

AMENDMENTS TO LB575

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 10-703.01, Revised Statutes Cumulative
4 Supplement, 2014, is amended to read:

5 10-703.01 In all special elections called for voting on the question
6 of issuing bonds of the school district, the county clerk or election
7 commissioner or, if the school district lies in more than one county, the
8 county clerk or election commissioner in the county having the greatest
9 number of electors entitled to vote on the question shall designate the
10 polling places and appoint the election officials, who need not be the
11 regular election officials, and otherwise conduct the election as
12 provided under the Election Act except as otherwise specifically provided
13 in this section. Any special election held under this section shall be
14 subject to section 32-405. The school district shall designate the form
15 of ballot and reimburse the county clerk or election official for the
16 expenses of conducting the election as provided in sections 32-1201 to
17 32-1208 and at the minimum rate as described in subdivision (2)(d) of
18 section 32-1203. The school district officers shall give notice of the
19 election at least twenty days prior to the election and cause the sample
20 ballot to be published in a newspaper of general circulation in the
21 school district one time not more than ten days nor less than three days
22 prior to the election, and no notice of the election shall be required to
23 be given by the county clerk or election commissioner. The notice of
24 election shall state where ballots for early voting may be obtained.

25 The ballots shall be counted by the county clerk or election
26 commissioner conducting the election and two disinterested persons
27 appointed by him or her. When the polls are closed, the receiving board

1 shall deliver the ballots to the county clerk or election commissioner
2 conducting the election who, with the two disinterested persons appointed
3 by him or her, shall proceed to count the ballots.

4 Ballots for early voting shall be furnished to the county clerk or
5 election commissioner and ready for distribution by the county clerk or
6 election commissioner conducting the election not less than fifteen days
7 prior to the election.

8 When a school district lies in more than one county, the county
9 clerk or election commissioner in any other county containing part of
10 such school district shall, upon request, certify its registration books
11 for those precincts in which the school district is located to the county
12 clerk or election commissioner conducting the election and shall
13 immediately forward all requests for ballots for early voting to the
14 county clerk or election commissioner charged with the issuing of such
15 ballots. Not less than five days prior to the election, the school
16 district officers shall certify to the county clerk or election
17 commissioner conducting the election a list of all registered voters of
18 the school district in any other county or counties qualified to vote on
19 the bond issue.

20 All ballots cast at the election shall be counted by the same board.
21 When all the ballots have been counted, the returns of such election
22 shall be turned over to the school board or board of education of the
23 district in which the election was held for the purpose of making a
24 canvass thereof.

25 The two disinterested persons appointed on the counting board shall
26 receive wages at no less than the minimum rate set in section 48-1203 for
27 each hour of service rendered.

28 Sec. 2. Section 13-404, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 13-404 Every civil office in a political subdivision filled by
31 appointment shall be vacant upon the happening of any one of the events

1 listed in section 32-560 except as provided in section 32-561. The
2 resignation of the incumbent of such a civil office may be made as
3 provided in section 32-562. Vacancies in such a civil office shall be
4 filled as provided in section 32-567 and section 13 of this act and shall
5 be subject to section 32-563.

6 Sec. 3. Section 23-148, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 23-148 The county board of commissioners in all counties having not
9 more than three hundred thousand inhabitants shall consist of three
10 persons except as follows:

11 (1) The registered voters in any county containing not more than
12 three hundred thousand inhabitants may vote at any general election as to
13 whether their county board shall consist of three or five commissioners.
14 Upon the completion of the canvass by the county canvassing board, the
15 proposition shall be decided and, if the number of commissioners is
16 increased from three to five commissioners, vacancies shall be deemed to
17 exist and the procedures set forth in section 32-567 and section 13 of
18 this act shall be instituted; and

19 (2) The registered voters of any county under township organization
20 voting to discontinue township organization may also vote as to the
21 number of county commissioners as provided in sections 23-292 to 23-299.

22 Sec. 4. Section 23-2,100, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 23-2,100 (1) If a township board has become inactive, the county
25 board of supervisors shall hold a public hearing on the issue of
26 termination of the township board. Notice of the hearing shall be
27 published for two consecutive weeks in a newspaper of general circulation
28 in the county. For purposes of this section, a township board has become
29 inactive when two or more board positions are vacant and the county board
30 has been unable to fill such positions in accordance with section 32-567
31 and section 13 of this act for six or more months.

1 (2) If no appointment to the township board has been made within
2 thirty days after the public hearing because no resident of the township
3 has provided written notice to the county board that he or she will serve
4 on the township board, the county board may adopt a resolution to
5 terminate the township board. The resolution shall state the effective
6 date of the termination.

7 (3) Between the date of the public hearing and the date of
8 termination of the township board, the business of the township shall be
9 handled according to this subsection. No tax distributions shall be made
10 to the township. Such funds shall be held by the county board in a
11 separate township fund and disbursed only to pay outstanding obligations
12 of the township board. All claims against the township board shall be
13 filed with the county clerk and heard by the county board. Upon allowance
14 of a claim, the county board shall direct the county clerk to draw a
15 warrant upon the township fund. The warrant shall be signed by the
16 chairperson of the county board and countersigned by the county clerk.

17 (4) Upon termination of a township board, the county board shall
18 settle all unfinished business of the township board and shall dispose of
19 all property under ownership of the township. Any proceeds of such sale
20 shall first be disbursed to pay any outstanding obligations of the
21 township, and remaining funds shall be credited to the road fund of the
22 county board. Any remaining township board members serving as of the date
23 of termination shall deposit with the county clerk all township records,
24 papers, and documents pertaining to the affairs of the township and shall
25 certify to the county clerk the amount of outstanding indebtedness in
26 existence on the date of termination. The county board shall levy a tax
27 upon the taxable property located within the boundaries of the township
28 to pay any outstanding indebtedness not paid for under this subsection or
29 subsection (3) of this section.

30 (5) If more than fifty percent of the township boards in a county
31 have been terminated, the county board shall file with the election

1 commissioner or county clerk a resolution supporting the discontinuance
2 of the township organization of the county pursuant to subsection (2) of
3 section 23-293.

4 Sec. 5. Section 32-101, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

6 32-101 Sections 32-101 to 32-1551 and section 13 of this act shall
7 be known and may be cited as the Election Act.

8 Sec. 6. Section 32-208, Revised Statutes Cumulative Supplement,
9 2014, is amended to read:

10 32-208 The election commissioner in counties having a population of
11 more than one hundred thousand inhabitants shall be a registered voter, a
12 resident of such county for at least one year, and of good moral
13 character and integrity and capacity. No person who is a candidate for
14 any elective office or is a deputy, clerk, or employee of any person who
15 is a candidate for any elective office shall be eligible for the office
16 of election commissioner. The election commissioner shall not hold any
17 other elective office or become a candidate for an elective office during
18 his or her term of office ~~or within six months after leaving office~~. An
19 election commissioner may be appointed to an elective office during his
20 or her term of office as election commissioner, and acceptance of such
21 appointment shall be deemed to be his or her resignation from the office
22 of election commissioner.

23 Sec. 7. Section 32-227, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-227 (1) Except as otherwise provided in subsections (2) and (3)
26 of this section, the The judges and clerks of election, precinct and
27 district inspectors, and other temporary election workers shall receive
28 wages at no less than the minimum rate set in section 48-1203 for each
29 hour of service rendered. The election commissioner shall determine the
30 rate of pay and may vary the rate based on the duties of each position.
31 Each such election worker shall sign an affidavit stating the number of

1 hours he or she has worked.

2 (2) Any judge or clerk of election, precinct or district inspector,
3 or other temporary election worker may choose not to be paid for the
4 hours he or she works. An election worker that chooses not to be paid
5 shall sign a waiver agreeing not to be paid for each election for which
6 he or she chooses not to be paid.

7 (3) Any judge or clerk of election, precinct or district inspector,
8 or other temporary election worker may choose to have his or her election
9 pay used by the election commissioner to contract with an organization
10 authorized by the election commissioner to recruit election workers if
11 the election commissioner contracts with such an organization.

12 Sec. 8. Section 32-228, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 32-228 (1) The election commissioner shall notify each person
15 appointed as a judge or clerk of election, precinct inspector, district
16 inspector, member of a counting board, or member of a canvassing board of
17 the appointment by letter. Such letter shall be mailed at least fifteen
18 days prior to the required reporting date for each statewide primary and
19 general election. Each appointee shall, at the time fixed in the notice
20 of appointment, report to the office of the election commissioner or
21 other designated location to complete any informational forms and receive
22 training regarding his or her duties. The training shall include
23 instruction as required by the Secretary of State and any other training
24 deemed necessary by the election commissioner. Each appointee, if found
25 qualified and unless excused by reason of ill health or other good and
26 sufficient reason, shall serve for the term of his or her appointment.

27 (2) No person who is a qualified prospective election worker is
28 exempt from being appointed for a term of election service, except that
29 any person who is seventy years of age or older and who requests to be
30 exempted from such service at the time the election worker questionnaire
31 form is filed with the election commissioner shall be exempt from

1 election service.

2 (3 2) An appointee who fails to serve for the such term of his or
3 her appointment, unless excused by reason of ill health or other good and
4 sufficient reason, is guilty of a Class V misdemeanor. The election
5 commissioner shall submit the names of appointees violating this
6 subsection to the local law enforcement agency for citation pursuant to
7 sections 32-1549 and 32-1550.

8 Sec. 9. Section 32-304, Revised Statutes Cumulative Supplement,
9 2014, is amended to read:

10 32-304 (1) The Secretary of State in conjunction with the Department
11 of Motor Vehicles shall, on or before September July 1, 2015, develop and
12 implement a registration application process which may be used statewide
13 to register to vote and update voter registration records electronically
14 using the Secretary of State's web site. An applicant who has a valid
15 Nebraska motor vehicle operator's license or state identification card
16 may use the application process to register to vote or to update his or
17 her voter registration record with changes in his or her personal
18 information or other information related to his or her eligibility to
19 vote. For each electronic application, the Secretary of State shall
20 obtain a copy of the electronic representation of the applicant's
21 signature from the Department of Motor Vehicles' records of his or her
22 motor vehicle operator's license or state identification card for
23 purposes of voter registration.

24 (2) The application shall contain substantially all the information
25 provided in section 32-312 and the following informational statements:

26 (a) An applicant who submits this application electronically is
27 affirming that the information in the application is true. Any applicant
28 who submits this application electronically knowing that any of the
29 information in the application is false shall be guilty of a Class IV
30 felony under section 32-1502 of the statutes of Nebraska. The penalty for
31 a Class IV felony is up to five years imprisonment, a fine of up to ten

1 thousand dollars, or both;

2 (b) An applicant who submits this application electronically is
3 agreeing to the use of his or her signature from the Department of Motor
4 Vehicles' records of his or her motor vehicle operator's license or state
5 identification card for purposes of voter registration;

6 (c) To vote at the polling place on election day, the completed
7 application must be submitted on or before the third Friday before the
8 election; and

9 (d) The election commissioner or county clerk will, upon receipt of
10 the application for registration, send an acknowledgment of registration
11 to the applicant indicating whether the application is proper or not.

12 Sec. 10. Section 32-330, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 32-330 (1) The voter registration register shall be a public record.
15 Any person may examine the register at the office of the election
16 commissioner or county clerk, but no person other than the election
17 commissioner, county clerk, or law enforcement shall not be allowed to
18 make copies of the register. Copies of the register shall only be used
19 for list maintenance as provided in section 32-329 or law enforcement
20 purposes. The electronic records of the original voter registrations
21 created pursuant to section 32-301 may constitute the voter registration
22 register. The election commissioner or county clerk shall withhold
23 information in the register designated as confidential under section
24 32-331.

25 (2) The election commissioner or county clerk shall make available
26 for purchase a list of registered voters that contains the information
27 required under section 32-312 and, if requested, a list that only
28 contains registered voters who have voted in an election held more than
29 thirty ~~sixty~~ days prior to the request for the list. The election
30 commissioner or county clerk shall establish the price of the lists at a
31 rate that fairly covers the actual production cost of the lists, not to

1 exceed three cents per name. Lists shall be used solely for purposes
2 related to elections, political activities, voter registration, law
3 enforcement, or jury selection. Lists shall not be used for commercial
4 purposes.

5 (3) Any person who acquires a list of registered voters under
6 subsection (2) of this section shall take and subscribe to an oath in
7 substantially the following form:

8 I hereby swear that I will use the list of registered voters
9 of County, Nebraska, only for the purposes prescribed in section
10 32-330 and for no other purpose and that I will not permit the use or
11 copying of such list for unauthorized purposes.

12 I hereby declare under the penalty of election falsification that
13 the statements above are true to the best of my knowledge.

14 The penalty for election falsification is a Class IV felony.

15 (Signature of person acquiring list)

16 Subscribed and sworn to before me this day of 20.. .

17 (Name of officer)

18 (Official title of officer)

19 (4) The election commissioner or county clerk shall provide, upon
20 request and free of charge, a complete and current listing of all
21 registered voters and their addresses to the Clerk of the United States
22 District Court for the District of Nebraska. Such list shall be provided
23 no later than December 31 of each even-numbered year.

24 (5) The election commissioner or county clerk shall provide, upon
25 request and free of charge, a complete and current listing of all
26 registered voters and their addresses to the state party headquarters of
27 each political party and to the county chairperson of each political
28 party. Such list shall be provided no later than thirty-five days prior
29 to the statewide primary and statewide general elections.

30 Sec. 11. Section 32-528, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 32-528 (1) In counties having a county board of three commissioners,
2 two commissioners shall be elected at the statewide general election in
3 1994 and each four years thereafter, and one commissioner shall be
4 elected at the statewide general election in 1996 and each four years
5 thereafter. In counties having a county board of five commissioners,
6 three commissioners shall be elected at the statewide general election in
7 1994 and each four years thereafter, and two commissioners shall be
8 elected at the statewide general election in 1996 and each four years
9 thereafter. In counties having a county board of seven or more
10 commissioners, one commissioner shall be elected in each odd-numbered
11 commissioner district at the statewide general election in 1994 and each
12 four years thereafter, and one commissioner shall be elected in each
13 even-numbered commissioner district at the statewide general election in
14 1996 and each four years thereafter.

15 (2) Except for commissioners first elected after the county adopts
16 the commissioner form of government or has increased the number of
17 commissioners, the term of each county commissioner shall be four years
18 or until his or her successor is elected and qualified. At the first
19 election held to choose the board of commissioners in any county having
20 three commissioners, the person having the highest number of votes shall
21 serve for four years and the two receiving the next highest number of
22 votes shall serve for two years, and if any three or more persons have
23 the same number of votes, their terms of office shall be determined by
24 the county canvassing board. The county commissioners shall meet the
25 qualifications found in section 23-150. Nothing in this section shall be
26 construed to prohibit the reelection of a commissioner holding office if
27 the commissioner is reelected to represent his or her respective
28 district. The county commissioners shall be elected on the partisan
29 ballot.

30 (3)(a) In counties having not more than one hundred fifty thousand
31 inhabitants, one commissioner shall be nominated and elected from each

1 district by the registered voters of the district.

2 (b) ~~In Until 2010, in counties having a population of more than one~~
3 ~~hundred fifty thousand but not more than three hundred thousand~~
4 ~~inhabitants, one commissioner shall be nominated from each district by~~
5 ~~the registered voters of the district and shall be elected by the~~
6 ~~registered voters of the entire county. Beginning in 2010 in counties~~
7 having a population of more than one hundred fifty thousand but not more
8 than three hundred thousand inhabitants, one commissioner shall be
9 nominated and elected from each district by the registered voters of the
10 district as provided in subsection (5) of this section.

11 (c) In counties having more than three hundred thousand inhabitants,
12 one commissioner shall be nominated and elected from each district by the
13 registered voters of the district.

14 (4) In counties in which a majority has voted to have five
15 commissioners as provided in section 23-148, the three commissioners of
16 such county whose terms of office will expire after the election shall
17 continue in office until the expiration of the terms for which they were
18 elected and until their successors are elected and qualified. Two
19 commissioners shall be appointed pursuant to section 32-567 and section
20 13 of this act to serve until the first Thursday after the first Tuesday
21 in January following the next statewide general election. At the next
22 statewide general election, commissioners shall be elected to fill the
23 positions of any commissioners appointed under this section. At the first
24 primary election after such appointments, filings shall be accepted for
25 terms of two years and for terms of four years so that two commissioners
26 will be elected to four-year terms at one election and three
27 commissioners will be elected to four-year terms at the next election.

28 (5) In counties having more than one hundred fifty thousand but not
29 more than three hundred thousand inhabitants: ~~which are changing from~~
30 ~~nominating by district and electing at large to nominating and electing~~
31 ~~by district as provided in subdivision (3)(b) of this section, the~~

1 ~~commissioners shall continue in office until the expiration of the terms~~
2 ~~for which they were elected and until their successors are elected and~~
3 ~~qualified.~~

4 (a) ~~At the primary election in 2010, one commissioner in such~~
5 ~~counties shall be nominated from each odd-numbered district, and at~~ ~~At~~
6 the ensuing general election, one commissioner shall be elected from each
7 odd-numbered district. Their successors shall be nominated and elected
8 every four years thereafter; and

9 (b) ~~At the primary election in 2012, one commissioner in such~~
10 ~~counties shall be nominated from each even-numbered district, and at~~ ~~At~~
11 the ensuing general election, one commissioner shall be elected from each
12 even-numbered district. Their successors shall be nominated and elected
13 every four years thereafter.

14 Sec. 12. Section 32-567, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:

16 32-567 Vacancies in office shall be filled as follows:

17 (1) In state and judicial district offices and in the membership of
18 any board or commission created by the state when no other method is
19 provided, by the Governor;

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

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

23 (4) In the membership of the city council, according to section
24 32-568 or 32-569, as applicable;

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

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

29 (7) In offices in natural resources districts, according to section
30 2-3215;

31 (8) In offices in community college areas, according to section

1 85-1514;

2 (9) In offices in educational service units, according to section
3 79-1217;

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

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

7 (12) In membership on airport authority boards, according to section
8 3-502, 3-611, or 3-703, as applicable;

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

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

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

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

18 Sec. 13. Unless otherwise provided by law, all vacancies shall be
19 filled within forty-five days after the vacancy occurs unless good cause
20 is shown that the requirement imposes an undue burden.

21 Sec. 14. Section 32-569, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 32-569 (1)(a) Except as otherwise provided in subsection (2) or (3)
24 of this section or section 32-568, vacancies in city and village elected
25 offices shall be filled by the mayor and council or board of trustees for
26 the balance of the unexpired term. Notice of a vacancy, except a vacancy
27 resulting from the death of the incumbent, shall be in writing and
28 presented to the council or board of trustees at a regular or special
29 meeting and shall appear as a part of the minutes of such meeting. The
30 council or board of trustees shall at once give public notice of the
31 vacancy by causing to be published in a newspaper of general circulation

1 within the city or village or by posting in three public places in the
2 city or village the office vacated and the length of the unexpired term.

3 (b) The mayor or chairperson of the board shall call a special
4 meeting of the council or board of trustees or place the issue of filling
5 such vacancy on the agenda at the next regular meeting at which time the
6 mayor or chairperson shall submit the name of a qualified registered
7 voter to fill the vacancy for the balance of the unexpired term. The
8 regular or special meeting shall occur upon the death of the incumbent or
9 within four weeks after the meeting at which such notice of vacancy has
10 been presented. The council or board of trustees shall vote upon such
11 nominee, and if a majority votes in favor of such nominee, the vacancy
12 shall be declared filled. If the nominee fails to receive a majority of
13 the votes, the nomination shall be rejected and the mayor or chairperson
14 shall at the next regular or special meeting submit the name of another
15 qualified registered voter to fill the vacancy. If the subsequent nominee
16 fails to receive a majority of the votes, the mayor or chairperson shall
17 continue at such meeting to submit the names of qualified registered
18 voters in nomination and the council or board of trustees shall continue
19 to vote upon such nominations at such meeting until the vacancy is
20 filled. The mayor shall cast his or her vote for or against the nominee
21 in the case of a tie vote of the council. All council members and
22 trustees present shall cast a ballot for or against the nominee. Any
23 member of the city council or board of trustees who has been appointed to
24 fill a vacancy on the council or board shall have the same rights,
25 including voting, as if such person were elected.

26 (2) The mayor and council or chairperson and board of trustees may,
27 in lieu of filling a vacancy in a city or village elected office as
28 provided in subsection (1) of this section or subsection (3) of section
29 32-568, call a special city election to fill such vacancy.

30 (3) If vacancies exist in the offices of one-half or more ~~a majority~~
31 of the members of a city council or village board, the Secretary of State

1 shall conduct a special city election to fill such vacancies.

2 Sec. 15. Section 32-607, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 32-607 All candidate filing forms shall contain the following
5 statement: I hereby swear that I will abide by the laws of the State of
6 Nebraska regarding the results of the primary and general elections, that
7 I am a registered voter and qualified to be elected, and that I will
8 serve if elected. Candidate filing forms shall also contain the
9 candidate's name; residence address; mailing address if different from
10 the residence address; telephone number; office sought; and party
11 affiliation if the office sought is a partisan office. Candidate filing
12 forms shall be filed with the following filing officers:

13 (1) For candidates for national, state, or congressional office,
14 directors of public power and irrigation districts, directors of
15 reclamation districts, directors of natural resources districts, members
16 of the boards of educational service units, members of governing boards
17 of community colleges, delegates to national conventions, and other
18 offices filled by election held in more than one county and judges
19 desiring retention, in the office of the Secretary of State;

20 (2) For officers elected within a county, in the office of the
21 election commissioner or county clerk. ~~If the candidate is not a resident~~
22 ~~of the county, he or she shall submit a certificate of registration~~
23 ~~obtained under section 32-316 with the candidate filing form;~~

24 (3) For officers in school districts which include land in adjoining
25 counties, in the office of the election commissioner or county clerk of
26 the county in which the greatest number of registered voters entitled to
27 vote for the officers reside. ~~If the candidate is not a resident of the~~
28 ~~county, he or she shall submit a certificate of registration obtained~~
29 ~~under section 32-316 with the candidate filing form; and~~

30 (4) For city or village officers, in the office of the election
31 commissioner or county clerk.

1 Sec. 16. Section 32-612, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-612 (1) A change of political party affiliation by a registered
4 voter so as to affiliate with the political party named in the candidate
5 filing form or in an affidavit as a write-in candidate pursuant to
6 section 32-615 after the first Friday in December prior to the statewide
7 primary election shall not be effective to meet the requirements of
8 section 32-610 or 32-611 or subsection (4) of this section, except that
9 any person may change his or her political party affiliation after the
10 first Friday in December prior to the statewide primary election to
11 become a candidate of a new political party which has successfully
12 completed the petition process required by section 32-716.

13 (2) No registered voter, candidate, or proposed candidate shall
14 swear falsely as to political party affiliation or shall swear that he or
15 she affiliates with two or more political parties. Any candidate who
16 swears falsely as to political party affiliation or swears that he or she
17 affiliates with two or more political parties shall not be the candidate
18 of such party and shall not be entitled to assume the office for which he
19 or she filed even if he or she receives a majority or plurality of the
20 votes therefor at the following general election.

21 (3) The name of a candidate shall not appear printed on more than
22 one political party ballot. A candidate who is the nominee ~~a registered~~
23 ~~voter~~ of one political party shall not accept the nomination of another
24 political party.

25 (4) In order to count write-in votes on a political party ballot in
26 the primary election, the candidate who receives the votes must be a
27 registered voter of that political party unless the political party
28 allows candidates not affiliated with the party by not adopting a rule
29 under section 32-702.

30 Sec. 17. Section 32-615, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

1 32-615 (1) Except as otherwise provided in subsection (2) of this
2 section, any candidate engaged in or pursuing a write-in campaign shall
3 file a notarized affidavit of his or her intent together with the receipt
4 for any filing fee with the filing officer as provided in section 32-608
5 no earlier than December 1 and no later than the second Friday ten days
6 prior to the election.

7 (2) For any county office elected pursuant to sections 32-517 to
8 32-529 which is subject to subdivision (1)(b) of section 32-811, a
9 candidate may engage in or pursue a write-in campaign if he or she files
10 a notarized affidavit of his or her intent together with the receipt for
11 the filing fee with the filing officer as provided in section 32-608 on
12 or before March 3 of the year of the statewide primary election. If such
13 an affidavit is filed as prescribed, the election commissioner or county
14 clerk shall place that county office on the statewide primary election
15 ballot with the names of the candidate properly filed for the nomination
16 of the applicable political party and a line for write-in candidates.

17 (3) A candidate submitting an affidavit under this section for a
18 partisan office shall be a registered voter of the political party named
19 in the affidavit unless the political party allows candidates not
20 affiliated with the party by not adopting a rule under section 32-702.

21 (4 ~~3~~) A candidate who has been defeated as a candidate in the
22 primary election or defeated as a write-in candidate in the primary
23 election shall not be eligible as a write-in candidate for the same
24 office in the general election unless (a) a vacancy on the ballot exists
25 pursuant to section 32-625 or (b) the candidate was a candidate for an
26 office described in sections 32-512 to 32-550 and the candidate lost the
27 election as a result of a determination pursuant to section 32-1122 in
28 the case of a tie vote.

29 (5 ~~4~~) A candidate who files a notarized affidavit shall be entitled
30 to all write-in votes for the candidate even if only the last name of the
31 candidate has been written if such last name is reasonably close to the

1 proper spelling.

2 Sec. 18. Section 32-710, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 32-710 Each political party shall hold a state ~~post~~primary
5 convention biennially on a date to be fixed by the state central
6 committee but not later than September 1. Candidates for elective offices
7 may be nominated at such conventions pursuant to section 32-627 or
8 32-721. Such nominations shall be certified to the Secretary of State by
9 the chairperson and secretary of the convention. The certificates shall
10 have the same force and effect as nominations in primary elections. A
11 political party may not nominate a candidate at the convention for an
12 office for which the party did not nominate a candidate at the primary
13 election except as provided for new political parties in section 32-621.
14 The convention shall formulate and promulgate a state platform, select a
15 state central committee, select electors for President and Vice President
16 of the United States, and transact the business which is properly before
17 it. One presidential elector shall be chosen from each congressional
18 district, and two presidential electors shall be chosen at large. The
19 officers of the convention shall certify the names of the electors to the
20 Governor and Secretary of State.

21 Sec. 19. Section 32-813, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 32-813 (1) The names of all candidates and all proposals to be voted
24 upon at the general election shall be arranged upon the ballot in parts
25 separated from each other by bold lines in the order the offices and
26 proposals are set forth in this section. If any office is not subject to
27 the upcoming election, the office shall be omitted from the ballot and
28 the remaining offices shall move up so that the same relative order is
29 preserved. The order of any offices may be altered to allow for the best
30 utilization of ballot space in order to avoid printing a second ballot
31 when one ballot would be sufficient if an optical-scan ballot is used.

1 All proposals on the ballot submitted by a political subdivision shall
2 ~~remain separate from the offices, and the proposals~~ shall follow all
3 offices on the ballot submitted by a political subdivision.

4 (2)(a) If the election is in a year in which a President of the
5 United States is to be elected, the names and spaces for voting for
6 candidates for President and Vice President shall be entitled
7 Presidential Ticket in boldface type.

8 (b) The names of candidates for President and Vice President for
9 each political party shall be grouped together, and each group shall be
10 enclosed with brackets with the political party name next to the brackets
11 and one square or oval opposite the names in which the voter indicates
12 his or her choice.

13 (c) The names of candidates for President and Vice President who
14 have successfully petitioned on the ballot for the general election shall
15 be grouped together with the candidates appearing on the same petition
16 being grouped together, and each group shall be enclosed with brackets
17 with the words "By Petition" next to the brackets and one square or oval
18 opposite the names in which the voter indicates his or her choice.

19 (d) Beneath the names of the candidates for President and Vice
20 President certified by the officers of the national political party
21 conventions pursuant to section 32-712 and beneath the names of all
22 candidates for President and Vice President placed on the general
23 election ballot by petition, two write-in lines shall be provided in
24 which the voter may fill in the names of the candidates of his or her
25 choice. The lines shall be enclosed with brackets with one square or oval
26 opposite the names in which the voter indicates his or her choice. The
27 name appearing on the top line shall be considered to be the candidate
28 for President, and the name appearing on the second line shall be
29 considered to be the candidate for Vice President.

30 (3) The names and spaces for voting for candidates for United States
31 Senator if any are to be elected shall be entitled United States

1 Senatorial Ticket in boldface type.

2 (4) The names and spaces for voting for candidates for
3 Representatives in Congress shall be entitled Congressional Ticket in
4 boldface type. Above the candidates' names, the office shall be
5 designated For Representative in Congress District.

6 (5) The names and spaces for voting for candidates for the various
7 state officers shall be entitled State Ticket in boldface type. Each set
8 of candidates shall be separated by lines across the column, and above
9 each set of candidates shall be designated the office for which they are
10 candidates, arranged in the order prescribed by the Secretary of State.
11 The candidates for Governor of each political party receiving the highest
12 number of votes in the primary election shall be grouped together with
13 their respective candidates for Lieutenant Governor. Each group shall be
14 enclosed with brackets with the political party name next to the brackets
15 and one square or oval opposite the names in which the voter indicates
16 his or her choice for Governor and Lieutenant Governor jointly. The
17 candidates for Governor and Lieutenant Governor who have successfully
18 petitioned on the general election ballot shall be grouped together with
19 the candidates appearing on the same petition being grouped together.
20 Each group shall be enclosed with brackets with the words "By Petition"
21 next to the brackets and one square or oval opposite the names in which
22 the voter indicates his or her choice for Governor and Lieutenant
23 Governor jointly. Beneath the names of the candidates for Governor
24 nominated at a primary election by political party and their respective
25 candidates for Lieutenant Governor and beneath the names of all
26 candidates for Governor and Lieutenant Governor placed on the general
27 election ballot by petition, one write-in line shall be provided in which
28 the registered voter may fill in the name of the candidate for Governor
29 of his or her choice and one square or oval opposite the line in which
30 the voter indicates his or her choice for Governor.

31 (6) The names and spaces for voting for nonpartisan candidates shall

1 be entitled Nonpartisan Ticket in boldface type. The names of all
2 nonpartisan candidates shall appear in the order listed in this
3 subsection, except that when using an optical-scan ballot, the order of
4 offices may be altered to allow for the best utilization of ballot space
5 to avoid printing a second ballot when one ballot would be sufficient:

- 6 (a) Legislature;
- 7 (b) State Board of Education;
- 8 (c) Board of Regents of the University of Nebraska;
- 9 (d) Chief Justice of the Supreme Court;
- 10 (e) Judge of the Supreme Court;
- 11 (f) Judge of the Court of Appeals;
- 12 (g) Judge of the Nebraska Workers' Compensation Court;
- 13 (h) Judge of the District Court;
- 14 (i) Judge of the Separate Juvenile Court;
- 15 (j) Judge of the County Court; and
- 16 (k) County officers in the order prescribed by the election
17 commissioner or county clerk.

18 (7) The names and spaces for voting for the various county offices
19 and for measures submitted to the county vote only or in only a part of
20 the county shall be entitled County Ticket in boldface type. If the
21 election commissioner or county clerk deems it advisable, the measures
22 may be submitted on a separate ballot if using a paper ballot or on
23 either side of an optical-scan ballot if the ballot is placed in a ballot
24 envelope or sleeve before being deposited in a ballot box.

25 (8) The candidates for office in the precinct only or in the city or
26 village only shall be printed on the ballot, except that if the election
27 commissioner or county clerk deems it advisable, candidates for these
28 offices may be submitted on a separate ballot if using a paper ballot or
29 on either side of an optical-scan ballot if the ballot is placed in a
30 ballot envelope or sleeve before being deposited in a ballot box.

31 (9) All proposals submitted by initiative or referendum and

1 proposals for constitutional amendments shall be placed on a separate
2 ballot when a paper ballot is used which requires that the ballot after
3 being voted be folded before being deposited in a ballot box. When an
4 optical-scan ballot is used which requires a ballot envelope or sleeve in
5 which the ballot after being voted is placed before being deposited in a
6 ballot box, initiative or referendum proposals and proposals for
7 constitutional amendments may be placed on either side of the ballot,
8 shall be separated by a bold line, and shall follow all other offices
9 placed on the same side of the ballot. Initiative or referendum proposals
10 and constitutional amendments so arranged shall constitute a separate
11 ballot. Proposals for constitutional amendments proposed by the
12 Legislature shall be placed on the ballot as provided in sections 49-201
13 to 49-211.

14 Sec. 20. Section 32-941, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:

16 32-941 Any registered voter permitted to vote early pursuant to
17 section 32-938 may, not more than one hundred twenty days before any
18 election and not later than 4 p.m. on the Wednesday preceding the
19 election, request a ballot for the election to be mailed to a specific
20 address. A registered voter shall request a ballot in writing to the
21 election commissioner or county clerk in the county where the registered
22 voter has established his or her home and shall indicate his or her
23 residence address, the address to which the ballot is to be mailed if
24 different, and his or her ~~political party~~, telephone number if available,
25 ~~and precinct if known~~. The registered voter may use the form published by
26 the election commissioner or county clerk pursuant to section 32-808. The
27 registered voter shall sign the request. A registered voter may use a
28 facsimile machine or electronic mail for the submission of a request for
29 a ballot. The election commissioner or county clerk shall include a
30 registration application with the ballots if the person is not
31 registered. Registration applications shall not be mailed after the third

1 Friday preceding the election. If the person is not registered to vote,
2 the registration application shall be returned not later than the closing
3 of the polls on the day of the election. No ballot issued under this
4 section shall be counted unless such registration application is properly
5 completed and processed.

6 Sec. 21. Section 32-942, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:

8 32-942 (1) Except as otherwise provided in subsection (2) of this
9 section, a registered voter of this state who anticipates being absent
10 from the county of his or her residence on the day of any election may
11 appear in person before the election commissioner or county clerk not
12 more than thirty days prior to the day of election and obtain his or her
13 ballot. The registered voter shall vote the ballot in the office of the
14 election commissioner or county clerk or shall return the ballot to the
15 office not later than the closing of the polls on the day of the
16 election. A registered voter who is present in the county on the day of
17 the election and who chooses to vote on the day of the election shall
18 vote at the polling place assigned to the precinct in which he or she
19 resides unless he or she is returning a ballot for early voting or voting
20 pursuant to section 32-943.

21 (2) If a person registers to vote and requests a ballot at the same
22 time under this section, he or she shall (a)(i) present one of the
23 address confirmation documents as prescribed in subdivision (1)(a) of
24 section 32-318.01, (ii) present proof that he or she is a member of the
25 armed forces of the United States who by reason of active duty has been
26 absent from his or her place of residence where the member is otherwise
27 eligible to vote, is a member of the United States Merchant Marine who by
28 reason of service has been away from his or her place of residence where
29 the member is otherwise eligible to vote, is a spouse or dependent of a
30 member of the armed forces of the United States or United States Merchant
31 Marine who has been absent from his or her place of residence due to the

1 service of that member, or resides outside the United States and but for
2 such residence would be qualified to vote in the state if the state was
3 the last place in which the person was domiciled before leaving the
4 United States, or (iii) state that he or she is elderly or handicapped
5 and has requested to vote by alternative means other than by casting a
6 ballot at his or her polling place on election day or (b) vote a ballot
7 which is placed in an envelope with the voter's name and address and
8 other necessary identifying information and kept securely for counting as
9 provided in this subsection. This subsection does not extend the deadline
10 for voter registration specified in section 32-302. A ballot cast
11 pursuant to subdivision (b) of this subsection shall be rejected and
12 shall not be counted if the acknowledgment of registration sent to the
13 registrant pursuant to section 32-322 is returned as undeliverable for a
14 reason other than clerical error within ten days after it is mailed,
15 otherwise after such ten-day period, the ballot shall be counted.

16 (3) This section applies only to a person who appears in person to
17 obtain a ballot as provided in subsection (1) of this section and does
18 not apply to a ballot mailed to a voter pursuant to section 32-945.

19 Sec. 22. Section 32-947, Revised Statutes Cumulative Supplement,
20 2014, is amended to read:

21 32-947 (1) Upon receipt of an application or other request for a
22 ballot to vote early, the election commissioner or county clerk shall
23 determine whether the applicant is a registered voter and is entitled to
24 vote as requested. If the election commissioner or county clerk
25 determines that the applicant is a registered voter entitled to vote
26 early and the application was received at or before 4 p.m. on the
27 Wednesday preceding the election, the election commissioner or county
28 clerk shall deliver a ballot to the applicant in person or by mail,
29 postage paid. The election commissioner or county clerk or any employee
30 of the election commissioner or county clerk shall write or cause to be
31 affixed his or her customary signature or initials on the ballot.

1 (2) An unsealed identification envelope shall be delivered with the
2 ballot, and upon the back of the envelope shall be printed a form
3 substantially as follows:

4 VOTER'S OATH

5 I, the undersigned voter, declare that the enclosed ballot or
6 ballots contained no voting marks of any kind when I received them, and I
7 caused the ballot or ballots to be marked, enclosed in the identification
8 envelope, and sealed in such envelope.

9 To the best of my knowledge and belief, I declare under penalty of
10 election falsification that:

11 (a) I,, am a registered voter
12 in County;

13 (b) I reside in the State of Nebraska at

14 (c) I have voted the enclosed ballot and am returning it in
15 compliance with Nebraska law; and

16 (d) I have not voted and will not vote in this election except by
17 this ballot.

18 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION
19 IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS
20 IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY
21 FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE
22 NOT TO EXCEED TEN THOUSAND DOLLARS, OR BOTH.

23 I also understand that failure to sign below will invalidate my
24 ballot.

25 Signature

26 ~~The primary election ballot, if any, within this envelope is a~~
27 ~~primary election ballot of the party.~~

28 ~~Ballots contained in this envelope are for the (primary,~~
29 ~~general, or special) election to be held on the day of~~
30 ~~20..~~

31 (3) If the ballot and identification envelope will be returned by

1 mail or by someone other than the voter, the election commissioner or
2 county clerk shall include with the ballot an identification envelope
3 upon the face of which shall be printed the official title and post
4 office address of the election commissioner or county clerk.

5 (4) The election commissioner or county clerk shall also enclose
6 with the ballot materials:

7 (a) A registration application, if the election commissioner or
8 county clerk has determined that the applicant is not a registered voter
9 pursuant to section 32-945, with instructions that failure to return the
10 completed and signed application indicating the residence address as it
11 appears on the voter's request for a ballot to the election commissioner
12 or county clerk by the close of the polls on election day will result in
13 the ballot not being counted;

14 (b) A registration application and the oath pursuant to section
15 32-946, if the voter is without a residence address, with instructions
16 that the residence address of the voter shall be deemed that of the
17 office of the election commissioner or county clerk of the county of the
18 voter's prior residence and that failure to return the completed and
19 signed application and oath to the election commissioner or county clerk
20 by the close of the polls on election day will result in the ballot not
21 being counted; or

22 (c) Written instructions directing the voter to submit a copy of an
23 identification document pursuant to section 32-318.01 if the voter is
24 required to present identification under such section and advising the
25 voter that failure to submit identification to the election commissioner
26 or county clerk by the close of the polls on election day will result in
27 the ballot not being counted.

28 (5) The election commissioner or county clerk may enclose with the
29 ballot materials a separate return envelope for the voter's use in
30 returning his or her identification envelope containing the voted ballot,
31 registration application, and other materials that may be required.

1 Sec. 23. Section 32-952, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-952 If a political subdivision decides to place a candidate or an
4 issue on the ballot at a special election, the election commissioner or
5 county clerk may conduct the special election by mail as provided in
6 section 32-953 or conduct the special election as otherwise authorized in
7 the Election Act. In making a determination as to whether to conduct the
8 election by mail, the election commissioner or county clerk shall
9 consider whether all of the following conditions are met:

10 (1) All registered voters of the political subdivision or a district
11 or ward of the political subdivision are eligible to vote on all
12 candidates and ~~the issue or~~ issues submitted to the voters;

13 (2) Only registered voters of the political subdivision or the
14 district or ward of the political subdivision are eligible to vote on all
15 candidates and ~~the issue or~~ issues submitted to the voters;

16 ~~(3) Only issues and not candidates are submitted to the registered~~
17 ~~voters;~~

18 (3 4) A review has been conducted of the costs and the expected
19 voter turnout which may result from holding the election by mail;

20 (4 5) The election commissioner or county clerk has determined a
21 date for the election which is not the same date as another election in
22 which the registered voters of the political subdivision are eligible to
23 vote; and

24 ~~(6) The clerk of the political subdivision will certify the issue or~~
25 ~~issues to the election commissioner or county clerk at least fifty days~~
26 ~~prior to the date of the election; and~~

27 (5 7) The Secretary of State has approved a written plan for the
28 conduct of the election, including a written timetable for the conduct of
29 the election, submitted by the election commissioner or county clerk. The
30 written plan shall include provisions for the notice of election to be
31 published and for the application for ballots for early voting

1 notwithstanding other statutory provisions regarding the content and
2 publication of a notice of election or the application for ballots for
3 early voting.

4 Sec. 24. Section 32-953, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

6 32-953 (1) Except as otherwise provided in subsection (2) of this
7 section, the election commissioner or county clerk shall mail the
8 official ballot to all registered voters of the political subdivision or
9 the district or ward of the political subdivision at the addresses
10 appearing on the voter registration register on the same day. The ballots
11 shall be mailed by nonforwardable first-class mail not sooner than the
12 twentieth day before the date set for the election and not later than the
13 tenth day before the date set for the election. The election commissioner
14 or county clerk shall include with the ballot an unsealed identification
15 envelope meeting the requirements of subsection (2) of section 32-947 and
16 instructions sufficient to describe the voting process.

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

23 Sec. 25. Section 32-1032, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-1032 Upon the completion of the canvass by the county canvassing
26 board, all books shall again be sealed, and the election commissioner or
27 county clerk shall keep all election materials, including the ballots-
28 cast containers from each precinct, the sealed envelopes containing the
29 precinct list of registered voters, the precinct sign-in register, the
30 official summary or summaries of votes cast, and the container for early
31 voting materials, for not less than twenty-two months when statewide

1 primary, general, or special elections involve federal offices,
2 candidates, and issues and not less than fifty days for local elections
3 not held in conjunction with a statewide primary, general, or special
4 election. The election commissioner or county clerk shall keep on file
5 one copy of each ballot face used in each precinct of the official
6 partisan, nonpartisan, constitutional amendment, and initiative and
7 referendum ballots, as used for voting, and all election notices used at
8 each primary and general election for twenty-two months. The precinct
9 sign-in register, the record of early voters, and the official summary of
10 votes cast shall be subject to the inspection of any person who may wish
11 to examine the same after the primary, general, or special election. The
12 election commissioner or county clerk shall not allow any other election
13 materials to be inspected, including ballots and provisional ballot
14 envelopes, except when an election is contested or the materials become
15 necessary to be used in evidence in the courts. The election commissioner
16 or county clerk shall direct the destruction of such materials after such
17 time, except that the election commissioner or county clerk may retain
18 materials for the purposes of establishing voter histories.

19 Sec. 26. Section 32-1037, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 32-1037 There shall be a board of state canvassers consisting of the
22 Governor, Secretary of State, Auditor of Public Accounts, State
23 Treasurer, and Attorney General. The board of state canvassers shall meet
24 at the office of the Secretary of State or such other location within the
25 State Capitol as designated by the Secretary of State on the fourth
26 Monday after each statewide primary and general election for the sole
27 purpose of canvassing the votes cast for all officers and issues
28 certified to the election commissioner or county clerk by the Secretary
29 of State. The board of state canvassers may adjourn from day to day until
30 all returns are received and all votes are tabulated. The Governor on the
31 advice of the Secretary of State or the Attorney General may call an

1 extraordinary session of the board of state canvassers. The duty of the
2 board of state canvassers to canvass the votes is ministerial in nature.

3 Sec. 27. Section 32-1203, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 32-1203 (1) Each city, village, school district, public power
6 district, sanitary and improvement district, metropolitan utilities
7 district, fire district, natural resources district, community college
8 area, learning community coordinating council, educational service unit,
9 hospital district, reclamation district, and library board shall pay for
10 the costs of nominating and electing its officers as provided in
11 subsection (2), (3), or (4) of this section. If a special issue is placed
12 on the ballot at the time of the statewide primary or general election by
13 any political subdivision, the political subdivision shall pay for the
14 costs of the election as provided in subsection (2), (3), or (4) of this
15 section. The districts listed in this subsection shall furnish to the
16 Secretary of State and election commissioner or county clerk any maps and
17 additional information which the election commissioner or county clerk
18 may require in the proper performance of their duties in the conduct of
19 elections and certification of results.

20 (2) The charge for each primary and general election shall be
21 determined by (a) ascertaining the total cost of all chargeable costs as
22 described in section 32-1202, (b) dividing the total cost by the number
23 of precincts participating in the election to fix the cost per precinct,
24 (c) prorating the cost per precinct by the inked ballot inch in each
25 precinct for each political subdivision, and (d) totaling the cost for
26 each precinct for each political subdivision, except that the minimum
27 charge for each primary and general election for each political
28 subdivision shall be one hundred fifty dollars.

29 (3) In lieu of the charge determined pursuant to subsection (2) of
30 this section, the election commissioner or county clerk may charge public
31 power districts the fee for election costs set by section 70-610.

1 (4) In lieu of the charge determined pursuant to subsection (2) of
2 this section, the election commissioner or county clerk may bill school
3 districts directly for the costs of an election held under section
4 10-703.01.

5 Sec. 28. Section 32-1308, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-1308 (1) If a majority of the votes cast at a recall election are
8 against the removal of the official named on the ballot or the election
9 results in a tie, the official shall continue in office for the remainder
10 of his or her term but may be subject to further recall attempts as
11 provided in section 32-1309.

12 (2) If a majority of the votes cast at a recall election are for the
13 removal of the official named on the ballot, he or she shall, regardless
14 of any technical defects in the recall petition, be deemed removed from
15 office unless a recount is ordered. If the official is deemed removed,
16 the removal shall result in a vacancy in the office which shall be filled
17 as provided in this section and sections 32-567 to 32-570 and section 13
18 of this act.

19 (3) If the election results show a margin of votes equal to one
20 percent or less between the removal or retention of the official in
21 question, the Secretary of State, election commissioner, or county clerk
22 shall order a recount of the votes cast unless the official named on the
23 ballot files a written statement with the filing clerk that he or she
24 does not want a recount.

25 (4) If there are vacancies in the offices of one-half a majority or
26 more of the members of any governing body at one time due to the recall
27 of such members, a special election to fill such vacancies shall be
28 conducted as expeditiously as possible by the Secretary of State,
29 election commissioner, or county clerk.

30 (5) No official who is removed at a recall election or who resigns
31 after the initiation of the recall process shall be appointed to fill the

1 vacancy resulting from his or her removal or the removal of any other
2 member of the same governing body during the remainder of his or her term
3 of office.

4 Sec. 29. Section 81-2901, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 81-2901 Every state civil office filled by appointment shall be
7 vacant upon the happening of any one of the events listed in section
8 32-560 except as provided in section 32-561. The resignation of the
9 incumbent of such a civil office may be made as provided in section
10 32-562. Vacancies in such a civil office shall be filled as provided in
11 section 32-567 and section 13 of this act and shall be subject to section
12 32-563.

13 Sec. 30. Sections 9, 30, 31, and 33 of this act become operative on
14 their effective date. The other sections of this act become operative
15 three calendar months after the adjournment of this legislative session.

16 Sec. 31. Original section 32-304, Revised Statutes Cumulative
17 Supplement, 2014, is repealed.

18 Sec. 32. Original sections 13-404, 23-148, 23-2,100, 32-227,
19 32-228, 32-330, 32-528, 32-569, 32-612, 32-813, 32-952, 32-1032, 32-1037,
20 32-1308, and 81-2901, Reissue Revised Statutes of Nebraska, and sections
21 10-703.01, 32-101, 32-208, 32-567, 32-607, 32-615, 32-710, 32-941,
22 32-942, 32-947, 32-953, and 32-1203, Revised Statutes Cumulative
23 Supplement, 2014, are repealed.

24 Sec. 33. Since an emergency exists, this act takes effect when
25 passed and approved according to law.