation, union, industry association, trade association, or professional association which is not organized under the laws of the State of Nebraska and which makes contributions or expenditures totaling more than ten thousand dollars ~~or more~~ in any calendar year in connection with one or more elections.

Sec. 24. Section 49-1445, Revised Statutes Supplement, 2013, is amended to read:

49-1445 (1) A candidate shall form a candidate committee upon raising, receiving, or expending more than five thousand dollars ~~or more~~ in a calendar year.

(2) A candidate committee may consist of one member with the candidate being the member.

(3) A person who is a candidate for more than one office shall form a candidate committee for an office upon raising, receiving, or expending more than five thousand dollars ~~or more~~ in a calendar year for that office.

(4) Two or more candidates who campaign as a slate or team for public office shall form a committee upon raising, receiving, or expending jointly in any combination more than five thousand dollars ~~or more~~ in a calendar year.

(5) The fee to file for office shall not be included in determining if a candidate has raised, received, or expended more than five thousand dollars ~~or more~~ in a calendar year.

(6) Any person who violates this section shall be guilty of a Class IV misdemeanor.

Sec. 25. Section 49-1455, Revised Statutes Supplement, 2013, is amended to read:

49-1455 (1) The campaign statement of a committee, other than a political party committee, shall contain the following information:

(a) The filing committee's name, address, and telephone number and the full name, residential and business addresses, and telephone numbers of its committee treasurer;

(b) Under the heading RECEIPTS, the total amount of contributions received during the period covered by the campaign statement; under the heading EXPENDITURES, the total amount of expenditures made during the period covered by the campaign statement; and the cumulative amount of those totals for the election period. If a loan was repaid during the period covered by the campaign statement, the amount of the repayment shall be subtracted from the total amount of contributions received. Forgiveness of a loan shall not be

included in the totals. Payment of a loan by a third party shall be recorded and reported as a contribution by the third party but shall not be included in the totals. In-kind contributions or expenditures shall be listed at fair market value and shall be reported as both contributions and expenditures;

(c) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement;

(d) The full name of each individual from whom contributions totaling more than two hundred fifty dollars ~~or more~~ are received during the period covered by the report, together with the individual's street address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by that individual for the election period;

(e) The full name of each person, except those individuals reported under subdivision (1)(d) of this section, which contributed a total of more than two hundred fifty dollars ~~or more~~ during the period covered by the report together with the person's street address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by the person for the election period;

(f) The name of each committee which is listed as a contributor shall include the full name of the committee's treasurer;

(g) Except as otherwise provided in subsection (3) of this section: The full name and street address of each person to whom expenditures totaling more than two hundred fifty dollars ~~or more~~ were made, together with the date and amount of each separate expenditure to each such person during the period covered by the campaign statement; the purpose of the expenditure; and the full name and street address of the person providing the consideration for which any expenditure was made if different from the payee;

(h) The amount and the date of expenditures for or against a candidate or ballot question during the period covered by the campaign statement and the cumulative amount of expenditures for or against that candidate or ballot question for the election period. An expenditure made in support of more than one candidate or ballot question, or both, shall be apportioned reasonably among the candidates or ballot questions, or both; and

(i) The total amount of funds disbursed by a separate segregated political fund, by state, for the purpose of supporting or opposing candidates and committees in elections in states other than Nebraska and candidates for federal office, including independent expenditures made in such elections.

(2) For purposes of this section, election period means the calendar year of the election.

(3) A campaign statement shall include the total amount paid to individual petition circulators during the reporting period, if any, but shall not include the name, address, or telephone number of any individual petition circulator if the only payment made to such individual was for services as a petition circulator.

Sec. 26. Section 49-1456, Revised Statutes Supplement, 2013, is amended to read:

49-1456 (1) Any income received by a committee on an account consisting of funds or property belonging to the committee shall not be considered a contribution to the committee but shall be reported as income. Any interest paid by a committee shall be reported as an expenditure.

(2) A loan made or received shall be set forth in a separate schedule providing the date and amount of the loan and, if the loan is repaid, the date and manner of repayment. The committee shall provide the name and address of the lender and any person who is liable directly, indirectly, or contingently on each loan of more than two hundred fifty dollars. ~~or more.~~

Sec. 27. Section 49-1457, Revised Statutes Supplement, 2013, is amended to read:

49-1457 (1) The campaign statement filed by a political party committee shall contain the following information:

(a) The full name and street address of each person from whom contributions totaling more than two hundred fifty dollars ~~or more~~ in value are received in a calendar year, the amount, and the date or dates contributed; and if the person is a committee, the name and address of the committee and the full name and street address of the committee treasurer, together with the amount of the contribution and the date received;

(b) An itemized list of all expenditures, including in-kind contributions and expenditures and loans, made during the period covered by the campaign statement which were contributions to a candidate committee of a candidate for elective office or a ballot question committee; or independent expenditures in support of the qualification, passage, or defeat of a ballot question, or in support of the nomination or election of a candidate for elective office or the defeat of any of the candidate's opponents;

(c) The total expenditure by the committee for each candidate for

elective office or ballot question in whose behalf an independent expenditure was made or a contribution was given for the election; and

(d) The filer's name, address, and telephone number, if any, and the full name, residential and business addresses, and telephone numbers of the committee treasurer.

(2) A contribution to a candidate or ballot question committee listed under subdivision (1)(b) of this section shall note the name and address of the committee, the name of the candidate and the office sought, if any, the amount contributed, and the date of the contribution.

(3) An independent expenditure listed under subdivision (1)(b) of this section shall note the name of the candidate for whose benefit the expenditure was made and the office sought by the candidate, or a brief description of the ballot question for which the expenditure was made, the amount, date, and purpose of the expenditure, and the full name and address of the person to whom the expenditure was made.

(4) An expenditure listed which was made in support of more than one candidate or ballot question, or both, shall be apportioned reasonably among the candidates or ballot questions, or both.

Sec. 28. Section 49-1461.01, Revised Statutes Supplement, 2013, is amended to read:

49-1461.01 (1) A ballot question committee shall file with the commission a surety bond running in favor of the State of Nebraska with surety by a corporate bonding company authorized to do business in this state and conditioned upon the payment of all fees, penalties, and interest which may be imposed under the Nebraska Political Accountability and Disclosure Act.

(2) A bond in the amount of five thousand dollars shall be filed with the commission within thirty days after the committee receives contributions or makes expenditures of more than one hundred thousand dollars ~~or more~~ in a calendar year, and the amount of the bond shall be increased by five thousand dollars for each additional five hundred thousand dollars received or expended in a calendar year.

(3) Proof of any required increase in the amount of the bond shall be filed with the commission within thirty days after each additional five hundred thousand dollars is received or expended. Any failure to pay late filing fees, civil penalties, or interest due under the act shall be recovered from the proceeds of the bond prior to recovery from the treasurer of the committee.

(4) Any person violating this section shall be guilty of a Class III misdemeanor.

Sec. 29. Section 49-1463.01, Revised Statutes Supplement, 2013, is amended to read:

49-1463.01 (1) A person required to pay a late filing fee imposed under section 49-1449, 49-1458, 49-1463, 49-1467, 49-1469.08, 49-1478.01, or 49-1479.01 may apply to the commission for relief. The commission by order may reduce the amount of a late filing fee imposed and waive any or all of the interest due on the fee upon a showing by such person that (a) the circumstances indicate no intent to file late, (b) the person has not been required to pay late filing fees for two years prior to the time the filing was due, (c) the late filing shows that less than five thousand dollars ~~or less~~ was raised, received, or expended during the reporting period, and (d) a reduction of the late fees and waiver of interest would not frustrate the purposes of the Nebraska Political Accountability and Disclosure Act.

(2) A person required to pay a late filing fee imposed for failure to file a statement of exemption under subsection (2) of section 49-1459 may apply to the commission for relief. The commission by order may reduce or waive the late filing fee and waive any or all of the interest due on the fee, and the person shall not be required to make a showing as provided by subsection (1) of this section.

Sec. 30. Section 49-1467, Revised Statutes Supplement, 2013, is amended to read:

49-1467 (1) Any person, other than a committee, who makes an independent expenditure advocating the election of a candidate or the defeat of a candidate's opponents or the qualification, passage, or defeat of a ballot question, which is in an amount of more than two hundred fifty dollars, ~~or more~~, shall file a report of the independent expenditure, within ten days, with the commission.

(2) The report shall be made on an independent expenditure report form provided by the commission and shall include the date of the expenditure, a brief description of the nature of the expenditure, the amount of the expenditure, the name and address of the person to whom it was paid, the name and address of the person filing the report, and the name, address, occupation, employer, and principal place of business of each person who

contributed more than two hundred fifty dollars ~~or more~~ to the expenditure.

(3) Any person who fails to file a report of an independent expenditure with the commission shall pay to the commission a late filing fee of twenty-five dollars for each day the statement remains not filed in violation of this section, not to exceed seven hundred fifty dollars.

(4) Any person who violates this section shall be guilty of a Class IV misdemeanor.

Sec. 31. Section 49-1469, Revised Statutes Supplement, 2013, is amended to read:

49-1469 (1) A corporation, labor organization, industry, trade, or professional association, limited liability company, or limited liability partnership, which is organized under the laws of the State of Nebraska or doing business in this state and which is not a committee, may:

- (a) Make an expenditure;
- (b) Make a contribution; and
- (c) Provide personal services.

(2) Any such entity shall not be required to file reports of independent expenditures pursuant to section 49-1467, but if it makes a contribution or expenditure, or provides personal services, with a value of more than two hundred fifty dollars, ~~or more,~~ it shall file a report with the commission within ten days after the end of the calendar month in which the contribution or expenditure is made or the personal services are provided. The report shall include:

(a) The nature, date, and value of the contribution or expenditure and the name of the candidate or committee or a description of the ballot question to or for which the contribution or expenditure was made; and

(b) A description of any personal services provided, the date the services were provided, and the name of the candidate or committee or a description of the ballot question to or for which the personal services were provided.

(3) Any entity specified in subsection (1) of this section may not receive contributions unless it establishes and administers a separate segregated political fund which shall be utilized only in the manner set forth in sections 49-1469.05 and 49-1469.06.

Sec. 32. Section 49-1477, Revised Statutes Supplement, 2013, is amended to read:

49-1477 No person shall receive a contribution from a person other than a committee unless, for purposes of the recipient person's record-keeping and reporting requirements, the contribution is accompanied by the name and address of each person who contributed more than one hundred dollars ~~or more~~ to the contribution. Any person violating the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 33. Section 49-1479.02, Revised Statutes Supplement, 2013, is amended to read:

49-1479.02 (1) A major out-of-state contributor shall file with the commission an out-of-state contribution report. An out-of-state contribution report shall be filed on a form prescribed by the commission within ten days after the end of the calendar month in which a person becomes a major out-of-state contributor. For the remainder of the calendar year, a major out-of-state contributor shall file an out-of-state contribution report with the commission within ten days after the end of each calendar month in which the contributor makes a contribution or expenditure.

(2) An out-of-state contribution report shall disclose as to each contribution or expenditure not previously reported (a) the amount, nature, value, and date of the contribution or expenditure, (b) the name and address of the committee, candidate, or person who received the contribution or expenditure, (c) the name and address of the person filing the report, and (d) the name, address, occupation, and employer of each person making a contribution of more than two hundred dollars ~~or more~~ in the calendar year to the person filing the report.

(3) This section shall not apply to (a) a person who files a report of a contribution or an expenditure pursuant to subsection (2) of section 49-1469, (b) a person required to file a report or campaign statement pursuant to section 49-1469.07, (c) a committee having a statement of organization on file with the commission, or (d) a person or committee registered with the Federal Election Commission.

(4) Any person who fails to file an out-of-state contribution report with the commission as required by this section shall pay to the commission a late filing fee of one hundred dollars for each of the first ten days the report remains not filed in violation of this section. After the tenth day, such person shall pay, for each day the report remains not filed, an additional late filing fee of one percent of the amount of the contributions

or expenditures which were required to be reported, not to exceed ten percent of the amount of the contributions or expenditures which were required to be reported.

Sec. 34. Section 49-1488.01, Revised Statutes Supplement, 2013, is amended to read:

49-1488.01 (1) Every lobbyist who fails to file a quarterly statement or a statement of activity with the Clerk of the Legislature, pursuant to sections 49-1483 and 49-1488, shall pay to the commission a late filing fee of twenty-five dollars for each day any of such statements are not filed in violation of such sections, but not to exceed seven hundred fifty dollars per statement.

(2) A lobbyist required to pay a late filing fee pursuant to subsection (1) of this section may apply to the commission for relief. The commission by order may reduce the amount of the late filing fee imposed upon such lobbyist if he or she shows the commission that (a) the circumstances indicate no intent to file late, (b) the lobbyist has not been required to pay a late filing fee for two years prior to the time the filing of the statement was due, (c) the late filing of the statement shows that less than five thousand dollars or less was raised, received, or expended during the reporting period, and (d) a reduction of the late fee would not frustrate the purposes of the Nebraska Political Accountability and Disclosure Act.

(3) A lobbyist required to pay a late filing fee pursuant to subsection (1) of this section who qualifies for an exemption to the filing of quarterly statements pursuant to subsection (5) of section 49-1483 may apply to the commission for relief. The commission by order may reduce or waive the late filing fee and the person shall not be required to make a showing as provided by subsection (2) of this section.

Sec. 35. Section 79-406, Reissue Revised Statutes of Nebraska, is amended to read:

79-406 A Class II school district shall be created whenever a Class I school district determines to establish a high school by a majority vote of the legal voters at an annual or special meeting.

The members of the school board serving when it is decided to establish a high school shall determine how many members the school board will have and shall continue in office until the first regular meeting of the board in January following the next statewide general election. The Class II district school board shall be elected pursuant to section 32-542.

Sec. 36. Section 79-443, Reissue Revised Statutes of Nebraska, is amended to read:

79-443 After one or more public hearings have been held, the state committee may approve a plan or plans of reorganization. Such plan shall contain:

(1) A description of the proposed boundaries of the reorganized districts;

(2) A summary of the reasons for each proposed change, realignment, or adjustment of the boundaries. If such plan provides for the creation of a new Class VI district, it shall designate whether such district shall include high school grades only or be known as a Class VI junior-senior high school district as described in section 79-411;

(3) A summary of the terms on which reorganization is to be made between the reorganized districts. Such terms shall include a provision for initial school board districts or wards within the proposed district, which proposed initial school board districts or wards shall be determined by the state committee taking into consideration population and valuation, a determination of the number of members to be appointed to the initial school board for Class II and III school districts, and a determination of the terms of the board members first appointed to membership on the board of the newly reorganized district;

(4) A separate statement as to whether the reorganization is contingent upon the success of a bond election held in conjunction with the reorganization;

(5) A statement of the findings with respect to the location of schools, the utilization of existing buildings, the construction of new buildings, and the transportation requirements under the proposed plan of reorganization. The plan may contain provisions for the holding of school within existing buildings in the newly reorganized district and that a school constituted under this section shall be maintained from the date of reorganization unless the legal voters served by the school vote by a majority vote for discontinuance of the school;

(6) A map showing the boundaries of established school districts and the boundaries proposed under any plan or plans of reorganization; and

(7) Such other matters as the state committee determines proper to

be included.

Sec. 37. Section 79-451, Reissue Revised Statutes of Nebraska, is amended to read:

79-451 Within thirty days after the classification of the reorganized school districts by the county clerk under section 79-450, the state committee shall appoint from among the legal voters of each new school district created the number of school board members necessary to constitute a school board of the class in which the new school district has been classified, specified in the plan of reorganization. A reorganized school district shall be formed and organized and shall have a school board not later than April 1 following the last legal action, as prescribed in section 79-450, necessary to effect the changes in boundaries as set forth in the plan of reorganization, although the physical reorganization of such reorganized school district may not take effect until June 1. The first board shall be appointed on an at-large basis, and all boards shall be elected at large until such time as school districts are established as provided in section 32-554.

In appointing the first school board of a Class II school district, the members shall be appointed so that the terms of three approximately one-half of the members expire on the date of the first regular meeting of the board in January after the first even-numbered year following their appointment and the terms of the ~~three~~ remaining members expire on the date of the first regular meeting of the board in January after the second even-numbered year following their appointment. At the statewide general election in the first even-numbered year after the reorganization, three approximately one-half of the board members in each Class II school district shall be elected to terms of four years, and thereafter all candidates shall be elected to terms of four years. Each member's term shall begin on the date of the first regular meeting of the board in January following his or her election.

In appointing the first school board of a Class III school district, ~~with a six-member board serving terms of four years,~~ the terms of three approximately one-half of the members shall expire on the first Thursday after the first Tuesday in January after the first even-numbered year following their appointment and the terms of the ~~three~~ remaining members shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment.

In appointing the first school board of a Class III school district ~~with a nine-member board serving terms of four years,~~ the terms of ~~four~~ members shall expire on the first Thursday after the first Tuesday in January after the first even-numbered year following their appointment and the terms of ~~five~~ members shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment. Thereafter all Class III district school boards shall be elected to terms of ~~four~~ years.

The school board so appointed shall proceed at once to organize in the manner prescribed by law.

Sec. 38. Section 79-4,123, Reissue Revised Statutes of Nebraska, is amended to read:

79-4,123 After one or more public hearings have been held, the state committee may approve a plan or plans of reorganization pursuant to the Learning Community Reorganization Act. Such plan shall contain:

(1) A description of the proposed boundaries of the reorganized districts and a designation of the class for each district;

(2) A summary of the reasons for each proposed change, realignment, or adjustment of the boundaries which shall include, but not be limited to, an explanation of how the plan complies with any statutory requirements for learning community organization and an assurance that the plan does not increase the geographic size of any school district that has more than twenty-five thousand students;

(3) A summary of the terms on which reorganization is to be made between the reorganized districts. Such terms shall include a provision for initial school board districts or wards within the proposed district, which proposed initial school board districts or wards shall be determined by the state committee taking into consideration population and valuation, a determination of the number of members to be appointed to the initial school board for Class II and III school districts, and a determination of the terms of the board members first appointed to membership on the board of the newly reorganized district;

(4) A statement of the findings with respect to the location of schools, the utilization of existing buildings, the construction of new buildings, and the transportation requirements under the proposed plan of reorganization;

(5) A map showing the boundaries of established school districts and the boundaries proposed under any plan or plans of reorganization; and

(6) Such other matters as the state committee determines proper to be included.

Sec. 39. Section 79-4,129, Revised Statutes Supplement, 2013, is amended to read:

79-4,129 (1) Within thirty days after the classification of the reorganized school districts by the county clerk under section 79-4,128, the state committee shall appoint from among the legal voters of each new school district created the number of school board members necessary to constitute a school board of the class in which the new school district has been classified, specified in the plan of reorganization. A reorganized school district shall be formed and organized and shall have a school board not later than April 1 following the last legal action, as prescribed in section 79-4,128, necessary to effect the changes in boundaries as set forth in the plan of reorganization, although the physical reorganization of such reorganized school district shall take effect July 1 following the classification of the reorganized school districts under section 79-4,128. The first board shall be appointed on an at-large basis, and all boards shall be elected at large until such time as election districts are established as provided in section 32-554.

(2) In appointing the first school board of a Class II school district, the members shall be appointed so that the terms of three approximately one-half of the members expire on the date of the first regular meeting of the board in January after the first even-numbered year following their appointment and the terms of the ~~three~~ remaining members expire on the date of the first regular meeting of the board in January after the second even-numbered year following their appointment. At the statewide general election in the first even-numbered year after the reorganization, three approximately one-half of the board members in each Class II school district shall be elected to terms of four years. Thereafter all candidates shall be elected to terms of four years. Each member's term shall begin on the date of the first regular meeting of the board in January following his or her election.

(3) In appointing the first school board of a Class III school district, ~~with a six-member board serving terms of four years,~~ the terms of three approximately one-half of the members shall expire on the first Thursday after the first Tuesday in January after the first even-numbered year following their appointment and the terms of the ~~three~~ remaining members shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment. Thereafter all Class III district school boards ~~with six-member boards~~ shall be elected to terms of four years.

~~(4) In appointing the first school board of a Class III school district with a nine-member board serving terms of four years, the terms of four members shall expire on the first Thursday after the first Tuesday in January after the first even-numbered year following their appointment and the terms of five members shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment. Thereafter all Class III district school boards with nine-member boards shall be elected to terms of four years.~~

~~(5) (4) In appointing the first school board of a Class IV school district, the members shall be appointed so that the terms of three members shall expire on the third Monday in May of the first odd-numbered year following their appointment and the terms of four members shall expire on the third Monday in May of the second odd-numbered year following their appointment. Thereafter all Class IV district school boards shall be elected to terms of four years.~~

~~(6) (5) In appointing the first school board of a Class V school district after a reorganization under this section with a nine-member board serving terms of four years, the terms of the members shall expire as provided in section 32-545. All Class V district school boards shall be elected to terms of four years.~~

~~(7) (6) The school boards appointed under this section shall proceed at once to organize in the manner prescribed by law.~~

Sec. 40. Section 79-547, Reissue Revised Statutes of Nebraska, is amended to read:

79-547 (1) The Except as otherwise provided in section 79-550, the school board or board of education shall consist of the following members:

(a) In a Class II district, six members; and

(b) In a Class III district, six members, unless the board of education provides a nine-member board pursuant to section 79-550.

(2) In addition to the members specified in subsection (1) of this section, such school boards or boards of education may include one or more student members selected pursuant to section 79-559.

Sec. 41. Section 79-549, Reissue Revised Statutes of Nebraska, is amended to read:

79-549 (1) The school board of any Class III school district that is a member of a learning community may place before the legal voters of the school district the issue of whether to begin to have a caucus for nominations by adopting a resolution to place the issue before the legal voters and certifying the issue to the election commissioner or county clerk prior to September 1 for placement on the ballot at the next statewide general election. The legal voters of the school district may also have the issue placed on the ballot at the statewide general election by circulating a petition and gathering the signatures of the legal voters residing within the school district at least equal to seven percent of the number of persons registered to vote in the school district at the last statewide primary election. The petitions shall be filed with the election commissioner or county clerk for signature verification on or before August 15 prior to a statewide general election. If the election commissioner or county clerk determines that the appropriate number of legal voters signed the petition, he or she shall place the issue on the ballot for the next statewide general election. The issue shall not be placed on the ballot again within four years after voting on the issue at a statewide general election.

(2) Any Class III school district that nominated school board members by caucus pursuant to this section as it existed immediately before July 14, 2006, shall continue such procedure until the legal voters of the district vote not to continue to have a caucus for nominations pursuant to subsection (3) of this section. A caucus shall be held pursuant to subsection (5) of this section not less than seventy days prior to the holding of the election to nominate two or more candidates for each vacancy to be voted upon at the election to be held in conjunction with the statewide primary election pursuant to subsection (1) of section 32-543. No candidate nominated shall have his or her name placed upon the ballot for the general election unless, not more than ten days after his or her nomination, he or she files with the secretary of the school board a written statement accepting the nomination. The secretary of the school board shall certify the names of the candidates to the election commissioner or county clerk who shall prepare the official ballot listing the names as certified and without any area designation. All legal voters residing within the school district shall be permitted to vote at such election.

(3) The school board may place before the legal voters of the school district the issue of whether to continue to have a caucus for nominations by adopting a resolution to place the issue before the legal voters and certifying the issue to the election commissioner or county clerk prior to September 1 for placement on the ballot at the next statewide general election. The legal voters of the school district may also have the issue placed on the ballot at the statewide general election by circulating a petition and gathering the signatures of the legal voters residing within the school district at least equal to seven percent of the number of persons registered to vote in the school district at the last statewide primary election. The petitions shall be filed with the election commissioner or county clerk for signature verification on or before August 15 prior to a statewide general election. If the election commissioner or county clerk determines that the appropriate number of legal voters signed the petition, he or she shall place the issue on the ballot for the next statewide general election. The issue shall not be placed on the ballot again within four years after voting on the issue at a statewide general election.

(4) If the legal voters vote not to continue to have a caucus, candidates shall the school board shall determine the number of members to be nominated and elected as provided in subsection (2) of section 32-543. The terms of the members in office at the time of the vote shall be extended to the first Thursday after the first Tuesday in January after the expiration of their terms. At the first general election following the vote, the member a number of members receiving the greatest number of votes shall be elected for a term of four years and the member a number of members receiving the next greatest number of votes shall be elected for a term of two years so that approximately one-half of the school board members are elected every two years.

(5) A school district which uses a caucus for nominations shall develop rules and procedures for conducting the caucus which will ensure:

(a) Publication of the rules and procedures by multiple sources if necessary so that every resident of the school district has access to



information on the process for placing a name in nomination and voting at the caucus;

(b) Facilities for voting at the caucus which comply with the federal Americans with Disabilities Act of 1990 and which will accommodate a reasonably anticipated number of legal voters;

(c) Election security which will provide for a fair and impartial election, including the secrecy of the ballot, one vote per legal voter, and only legal voters of the school district being allowed to vote;

(d) Equal access to all legal voters of the school district, including the presence of an interpreter at the caucus at the expense of the school district and ballots for the blind and visually impaired to provide access to the process by all legal voters of the school district;

(e) Adequate time and opportunity for legal voters of the school district to exercise their right to vote; and

(f) Notification of nomination to the candidates and to the secretary of the school board.

The rules and regulations shall be approved by the election commissioner or county clerk prior to use for a caucus.

Sec. 42. Section 79-550, Reissue Revised Statutes of Nebraska, is amended to read:

79-550 (1) A The school board of a Class II or III school district with a six-member board of education may, by resolution adopted in an odd-numbered year, provide for an increase a change in the number of members from six to nine. The board of education shall appoint members to fill the three vacancies thus created in the manner prescribed in section 32-570. on the school board to a minimum of five members and a maximum of nine members to be effective at the beginning of the term of office for school board members elected at the next statewide general election. The school board shall include in the resolution:

(a) A statement of the change in number of members to be added to or eliminated from the school board;

(b) A statement that the change does not take effect until the beginning of the term of office for school board members elected at the next statewide general election;

(c) If the members are not nominated or elected by district or ward in the school district:

(i) If the change in number adds members to the school board, a statement of the number of members to be elected at the next statewide general election, including the members whose terms are expiring and the additional members, and the number of such members to be elected to four-year terms and the number of such members to be elected to two-year terms so that approximately one-half of the total number of members are elected at each statewide general election. The members receiving the highest number of votes shall be elected to four-year terms, and the members receiving the next highest number of votes shall be elected to two-year terms; and

(ii) If the change in number decreases the number of members on the school board, a statement of the number of members to be elected at the next statewide general election, if any, and at the subsequent statewide general election, if necessary, and the number of such members to be elected at such elections to four-year terms and the number of such members to be elected at such elections to two-year terms so that approximately one-half of the total number of members are elected at each statewide general election. The members receiving the highest number of votes shall be elected to four-year terms, and the members receiving the next highest number of votes shall be elected to two-year terms; and

(d) If the members are nominated or elected by district or ward in the school district:

(i) The changes to the boundaries of districts or wards;

(ii) A statement that the changes to the boundaries are effective for purposes of nominating or electing, as applicable, members to the school board beginning with the next statewide primary and general elections but that the changes in boundaries are not effective for purposes of representation until the beginning of the term of office for school board members elected at the next statewide general election;

(iii) A statement of which districts or wards, as changed, are on the ballot at the next statewide primary or general election, as applicable, and whether the members elected from such districts or wards are being elected for four-year terms or two-year terms;

(iv) A statement specifying the newly established districts which each member will represent for the remainder of his or her term, if necessary;

(v) If the change in number adds members to the school board, a statement of the number of members to be elected at the next statewide general

election, including the members whose terms are expiring and the additional members, and the districts or wards of such members to be elected to four-year terms and the districts or wards of such members to be elected to two-year terms so that approximately one-half of the total number of members are elected at each statewide general election; and

(vi) If the change in number decreases the number of members on the school board, a statement of the number of members to be elected at the next statewide general election, if any, and at the subsequent statewide general election, if necessary, and the districts or wards of such members to be elected at such elections to four-year terms and the districts or wards of such members to be elected at such elections to two-year terms so that approximately one-half of the total number of members are elected at each statewide general election.

~~(2) A Class III school district with a nine-member board of education may by resolution provide for decreasing the number of members of the board of education from nine to six. When such a decrease is provided, three of the vacancies which would otherwise occur at the next election shall not be filled.~~

~~(3) (2) If the members of the school board of education of a Class III school district are nominated and elected by district or ward, the board of education may by resolution provide for the nomination of the members by district or ward and the election of the members at large. If the members are nominated by district or ward and elected at large, the board of education may by resolution provide for the nomination and election of the members by district or ward.~~

(3) Any Class III school district which has a nine-member school board on the operative date of this act may continue to have a nine-member school board without complying with the requirements of this section.

Sec. 43. Section 79-10,111, Reissue Revised Statutes of Nebraska, is amended to read:

79-10,111 The legal voters in a Class I or II school district, when lawfully assembled, may adjourn from time to time, as may be necessary, to designate a site for a schoolhouse by a vote of fifty-five percent of those present and to change the designation of a site for a schoolhouse by a similar vote at any annual or special meeting. In any school district in which the schoolhouse is located three-fourths of one mile or more from the center of such district, such schoolhouse site may be changed to a point nearer the center of the district by a majority vote of those present at any such school meeting. In any school district containing more than one hundred fifty children five through twenty years of age and having a school board of ~~six~~ five or more members, the schoolhouse site in the district may be changed or the purchasing of a new site may be directed, or both, at any annual or special meeting, by a fifty-five percent vote of those present at any such meeting. A schoolhouse site shall not be changed more than once in any one school year.

Sec. 44. This act becomes operative on January 1, 2015.

Sec. 45. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 46. Original sections 10-703.01, 23-1901.01, 32-209, 32-210, 32-405, 32-525, 32-542, 32-543, 32-567, 32-608, 32-713, 32-714, 32-949.01, 32-953, 32-956, 32-957, 32-1202, 79-406, 79-443, 79-451, 79-4,123, 79-547, 79-549, 79-550, and 79-10,111, Reissue Revised Statutes of Nebraska, section 32-616, Revised Statutes Cumulative Supplement, 2012, and sections 32-101, 49-1413, 49-1415, 49-1433.01, 49-1445, 49-1455, 49-1456, 49-1457, 49-1461.01, 49-1463.01, 49-1467, 49-1469, 49-1477, 49-1479.02, 49-1488.01, and 79-4,129, Revised Statutes Supplement, 2013, are repealed.