

AMENDMENTS TO LB1055

(Amendments to Standing Committee amendments, AM2573)

Introduced by La Grone, 49.

1           1. Insert the following new sections:

2           Section 1. Section 10-702, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4           10-702 The question of issuing school district bonds may be  
5 submitted at a special election or such question may be voted on at an  
6 election held in conjunction with the statewide primary or statewide  
7 general election. No bonds shall be issued until the question has been  
8 submitted to the qualified electors of the district and a majority of all  
9 the qualified electors voting on the question have voted in favor of  
10 issuing the same, at an election called for the purpose, upon notice  
11 given by the officers of the district at least twenty days prior to such  
12 election. If the election for issuing bonds is held as a special  
13 election, the procedures provided in section 10-703.01 shall be followed.  
14 The question of bond issues in such districts, when defeated, shall not,  
15 except in case of fire or other disaster or in the case of a newly  
16 created district, be resubmitted in substance for a period of six months  
17 from and after the date of such election.

18           When the question of issuing bonds is to be submitted at a statewide  
19 primary or statewide general election as ordered by a resolution of a  
20 majority of the members of the board of education, such order shall be  
21 made in writing and filed with the county clerk or election commissioner  
22 by March 1 for not less than fifty days prior to the statewide primary  
23 election or September 1 for the ~~or~~ statewide general election. The order  
24 calling for the school bond election shall be filed with the county clerk  
25 or election commissioner in the county having the greatest number of  
26 electors entitled to vote on the question. The county clerk or election

1 commissioner receiving such order shall conduct the school bond election  
2 for the school district as provided in the Election Act.

3 A special notice of the election shall be published by the board of  
4 education in a newspaper or newspapers of general circulation within the  
5 district stating the day of the election, the hours during which the  
6 polls will be open, and any other information deemed necessary in  
7 informing the public of the bond issue. The notice shall be made at least  
8 twenty days prior to the election.

9 If the question of submitting bonds for the school district is voted  
10 upon in one or more counties and the ballots have been certified across  
11 county lines, the election boards in the counties where the ballots are  
12 cast shall count the ballots on election day the same as all other  
13 ballots are counted and seal the same in their ballots-cast container  
14 along with other ballots.

15 The canvassing boards in each county shall canvass the returns in  
16 the same manner as other returns are canvassed.

17 The county clerk or election commissioner in any adjoining county  
18 voting on the bond issue shall certify the returns to the county clerk or  
19 election commissioner of the county having the greatest number of  
20 electors entitled to vote on the question of issuing bonds.

21 The county clerk or election commissioner in such county shall enter  
22 the total returns from any adjoining county or counties to the total  
23 votes recorded in his or her official book of votes cast and shall  
24 certify the returns to the board of education for which such bond  
25 election was held.

26 Sec. 7. Section 32-545, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 32-545 (1) A member of the board of education of a Class V school  
29 district shall be elected from each district provided for in section  
30 32-552. Such election shall be held on the date provided in subsection  
31 (2) ~~(3)~~ ~~or~~ ~~(4)~~ of this section. The members of such board of education

1 shall meet the qualifications found in sections 79-543 and 79-552.

2 ~~(2) The term of office of each member serving on February 12, 2013,~~  
3 ~~expires on the fourth Monday after such election in 2013.~~

4 ~~(3) At the election on the date provided in section 14-201 for the~~  
5 ~~election of elective officers of a city of the metropolitan class for~~  
6 ~~2013, members of the board shall be elected to serve for terms as~~  
7 ~~provided in subsection (4) of this section, from and including the fourth~~  
8 ~~Monday after their election or until their successors are elected and~~  
9 ~~qualified.~~

10 ~~(4)(a) In 2013, candidates from all districts for election to such~~  
11 ~~board of education shall be nominated at the primary election held for~~  
12 ~~nomination of candidates for city council pursuant to section 14-204.~~  
13 ~~Candidates for election to such board of education shall be nominated~~  
14 ~~upon a nonpartisan ballot.~~

15 ~~(2) (b) In 2014, candidates for election to such board of education~~  
16 ~~from even-numbered districts shall be nominated at the statewide primary~~  
17 ~~election and elected at the statewide general election and shall take~~  
18 ~~office on the first Monday in January 2015. Terms of the members elected~~  
19 ~~from such even-numbered districts in 2013 shall expire on such date. In~~  
20 ~~2016, candidates for election to such board of education from odd-~~  
21 ~~numbered districts shall be nominated at the statewide primary election~~  
22 ~~and elected at the statewide general election and shall take office on~~  
23 ~~the first Monday in January 2017. Terms of the members elected from odd-~~  
24 ~~numbered districts in 2013 shall expire on such date. Thereafter, all~~  
25 ~~members shall be nominated at the statewide primary election and elected~~  
26 ~~at the statewide general election, shall take office on the first Monday~~  
27 ~~in January following their election, and shall serve terms of four years~~  
28 ~~or until their successors are elected and qualified. Candidates for~~  
29 ~~election to such board of education shall be nominated upon the~~  
30 ~~nonpartisan ballot.~~

31 Sec. 8. Section 32-552, Revised Statutes Supplement, 2019, is

1 amended to read:

2 32-552 (1) At least five months prior to an election, the governing  
3 board of any political subdivision requesting the adjustment of the  
4 boundaries of election districts shall provide to the election  
5 commissioner or county clerk (a) written notice of the need and necessity  
6 of his or her office to perform such adjustments and (b) a revised  
7 election district boundary map that has been approved by the requesting  
8 political subdivision's governing board and subjected to all public  
9 review and challenge ordinances of the political subdivision.

10 (2) After the next federal decennial census, the election  
11 commissioner of the county in which the greater part of a Class IV school  
12 district is situated shall, subject to review by the school board, divide  
13 the school district into seven numbered districts, substantially equal in  
14 population as determined by the most recent federal decennial census. The  
15 election commissioner shall consider the location of schools within the  
16 district and their boundaries. The election commissioner shall adjust the  
17 boundaries of the election districts, subject to final review and  
18 adjustment by the school board, to conform to changes in the territory  
19 and population of the school district and also following each federal  
20 decennial census. Except when specific procedures are otherwise provided,  
21 section 32-553 shall apply to all Class IV school districts.

22 (3) For purposes of election of members to the board of education of  
23 a Class V school district:

24 (a)(i) The Legislature hereby divides such school district into nine  
25 numbered election districts of compact and contiguous territory and of as  
26 nearly equal population as may be practical. Each election district shall  
27 be entitled to one member on the board of education of such Class V  
28 school district. The Legislature adopts the official population figures  
29 and maps from the 2010 Census Redistricting (Public Law 94-171) TIGER/  
30 Line Shapefiles published by the United States Department of Commerce,  
31 Bureau of the Census. The numbers and boundaries of the election

1 districts are designated and established by a map identified and labeled  
2 as OPS-13-002, filed with the Clerk of the Legislature, and incorporated  
3 by reference as part of Laws 2013, LB125. Such districts are drawn using  
4 the boundaries of the Class V school district as they existed on February  
5 12, 2013; (ii) the Clerk of the Legislature shall transfer possession of  
6 the map referred to in subdivision (a)(i) of this subsection to the  
7 Secretary of State and the election commissioner of the county in which  
8 the greater part of the school district is situated on February 12, 2013;  
9 (iii) when questions of interpretation of such election district  
10 boundaries arise, the map referred to in subdivision (a)(i) of this  
11 subsection in possession of such election commissioner shall serve as the  
12 indication of the legislative intent in drawing the election district  
13 boundaries; and (iv) the Secretary of State and such election  
14 commissioner shall also have available for viewing on his or her web site  
15 the map referred to in subdivision (a)(i) of this subsection identifying  
16 the boundaries for such election districts; and ~~(v) the twelve numbered~~  
17 ~~districts in existence on January 1, 2013, shall remain unchanged until~~  
18 ~~the terms of members elected at the election in May 2013 begin; and~~

19 (b) After the next federal decennial census ~~after February 12, 2013,~~  
20 the election commissioner of the county in which the greater part of a  
21 Class V school district is situated shall divide the school district into  
22 nine numbered districts of compact and contiguous territory and of as  
23 nearly equal population as may be practical. The election commissioner  
24 shall adjust the boundaries of such districts, subject to final review  
25 and adjustment by the school board, to conform to changes in the  
26 territory of the school district and also following each federal  
27 decennial census.

28 Sec. 9. Section 32-606, Revised Statutes Cumulative Supplement,  
29 2018, is amended to read:

30 32-606 (1) Any candidate may place his or her name on the primary  
31 election ballot by filing a candidate filing form prescribed by the

1 Secretary of State as provided in section 32-607. Except as otherwise  
2 provided in subsection (4) of this section, if ~~If~~ a candidate for an  
3 elective office is an incumbent of any elective office, the filing period  
4 for filing the candidate filing form shall be between December 1 and  
5 February 15 prior to the date of the primary election, ~~except for~~  
6 ~~candidates for election in 2013 to the board of education of a Class V~~  
7 ~~school district.~~ No incumbent who resigns from elective office prior to  
8 the expiration of his or her term shall file for any office after  
9 February 15 of that election year. All ~~Incumbent and nonincumbent~~  
10 ~~candidates for election in 2013 to the board of education of a Class V~~  
11 ~~school district and all~~ other candidates shall file for office between  
12 December 1 and March 1 prior to the date of the primary election. A  
13 candidate filing form may be transmitted by facsimile for the offices  
14 listed in subdivision (1) of section 32-607 if (a) the transmission is  
15 received in the office of the filing officer by the filing deadline and  
16 (b) the original filing form is mailed to the filing officer with a  
17 legible postmark bearing a date on or prior to the filing deadline and is  
18 in the office of the filing officer no later than seven days after the  
19 filing deadline.

20 (2) Any candidate for a township office in a county under township  
21 organization, the board of trustees of a village, the board of directors  
22 of a reclamation district, the county weed district board, the board of  
23 directors of a public power district receiving annual gross revenue of  
24 less than forty million dollars, or the board of an educational service  
25 unit may place his or her name on the general election ballot by filing a  
26 candidate filing form prescribed by the Secretary of State as provided in  
27 section 32-607. Except as otherwise provided in subsection (4) of this  
28 section, if ~~If~~ a candidate for an elective office is an incumbent of any  
29 elective office, the filing period for filing the candidate filing form  
30 shall be between December 1 and July 15 prior to the date of the general  
31 election. No incumbent who resigns from elective office prior to the

1 expiration of his or her term shall file for any office after July 15 of  
2 that election year. All other candidates shall file for office between  
3 December 1 and August 1 prior to the date of the general election. A  
4 candidate filing form may be transmitted by facsimile for the offices  
5 listed in subdivision (1) of section 32-607 if (a) the transmission is  
6 received in the office of the filing officer by the filing deadline and  
7 (b) the original filing form is mailed to the filing officer with a  
8 legible postmark bearing a date on or prior to the filing deadline and is  
9 in the office of the filing officer no later than seven days after the  
10 filing deadline.

11 (3) Any city having a home rule charter may provide for filing  
12 deadlines for any person desiring to be a candidate for the office of  
13 council member or mayor.

14 (4) If a candidate for an elective office was appointed to an  
15 elective office to fill a vacancy after the deadline for an incumbent to  
16 file a candidate filing form in subsection (1) or (2) of this section but  
17 before the deadline for all other candidates, the candidate may file a  
18 candidate filing form for any office on or before the deadline for all  
19 other candidates.

20 Sec. 15. Section 32-1027, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 32-1027 (1) The election commissioner or county clerk shall appoint  
23 two or more registered voters to the counting board for early voting. One  
24 registered voter shall be appointed from the political party casting the  
25 highest number of votes for Governor or for President of the United  
26 States in the county in the immediately preceding general election, and  
27 one registered voter shall be appointed from the political party casting  
28 the next highest vote for such office. The election commissioner or  
29 county clerk may appoint additional registered voters to serve on the  
30 counting board and may appoint registered voters to serve in case of a  
31 vacancy among any of the members of the counting board. Such appointees

1 shall be balanced between the political parties and may include  
2 registered voters unaffiliated with any political party. The counting  
3 board may begin carrying out its duties not earlier than the second  
4 ~~Friday~~ Monday before the election and shall meet as directed by the  
5 election commissioner or county clerk.

6 (2) The counting board shall place all identification envelopes in  
7 order and shall review each returned identification envelope pursuant to  
8 verification procedures prescribed in subsections (3) and (4) of this  
9 section.

10 (3) In its review, the counting board shall determine if:

11 (a) The voter has provided his or her name, residence address, and  
12 signature on the voter identification envelope;

13 (b) The ballot has been received from the voter who requested it and  
14 the residence address is the same address provided on the voter's request  
15 for a ballot for early voting, by comparing the information provided on  
16 the identification envelope with information recorded in the record of  
17 early voters or the voter's request;

18 (c) A completed and signed registration application has been  
19 received from the voter by the deadline in section 32-302, 32-321, or  
20 32-325 or by the close of the polls pursuant to section 32-945;

21 (d) An identification document has been received from the voter not  
22 later than the close of the polls on election day if required pursuant to  
23 section 32-318.01; and

24 (e) A completed and signed registration application and oath has  
25 been received from the voter by the close of the polls on election day if  
26 required pursuant to section 32-946.

27 (4) On the basis of its review, the counting board shall determine  
28 whether the ballot shall be counted or rejected as follows:

29 (a) A ballot received from a voter who was properly registered on or  
30 prior to the deadline for registration pursuant to section 32-302 or  
31 32-321 shall be accepted for counting without further review if:

1 (i) The name on the identification envelope appears to be that of a  
2 registered voter to whom a ballot for early voting has been issued or  
3 sent;

4 (ii) The residence address provided on the identification envelope  
5 is the same residence address at which the voter is registered or is in  
6 the same precinct and subdivision of a precinct, if any; and

7 (iii) The identification envelope has been signed by the voter;

8 (b) In the case of a ballot received from a voter who was not  
9 properly registered prior to the deadline for registration pursuant to  
10 section 32-302 or 32-321, the ballot shall be accepted for counting if:

11 (i) A valid registration application completed and signed by the  
12 voter has been received by the election commissioner or county clerk  
13 prior to the close of the polls on election day;

14 (ii) The name on the identification envelope appears to be that of  
15 the person who requested the ballot;

16 (iii) The residence address provided on the identification envelope  
17 and on the registration application is the same as the residence address  
18 as provided on the voter's request for a ballot for early voting; and

19 (iv) The identification envelope has been signed by the voter;

20 (c) In the case of a ballot received from a voter without a  
21 residence address who requested a ballot pursuant to section 32-946, the  
22 ballot shall be accepted for counting if:

23 (i) The name on the identification envelope appears to be that of a  
24 registered voter to whom a ballot has been sent;

25 (ii) A valid registration application completed and signed by the  
26 voter, for whom the residence address is deemed to be the address of the  
27 office of the election commissioner or county clerk pursuant to section  
28 32-946, has been received by the election commissioner or county clerk  
29 prior to the close of the polls on election day;

30 (iii) The oath required pursuant to section 32-946 has been  
31 completed and signed by the voter and received by the election

1 commissioner or county clerk by the close of the polls on election day;  
2 and

3 (iv) The identification envelope has been signed by the voter; and

4 (d) In the case of a ballot received from a registered voter  
5 required to present identification before voting pursuant to section  
6 32-318.01, the ballot shall be accepted for counting if:

7 (i) The name on the identification envelope appears to be that of a  
8 registered voter to whom a ballot has been issued or sent;

9 (ii) The residence address provided on the identification envelope  
10 is the same address at which the voter is registered or is in the same  
11 precinct and subdivision of a precinct, if any;

12 (iii) A copy of an identification document authorized in section  
13 32-318.01 has been received by the election commissioner or county clerk  
14 prior to the close of the polls on election day; and

15 (iv) The identification envelope has been signed by the voter.

16 (5) In opening the identification envelope or the return envelope to  
17 determine if registration applications, oaths, or identification  
18 documents have been enclosed by the voters from whom they are required,  
19 the counting board shall make a good faith effort to ensure that the  
20 ballot remains folded and that the secrecy of the vote is preserved.

21 (6) The counting board may, on the second ~~Friday~~ Monday before the  
22 election, open all identification envelopes which are approved, and if  
23 the signature of the election commissioner or county clerk or his or her  
24 employee is on the ballot, the ballot shall be unfolded, flattened for  
25 purposes of using the optical scanner, and placed in a sealed container  
26 for counting as directed by the election commissioner or county clerk. At  
27 the discretion of the election commissioner or county clerk, the counting  
28 board may begin counting early ballots no earlier than twenty-four hours  
29 prior to the opening of the polls on the day of the election.

30 (7) If an identification envelope is rejected, the counting board  
31 shall not open the identification envelope. The counting board shall

1 write Rejected on the identification envelope and the reason for the  
2 rejection. If the ballot is rejected after opening the identification  
3 envelope because of the absence of the official signature on the ballot,  
4 the ballot shall be reinserted in the identification envelope which shall  
5 be resealed and marked Rejected, no official signature. The counting  
6 board shall place the rejected identification envelopes and ballots in a  
7 container labeled Rejected Ballots and seal it.

8 (8) As soon as all ballots have been placed in the sealed container  
9 and rejected identification envelopes or ballots have been sealed in the  
10 Rejected Ballots container, the counting board shall count the ballots  
11 the same as all other ballots and an unofficial count shall be reported  
12 to the election commissioner or county clerk. No results shall be  
13 released prior to the closing of the polls on election day.

14 Sec. 20. Section 79-552, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 79-552 The board of education of a Class V school district shall  
17 ~~consist of twelve members until the fourth Monday after the date in 2013~~  
18 ~~of the election held pursuant to section 14-201 and~~ shall consist of nine  
19 ~~members thereafter.~~ One member shall be elected from each district  
20 pursuant to section 32-545. Each elected member shall be a resident of  
21 the district for at least six months prior to the election. Each  
22 candidate for election to and each member of the board of education shall  
23 be a taxpayer in and a resident of the district of such school district  
24 as designated pursuant to section 32-552.

25 2. On page 4, line 24, strike the new matter; and in line 26 after  
26 the period insert "No special election shall be held under the Election  
27 Act in September of an even-numbered year except for a special election  
28 by a political subdivision pursuant to section 13-519 or 77-3444 to  
29 approve a property tax levy or exceed a property tax levy limitation.".

30 3. On page 14, line 18, after "sections" insert "10-702,", after  
31 "32-405," insert "32-545,", and after "32-960," insert "32-1027,"; in

- 1 line 19 strike "and", after "49-14,103.01," insert "and 79-552,", and
- 2 strike "section" and insert "sections"; in line 20 after "32-312" insert
- 3 "and 32-606"; and in line 21 after the first comma insert "32-552,".
- 4 4. Renumber the remaining sections and correct internal references
- 5 accordingly.