

AMENDMENTS TO LB1055

Introduced by Government, Military and Veterans Affairs.

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

3 Section 1. Section 32-101, Revised Statutes Supplement, 2019, is
4 amended to read:

5 32-101 Sections 32-101 to 32-1551 and sections 3 and 6 to 8 of this
6 act shall be known and may be cited as the Election Act.

7 Sec. 2. Section 32-103, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-103 For purposes of the Election Act, the definitions found in
10 sections 32-104 to 32-120 and section 3 of this act shall be used.

11 Sec. 3. Poll watcher means an individual appointed pursuant to
12 section 6 of this act who is legally in a polling place to observe the
13 conduct of the election.

14 Sec. 4. Section 32-312, Revised Statutes Cumulative Supplement,
15 2018, is amended to read:

16 32-312 The registration application prescribed by the Secretary of
17 State pursuant to section 32-304 or 32-311.01 shall provide the
18 instructional statements and request the information from the applicant
19 as provided in this section.

20 CITIZENSHIP—"Are you a citizen of the United States of America?"
21 with boxes to check to indicate whether the applicant is or is not a
22 citizen of the United States.

23 AGE—"Are you at least eighteen years of age or will you be eighteen
24 years of age on or before the first Tuesday following the first Monday of
25 November of this year?" with boxes to check to indicate whether or not
26 the applicant will be eighteen years of age or older on election day.

27 WARNING—"If you checked 'no' in response to either of these

1 questions, do not complete this application."

2 NAME—the name of the applicant giving the first and last name in
3 full, the middle name in full or the middle initial, and the maiden name
4 of the applicant, if applicable.

5 RESIDENCE—the name and number of the street, avenue, or other
6 location of the dwelling where the applicant resides if there is a
7 number. If the registrant resides in a hotel, apartment, tenement house,
8 or institution, such additional information shall be included as will
9 give the exact location of such registrant's place of residence. If the
10 registrant lives in an incorporated or unincorporated area not identified
11 by the use of roads, road names, or house numbers, the registrant shall
12 state the section, township, and range of his or her residence and the
13 corporate name of the school district as described in section 79-405 in
14 which he or she is located.

15 POSTAL ADDRESS—the address at which the applicant receives mail if
16 different from the residence address.

17 ADDRESS OF LAST REGISTRATION—the name and number of the street,
18 avenue, or other location of the dwelling from which the applicant last
19 registered.

20 TELEPHONE NUMBERS—the telephone numbers ~~number~~ of the applicant—~~at~~
21 ~~work and at home~~. At the request of the applicant, a designation shall be
22 made that a ~~the~~ telephone number is an unlisted number, and such
23 designation shall preclude the listing of such ~~the applicant's~~ telephone
24 number on any list of voter registrations.

25 EMAIL ADDRESS—an email address of the applicant. At the request of
26 the applicant, a designation shall be made that the email address is
27 private, and such designation shall preclude the listing of the
28 applicant's email address on any list of voter registrations.

29 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY
30 NUMBER—if the applicant has a Nebraska driver's license, the license
31 number, and if the applicant does not have a Nebraska driver's license,

1 the last four digits of the applicant's social security number.

2 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when
3 the applicant presented himself or herself for registration, when the
4 applicant completed and signed the registration application if the
5 application was submitted by mail or delivered to the election official
6 by the applicant's personal messenger or personal agent, or when the
7 completed application was submitted if the registration application was
8 completed pursuant to section 32-304.

9 PLACE OF BIRTH—show the state, country, kingdom, empire, or dominion
10 where the applicant was born.

11 DATE OF BIRTH—show the date of the applicant's birth. The applicant
12 shall be at least eighteen years of age or attain eighteen years of age
13 on or before the first Tuesday after the first Monday in November to have
14 the right to register and vote in any election in the present calendar
15 year.

16 REGISTRATION TAKEN BY—show the signature of the authorized official
17 or staff member accepting the application pursuant to section 32-309 or
18 32-310 or at least one of the deputy registrars taking the application
19 pursuant to section 32-306, if applicable.

20 PARTY AFFILIATION—show the party affiliation of the applicant as
21 Democrat, Republican, or Other or show no party affiliation as
22 Nonpartisan. (Note: If you wish to vote in both partisan and nonpartisan
23 primary elections for state and local offices, you must indicate a
24 political party affiliation on the registration application. If you
25 register without a political party affiliation (nonpartisan), you will
26 receive only the nonpartisan ballots for state and local offices at
27 primary elections. If you register without a political party affiliation,
28 you may vote in partisan primary elections for congressional offices.)

29 OTHER—information the Secretary of State determines will assist in
30 the proper and accurate registration of the voter.

31 Immediately following the spaces for inserting information as

1 provided in this section, the following statement shall be printed:

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

4 (1) I live in the State of Nebraska at the address provided in this
5 application;

6 (2) I have not been convicted of a felony or, if convicted, it has
7 been at least two years since I completed my sentence for the felony,
8 including any parole term;

9 (3) I have not been officially found to be non compos mentis
10 (mentally incompetent); and

11 (4) I am a citizen of the United States.

12 Any registrant who signs this application knowing that any of the
13 information in the application is false shall be guilty of a Class IV
14 felony under section 32-1502 of the statutes of Nebraska. The penalty for
15 a Class IV felony is up to two years imprisonment and twelve months post-
16 release supervision, a fine of up to ten thousand dollars, or both.

17 APPLICANT'S SIGNATURE—require the applicant to affix his or her
18 signature to the application.

19 Sec. 5. Section 32-405, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 32-405 Any special election under the Election Act shall be held on
22 the first Tuesday following the second Monday of the selected month
23 unless otherwise specifically provided. No special election shall be held
24 under the Election Act in March, April, May, June, September, October,
25 November, or December of an even-numbered year unless it is held in
26 conjunction with the statewide primary or general election. A special
27 election for a Class III, IV, or V school district which is located in
28 whole or in part in a county in which a city of the primary or
29 metropolitan class is located may be held in conjunction with the primary
30 or general election for a city of the primary or metropolitan class which
31 is governed by a home rule charter.

1 Sec. 6. (1)(a) To be eligible to be a poll watcher, an individual
2 shall be either:

3 (i) A registered voter of this state; or

4 (ii) An individual representing a state-based, national, or
5 international election monitoring organization.

6 (b) A candidate or a spouse of a candidate on the ballot at the
7 election shall not be eligible for appointment as a poll watcher at such
8 election.

9 (2) For poll watchers eligible under subdivision (1)(a)(i) of this
10 section, any political party in Nebraska, a candidate for election in
11 Nebraska not affiliated with a political party, an organization of
12 persons interested in a question on the ballot, or a nonpartisan
13 organization interested in Nebraska's elections and the elective process
14 may appoint one or more poll watchers. Any such person or organization
15 intending to appoint one or more poll watchers shall provide written
16 notification to the election commissioner or county clerk of the county
17 in which the poll watchers will be active on election day no later than
18 the close of business on the Wednesday prior to election day. The
19 notification shall include a list of appointed poll watchers and a list
20 of the precincts that the poll watchers plan to observe and shall be
21 provided prior to each election at which one or more poll watchers will
22 be active. A poll watcher shall not be denied entry to a polling place
23 because the poll watcher is not on the list or because the precinct is
24 not on the list.

25 (3) For poll watchers eligible under subdivision (1)(a)(ii) of this
26 section, any national or international election monitoring organization
27 intending to appoint one or more poll watchers shall provide written
28 notification to the Secretary of State no later than the close of
29 business on the Wednesday prior to election day. The notification shall
30 include a list of appointed poll watchers and a list of the counties and
31 precincts to be observed and shall be provided prior to each election at

1 which one or more poll watchers will be active.

2 Sec. 7. (1) For poll watchers eligible under subdivision (1)(a)(i)
3 of section 6 of this act, the election commissioner or county clerk shall
4 provide a credential as an election observer for each poll watcher for
5 whom the election commissioner or county clerk receives notice of
6 appointment under section 6 of this act. The election commissioner or
7 county clerk may approve, as a credential, a name badge provided by the
8 person who appointed the poll watcher if the name badge includes the name
9 of the poll watcher and the name of the person or organization who
10 appointed the poll watcher and if the name badge does not contain any
11 campaign materials advocating a vote for or against any candidate,
12 political party, or position on a ballot question.

13 (2) For poll watchers eligible under subdivision (1)(a)(ii) of
14 section 6 of this act, the Secretary of State shall provide the national
15 or international election monitoring organization with the proper
16 credentials for each poll watcher for whom the Secretary of State
17 receives notice. The Secretary of State shall also notify the election
18 commissioner or county clerk in each of the counties in which the poll
19 workers would be observing, and the notice shall include the name of the
20 organization, a list of the poll watchers, a description of the
21 credential that will be worn by the poll watchers, and the plans of the
22 organization for election day, including which counties and precincts the
23 organization plans to observe.

24 Sec. 8. (1) Upon arrival at a polling place, a poll watcher shall
25 display such poll watcher's credentials to the precinct inspector or
26 precinct receiving board and sign the register of poll watchers. The
27 election commissioner or county clerk shall provide a register at each
28 precinct for poll watchers to sign. A poll watcher shall wear the
29 approved credential with the poll watcher's name and the name of the
30 person or organization who appointed the poll watcher while engaged in
31 observing at a polling place.

1 (2) Subject to section 32-1525, a poll watcher may be present during
2 all proceedings at the polling place governed by the Election Act and may
3 watch and observe the performance in and around the polling place of all
4 duties under the act.

5 (3) If a poll watcher or the person or organization who appointed
6 the poll watcher wishes to protest any aspect of the conduct of the
7 election, such poll watcher, person, or organization shall present such
8 protest to the Secretary of State or to the election commissioner or
9 county clerk of the applicable county. The Secretary of State, election
10 commissioner, or county clerk shall rule on the issue within a reasonable
11 amount of time relative to the issue presented.

12 Sec. 9. Section 32-910, Revised Statutes Supplement, 2019, is
13 amended to read:

14 32-910 Any judge or clerk of election, precinct or district
15 inspector, sheriff, or other peace officer shall clear the passageways
16 and prevent obstruction of the doors or entries and provide free ingress
17 to and egress from the polling place or building and shall arrest any
18 person obstructing such passageways. Other than a registered voter
19 engaged in receiving, preparing, or marking a ballot or depositing a
20 ballot in a ballot box or a precinct-based optical scanner at the polling
21 place, an election commissioner, a county clerk, a precinct inspector, a
22 district inspector, a judge of election, a clerk of election, ~~or~~ a member
23 of a counting board, or a poll watcher as provided in section 32-1525, no
24 person shall be permitted to be within eight feet of the ballot boxes or
25 within eight feet of any ballots being counted by a counting board.

26 Sec. 10. Section 32-960, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 32-960 (1) In any county with less than ten thousand inhabitants,
29 the county clerk may apply to the Secretary of State to mail ballots for
30 all elections held after approval of the application to registered voters
31 of any or all of the precincts in the county ~~in lieu of establishing~~

1 ~~polling places for such precincts.~~ The application shall include a
2 written plan for the conduct of the election which complies with this
3 section, including a timetable for the conduct of the election and
4 provisions for the notice of election to be published and for the
5 application for ballots for early voting notwithstanding other statutory
6 provisions regarding the content and publication of a notice of election
7 or the application for ballots for early voting. If the Secretary of
8 State approves such application for one or more precincts in the county,
9 the county clerk shall follow the applicable procedures in sections
10 32-953 to 32-959 for conducting elections by mail, except that the
11 deadline for receipt of the ballots shall be 8 p.m. on the day of the
12 election.

13 (2) The county clerk of a county that has an approved application
14 pursuant to subsection (1) of this section:

15 (a) Shall allow a voter to return the ballot by hand-delivering it
16 to the office of the county clerk;

17 (b) Shall maintain at least one secure ballot drop-box available for
18 voters to deposit completed ballots twenty-four hours per day, starting
19 at least ten days before the election through the deadline provided in
20 subsection (1) of this section for the receipt of ballots;

21 (c) Shall maintain at least one in-person voting location at the
22 office of the county clerk at which a voter in a precinct subject to a
23 plan under this section approved by the Secretary of State may receive
24 and cast a ballot which shall be open on the day of the election from the
25 time for opening the polls pursuant to section 32-908 through the
26 deadline provided in subsection (1) of this section for the receipt of
27 ballots;

28 (d) Shall maintain in-person early voting opportunities as described
29 in section 32-942; and

30 (e) May provide additional secure ballot drop-boxes and in-person
31 voting locations that need not be open according to the requirements of

1 subdivisions (b) and (c) of this subsection.

2 Sec. 11. Section 32-1305, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 32-1305 (1) The principal circulator or circulators shall file, as
5 one instrument, all petition papers comprising a recall petition for
6 signature verification with the filing clerk within thirty days after the
7 filing clerk issues the initial petition papers to the principal
8 circulator or circulators as provided in section 32-1303.

9 (2) If the filing clerk is the subject of a recall petition, the
10 signature verification process shall be conducted by two election
11 commissioners or county clerks appointed by the Secretary of State.
12 Mileage and expenses incurred by officials appointed pursuant to this
13 subsection shall be reimbursed by the political subdivision involved in
14 the recall.

15 (3) Within fifteen business days after the filing of the petition,
16 the filing clerk shall ascertain whether or not the petition is signed by
17 the requisite number of registered voters. No new signatures may be added
18 after the initial filing of the petition papers. No signatures may be
19 removed unless the filing clerk receives an affidavit signed by the
20 person requesting his or her signature be removed before the petitions
21 are filed with the filing clerk for signature verification. If the
22 petition is found to be sufficient, the filing clerk shall attach to the
23 petition a certificate showing the result of such examination. If the
24 requisite number of signatures has not been gathered, the filing clerk
25 shall file the petition in his or her office without prejudice to the
26 filing of a new petition for the same purpose.

27 Sec. 12. Section 32-1306, Revised Statutes Supplement, 2019, is
28 amended to read:

29 32-1306 (1) If the recall petition is found to be sufficient, the
30 filing clerk shall notify the official whose removal is sought and the
31 governing body of the affected political subdivision that sufficient

1 signatures have been gathered. Notification of the official sought to be
2 removed may be by any method specified in section 25-505.01 or, if
3 notification cannot be made with reasonable diligence by any of the
4 methods specified in section 25-505.01, by leaving such notice at the
5 official's usual place of residence and mailing a copy by first-class
6 mail to the official's last-known address.

7 (2) The governing body of the political subdivision shall, within
8 twenty-one days after receipt of the notification from the filing clerk
9 pursuant to subsection (1) of this section, order an election. The date
10 of the election shall be the first available date that complies with
11 section 32-405 and that can be certified to the election commissioner or
12 county clerk at least fifty days prior to the election ~~to be held not~~
13 ~~less than fifty nor more than eighty days after the notification of the~~
14 ~~official whose removal is sought under subsection (1) of this section,~~
15 except that if any other election is to be held in that political
16 subdivision within ninety days after such notification, the governing
17 body of the political subdivision shall provide for the holding of the
18 recall election on the same day.

19 (3) All resignations shall be tendered as provided in section
20 32-562. If the official whose removal is sought resigns before the recall
21 election is held, the governing body may cancel the recall election if
22 the governing body notifies the election commissioner or county clerk of
23 the cancellation at least twenty-four days prior to the election,
24 otherwise the recall election shall be held as scheduled.

25 (4) ~~(3)~~ If the governing body of the political subdivision fails or
26 refuses to order a recall election within the time required, the election
27 may be ordered by the district court having jurisdiction over a county in
28 which the elected official serves. If a filing clerk is subject to a
29 recall election, the Secretary of State shall conduct the recall
30 election.

31 Sec. 13. Section 32-1525, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 32-1525 (1) No person shall conduct an exit poll, a public opinion
3 poll, or any other interview with voters on election day seeking to
4 determine voter preference within twenty feet of the entrance of any
5 polling place or, if inside the polling place or building, within one
6 hundred feet of any voting booth.

7 (2)(a) No poll watcher shall interfere with any voter in the
8 preparation or casting of such voter's ballot or prevent any election
9 worker from performing the worker's duties.

10 (b) A poll watcher shall not provide assistance to a voter as
11 described in section 32-918 unless selected by the voter to provide
12 assistance as provided in section 32-918.

13 (c) A poll watcher shall not engage in electioneering as defined in
14 section 32-1524 while engaged in observing at a polling place.

15 (d) A poll watcher shall maintain a distance of at least eight feet
16 from the sign-in table, the sign-in register, the polling booths, the
17 ballot box, and any ballots which have not been cast, except that if the
18 polling place is not large enough for a distance of eight feet, the judge
19 of election shall post a notice of the minimum distance the poll watcher
20 must maintain from the sign-in table, the sign-in register, the polling
21 booths, the ballot box, and any ballots which have not been cast. The
22 posted notice shall be clearly visible to the voters and shall be posted
23 prior to the opening of the polls on election day. The minimum distance
24 shall not be determined to exclude a poll watcher from being in the
25 polling place.

26 (3) Any person violating this section shall be guilty of a Class V
27 misdemeanor.

28 Sec. 14. Section 49-14,103.01, Reissue Revised Statutes of Nebraska,
29 is amended to read:

30 49-14,103.01 (1) For purposes of sections 49-14,103.01 to
31 49-14,103.06, unless the context otherwise requires, officer means (a) a

1 member of the board of directors of a natural resources district, (b) a
2 member of the board of directors of a district organized under Chapter
3 70, (c) a member of any board or commission of any county, school
4 district, city, or village which spends and administers its own funds,
5 who is dealing with a contract made by such board or commission, (d) {e}
6 any elected county, school district, educational service unit, city, or
7 village official, and (e) {d} a member of any board of directors or
8 trustees of a hospital district as provided by the Nebraska Local
9 Hospital District Act or a county hospital as provided by sections
10 23-3501 to 23-3519. Officer does not mean volunteer firefighters or
11 ambulance drivers with respect to their duties as firefighters or
12 ambulance drivers.

13 (2) Except as provided in section 49-1499.04 or 70-624.04, no
14 officer may have an interest in any contract to which his or her
15 governing body, or anyone for its benefit, is a party. The existence of
16 such an interest in any contract shall render the contract voidable by
17 decree of a court of competent jurisdiction as to any person who entered
18 into the contract or took assignment of such contract with actual
19 knowledge of the prohibited conflict.

20 (3) An action to have a contract declared void under this section
21 may be brought by the county attorney, the governing body, or any
22 resident within the jurisdiction of the governing body and shall be
23 brought within one year after the contract is signed or assigned. The
24 decree may provide for the reimbursement of any person for the reasonable
25 value of all money, goods, material, labor, or services furnished under
26 the contract, to the extent that the governing body has benefited
27 thereby.

28 (4) The prohibition in this section shall apply only when the
29 officer or his or her parent, spouse, or child (a) has a business
30 association as defined in section 49-1408 with the business involved in
31 the contract or (b) will receive a direct pecuniary fee or commission as

1 a result of the contract.

2 (5) The prohibition in this section does not apply if the contract
3 is an agenda item approved at a board meeting and the interested officer:

4 (a) Makes a declaration on the record to the governing body
5 responsible for approving the contract regarding the nature and extent of
6 his or her interest prior to official consideration of the contract;

7 (b) Does not vote on the matters of granting the contract, making
8 payments pursuant to the contract, or accepting performance of work under
9 the contract, or similar matters relating to the contract, except that if
10 the number of members of the governing body declaring an interest in the
11 contract would prevent the body with all members present from securing a
12 quorum on the issue, then all members may vote on the matters; and

13 (c) Does not act for the governing body which is party to the
14 contract as to inspection or performance under the contract in which he
15 or she has an interest.

16 (6) An officer who (a) has no business association as defined in
17 section 49-1408 with the business involved in the contract or (b) will
18 not receive a direct pecuniary fee or commission as a result of the
19 contract shall not be deemed to have an interest within the meaning of
20 this section.

21 (7) The receiving of deposits, cashing of checks, and buying and
22 selling of warrants and bonds of indebtedness of any such governing body
23 by a financial institution shall not be considered a contract for
24 purposes of this section. The ownership of less than five percent of the
25 outstanding shares of a corporation shall not constitute an interest
26 within the meaning of this section.

27 (8) If an officer's parent, spouse, or child is an employee of his
28 or her governing body, the officer may vote on all issues of the contract
29 which are generally applicable to (a) all employees or (b) all employees
30 within a classification and do not single out his or her parent, spouse,
31 or child for special action.

1 (9) Section 49-14,102 does not apply to contracts covered by
2 sections 49-14,103.01 to 49-14,103.06.

3 (10)(a) This section does not prohibit a director of a natural
4 resources district from acting as a participant in any of the
5 conservation or other general district programs which are available for
6 like participation to other residents and landowners of the district or
7 from granting, selling, or otherwise transferring to such district any
8 interest in real property necessary for the exercise of its powers and
9 authorities if the cost of acquisition thereof is equal to or less than
10 that established by a board of three credentialed real property
11 appraisers or by a court of competent jurisdiction in an eminent domain
12 proceeding.

13 (b) District payments to a director of a natural resources district
14 of the market value for real property owned by him or her and needed for
15 district projects, or for cost sharing for conservation work on such
16 director's land or land in which a director may have an interest, shall
17 not be deemed subject to this section.

18 Sec. 15. Original sections 32-103, 32-405, 32-960, 32-1305,
19 32-1525, and 49-14,103.01, Reissue Revised Statutes of Nebraska, section
20 32-312, Revised Statutes Cumulative Supplement, 2018, and sections
21 32-101, 32-910, and 32-1306, Revised Statutes Supplement, 2019, are
22 repealed.

23 Sec. 16. The following section is outright repealed: Section
24 70-642.02, Reissue Revised Statutes of Nebraska.