

E AND R AMENDMENTS TO LB 1055

Introduced by Slama, 1, Chairman Enrollment and Review

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

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

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

19           When the question of issuing bonds is to be submitted at a statewide  
20 primary or statewide general election as ordered by a resolution of a  
21 majority of the members of the board of education, such order shall be  
22 made in writing and filed with the county clerk or election commissioner  
23 by March 1 for not less than fifty days prior to the statewide primary  
24 election or September 1 for the or statewide general election. The order  
25 calling for the school bond election shall be filed with the county clerk  
26 or election commissioner in the county having the greatest number of  
27 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. 2. Section 32-101, Revised Statutes Supplement, 2019, is  
27 amended to read:

28 32-101 Sections 32-101 to 32-1551 and sections 4 and 10 to 12 of  
29 this act shall be known and may be cited as the Election Act.

30 Sec. 3. Section 32-103, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           32-103 For purposes of the Election Act, the definitions found in  
2 sections 32-104 to 32-120 and section 4 of this act shall be used.

3           Sec. 4. Poll watcher means an individual appointed pursuant to  
4 section 10 of this act who is legally in a polling place to observe the  
5 conduct of the election.

6           Sec. 5. Section 32-312, Revised Statutes Cumulative Supplement,  
7 2018, is amended to read:

8           32-312 The registration application prescribed by the Secretary of  
9 State pursuant to section 32-304 or 32-311.01 shall provide the  
10 instructional statements and request the information from the applicant  
11 as provided in this section.

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

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

19           WARNING—"If you checked 'no' in response to either of these  
20 questions, do not complete this application."

21           NAME—the name of the applicant giving the first and last name in  
22 full, the middle name in full or the middle initial, and the maiden name  
23 of the applicant, if applicable.

24           RESIDENCE—the name and number of the street, avenue, or other  
25 location of the dwelling where the applicant resides if there is a  
26 number. If the registrant resides in a hotel, apartment, tenement house,  
27 or institution, such additional information shall be included as will  
28 give the exact location of such registrant's place of residence. If the  
29 registrant lives in an incorporated or unincorporated area not identified  
30 by the use of roads, road names, or house numbers, the registrant shall  
31 state the section, township, and range of his or her residence and the

1 corporate name of the school district as described in section 79-405 in  
2 which he or she is located.

3 POSTAL ADDRESS—the address at which the applicant receives mail if  
4 different from the residence address.

5 ADDRESS OF LAST REGISTRATION—the name and number of the street,  
6 avenue, or other location of the dwelling from which the applicant last  
7 registered.

8 TELEPHONE NUMBERS—the telephone numbers ~~number~~ of the applicant—~~at~~  
9 ~~work and at home~~. At the request of the applicant, a designation shall be  
10 made that a ~~the~~ telephone number is an unlisted number, and such  
11 designation shall preclude the listing of such ~~the applicant's~~ telephone  
12 number on any list of voter registrations.

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

17 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY  
18 NUMBER—if the applicant has a Nebraska driver's license, the license  
19 number, and if the applicant does not have a Nebraska driver's license,  
20 the last four digits of the applicant's social security number.

21 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when  
22 the applicant presented himself or herself for registration, when the  
23 applicant completed and signed the registration application if the  
24 application was submitted by mail or delivered to the election official  
25 by the applicant's personal messenger or personal agent, or when the  
26 completed application was submitted if the registration application was  
27 completed pursuant to section 32-304.

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

30 DATE OF BIRTH—show the date of the applicant's birth. The applicant  
31 shall be at least eighteen years of age or attain eighteen years of age

1 on or before the first Tuesday after the first Monday in November to have  
2 the right to register and vote in any election in the present calendar  
3 year.

4 REGISTRATION TAKEN BY—show the signature of the authorized official  
5 or staff member accepting the application pursuant to section 32-309 or  
6 32-310 or at least one of the deputy registrars taking the application  
7 pursuant to section 32-306, if applicable.

8 PARTY AFFILIATION—show the party affiliation of the applicant as  
9 Democrat, Republican, or Other ..... or show no party affiliation as  
10 Nonpartisan. (Note: If you wish to vote in both partisan and nonpartisan  
11 primary elections for state and local offices, you must indicate a  
12 political party affiliation on the registration application. If you  
13 register without a political party affiliation (nonpartisan), you will  
14 receive only the nonpartisan ballots for state and local offices at  
15 primary elections. If you register without a political party affiliation,  
16 you may vote in partisan primary elections for congressional offices.)

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

19 Immediately following the spaces for inserting information as  
20 provided in this section, the following statement shall be printed:

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

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

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

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

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

31 Any registrant who signs this application knowing that any of the

1 information in the application is false shall be guilty of a Class IV  
2 felony under section 32-1502 of the statutes of Nebraska. The penalty for  
3 a Class IV felony is up to two years imprisonment and twelve months post-  
4 release supervision, a fine of up to ten thousand dollars, or both.

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

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

9 32-405 Any special election under the Election Act shall be held on  
10 the first Tuesday following the second Monday of the selected month  
11 unless otherwise specifically provided. No special election shall be held  
12 under the Election Act in April, May, June, October, November, or  
13 December of an even-numbered year unless it is held in conjunction with  
14 the statewide primary or general election. No special election shall be  
15 held under the Election Act in September of an even-numbered year except  
16 for a special election by a political subdivision pursuant to section  
17 13-519 or 77-3444 to approve a property tax levy or exceed a property tax  
18 levy limitation. A special election for a Class III, IV, or V school  
19 district which is located in whole or in part in a county in which a city  
20 of the primary or metropolitan class is located may be held in  
21 conjunction with the primary or general election for a city of the  
22 primary or metropolitan class which is governed by a home rule charter.

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

25 32-545 (1) A member of the board of education of a Class V school  
26 district shall be elected from each district provided for in section  
27 32-552. Such election shall be held on the date provided in subsection  
28 ~~(2) (3) or (4)~~ of this section. The members of such board of education  
29 shall meet the qualifications found in sections 79-543 and 79-552.

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

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

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

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

28           Sec. 8. Section 32-552, Revised Statutes Supplement, 2019, is  
29 amended to read:

30           32-552 (1) At least five months prior to an election, the governing  
31 board of any political subdivision requesting the adjustment of the

1 boundaries of election districts shall provide to the election  
2 commissioner or county clerk (a) written notice of the need and necessity  
3 of his or her office to perform such adjustments and (b) a revised  
4 election district boundary map that has been approved by the requesting  
5 political subdivision's governing board and subjected to all public  
6 review and challenge ordinances of the political subdivision.

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

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

21 (a)(i) The Legislature hereby divides such school district into nine  
22 numbered election districts of compact and contiguous territory and of as  
23 nearly equal population as may be practical. Each election district shall  
24 be entitled to one member on the board of education of such Class V  
25 school district. The Legislature adopts the official population figures  
26 and maps from the 2010 Census Redistricting (Public Law 94-171) TIGER/  
27 Line Shapefiles published by the United States Department of Commerce,  
28 Bureau of the Census. The numbers and boundaries of the election  
29 districts are designated and established by a map identified and labeled  
30 as OPS-13-002, filed with the Clerk of the Legislature, and incorporated  
31 by reference as part of Laws 2013, LB125. Such districts are drawn using



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

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

25 Sec. 9. Section 32-606, Revised Statutes Cumulative Supplement,  
26 2018, is amended to read:

27 32-606 (1) Any candidate may place his or her name on the primary  
28 election ballot by filing a candidate filing form prescribed by the  
29 Secretary of State as provided in section 32-607. Except as otherwise  
30 provided in subsection (4) of this section, if If a candidate for an  
31 elective office is an incumbent of any elective office, the filing period

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

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

1 candidate filing form may be transmitted by facsimile for the offices  
2 listed in subdivision (1) of section 32-607 if (a) the transmission is  
3 received in the office of the filing officer by the filing deadline and  
4 (b) the original filing form is mailed to the filing officer with a  
5 legible postmark bearing a date on or prior to the filing deadline and is  
6 in the office of the filing officer no later than seven days after the  
7 filing deadline.

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

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

17 Sec. 10. (1)(a) To be eligible to be a poll watcher, an individual  
18 shall be either:

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

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

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

25 (2) For poll watchers eligible under subdivision (1)(a)(i) of this  
26 section, any political party in Nebraska, a candidate for election in  
27 Nebraska not affiliated with a political party, an organization of  
28 persons interested in a question on the ballot, or a nonpartisan  
29 organization interested in Nebraska's elections and the elective process  
30 may appoint one or more poll watchers. Any such person or organization  
31 intending to appoint one or more poll watchers shall provide written

1 notification to the election commissioner or county clerk of the county  
2 in which the poll watchers will be active on election day no later than  
3 the close of business on the Wednesday prior to election day. The  
4 notification shall include a list of appointed poll watchers and a list  
5 of the precincts that the poll watchers plan to observe and shall be  
6 provided prior to each election at which one or more poll watchers will  
7 be active. A poll watcher shall not be denied entry to a polling place  
8 because the poll watcher is not on the list or because the precinct is  
9 not on the list.

10 (3) For poll watchers eligible under subdivision (1)(a)(ii) of this  
11 section, any national or international election monitoring organization  
12 intending to appoint one or more poll watchers shall provide written  
13 notification to the Secretary of State no later than the close of  
14 business on the Wednesday prior to election day. The notification shall  
15 include a list of appointed poll watchers and a list of the counties and  
16 precincts to be observed and shall be provided prior to each election at  
17 which one or more poll watchers will be active.

18 Sec. 11. (1) For poll watchers eligible under subdivision (1)(a)(i)  
19 of section 10 of this act, the election commissioner or county clerk  
20 shall provide a credential as an election observer for each poll watcher  
21 for whom the election commissioner or county clerk receives notice of  
22 appointment under section 10 of this act. The election commissioner or  
23 county clerk may approve, as a credential, a name badge provided by the  
24 person who appointed the poll watcher if the name badge includes the name  
25 of the poll watcher and the name of the person or organization who  
26 appointed the poll watcher and if the name badge does not contain any  
27 campaign materials advocating a vote for or against any candidate,  
28 political party, or position on a ballot question.

29 (2) For poll watchers eligible under subdivision (1)(a)(ii) of  
30 section 10 of this act, the Secretary of State shall provide the national  
31 or international election monitoring organization with the proper

1 credentials for each poll watcher for whom the Secretary of State  
2 receives notice. The Secretary of State shall also notify the election  
3 commissioner or county clerk in each of the counties in which the poll  
4 workers would be observing, and the notice shall include the name of the  
5 organization, a list of the poll watchers, a description of the  
6 credential that will be worn by the poll watchers, and the plans of the  
7 organization for election day, including which counties and precincts the  
8 organization plans to observe.

9       Sec. 12. (1) Upon arrival at a polling place, a poll watcher shall  
10 display such poll watcher's credentials to the precinct inspector or  
11 precinct receiving board and sign the register of poll watchers. The  
12 election commissioner or county clerk shall provide a register at each  
13 precinct for poll watchers to sign. A poll watcher shall wear the  
14 approved credential with the poll watcher's name and the name of the  
15 person or organization who appointed the poll watcher while engaged in  
16 observing at a polling place.

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

21       (3) If a poll watcher or the person or organization who appointed  
22 the poll watcher wishes to protest any aspect of the conduct of the  
23 election, such poll watcher, person, or organization shall present such  
24 protest to the Secretary of State or to the election commissioner or  
25 county clerk of the applicable county. The Secretary of State, election  
26 commissioner, or county clerk shall rule on the issue within a reasonable  
27 amount of time relative to the issue presented.

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

30       32-910 Any judge or clerk of election, precinct or district  
31 inspector, sheriff, or other peace officer shall clear the passageways

1 and prevent obstruction of the doors or entries and provide free ingress  
2 to and egress from the polling place or building and shall arrest any  
3 person obstructing such passageways. Other than a registered voter  
4 engaged in receiving, preparing, or marking a ballot or depositing a  
5 ballot in a ballot box or a precinct-based optical scanner at the polling  
6 place, an election commissioner, a county clerk, a precinct inspector, a  
7 district inspector, a judge of election, a clerk of election, ~~or~~ a member  
8 of a counting board, or a poll watcher as provided in section 32-1525, no  
9 person shall be permitted to be within eight feet of the ballot boxes or  
10 within eight feet of any ballots being counted by a counting board.

11 Sec. 14. Section 32-960, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 32-960 (1) In any county with less than ten thousand inhabitants,  
14 the county clerk may apply to the Secretary of State to mail ballots for  
15 all elections held after approval of the application to registered voters  
16 of any or all of the precincts in the county ~~in lieu of establishing~~  
17 ~~polling places for such precincts.~~ The application shall include a  
18 written plan for the conduct of the election which complies with this  
19 section, including a timetable for the conduct of the election and  
20 provisions for the notice of election to be published and for the  
21 application for ballots for early voting notwithstanding other statutory  
22 provisions regarding the content and publication of a notice of election  
23 or the application for ballots for early voting. If the Secretary of  
24 State approves such application for one or more precincts in the county,  
25 the county clerk shall follow the applicable procedures in sections  
26 32-953 to 32-959 for conducting elections by mail, except that the  
27 deadline for receipt of the ballots shall be 8 p.m. on the day of the  
28 election.

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

31 (a) Shall allow a voter to return the ballot by hand-delivering it

1 to the office of the county clerk;

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

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

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

15 (e) May provide additional secure ballot drop-boxes and in-person  
16 voting locations that need not be open according to the requirements of  
17 subdivisions (b) and (c) of this subsection.

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

20 32-1027 (1) The election commissioner or county clerk shall appoint  
21 two or more registered voters to the counting board for early voting. One  
22 registered voter shall be appointed from the political party casting the  
23 highest number of votes for Governor or for President of the United  
24 States in the county in the immediately preceding general election, and  
25 one registered voter shall be appointed from the political party casting  
26 the next highest vote for such office. The election commissioner or  
27 county clerk may appoint additional registered voters to serve on the  
28 counting board and may appoint registered voters to serve in case of a  
29 vacancy among any of the members of the counting board. Such appointees  
30 shall be balanced between the political parties and may include  
31 registered voters unaffiliated with any political party. The counting

1 board may begin carrying out its duties not earlier than the second  
2 ~~Friday~~ ~~Monday~~ before the election and shall meet as directed by the  
3 election commissioner or county clerk.

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

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

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

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

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

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

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

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

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

30 (i) The name on the identification envelope appears to be that of a  
31 registered voter to whom a ballot for early voting has been issued or



1 sent;

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

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

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

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

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

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

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

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

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

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

28 (iii) The oath required pursuant to section 32-946 has been  
29 completed and signed by the voter and received by the election  
30 commissioner or county clerk by the close of the polls on election day;  
31 and

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

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

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

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

10 (iii) A copy of an identification document authorized in section  
11 32-318.01 has been received by the election commissioner or county clerk  
12 prior to the close of the polls on election day; and

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

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

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

28 (7) If an identification envelope is rejected, the counting board  
29 shall not open the identification envelope. The counting board shall  
30 write Rejected on the identification envelope and the reason for the  
31 rejection. If the ballot is rejected after opening the identification

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

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

12 Sec. 16. Section 32-1305, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 32-1305 (1) The principal circulator or circulators shall file, as  
15 one instrument, all petition papers comprising a recall petition for  
16 signature verification with the filing clerk within thirty days after the  
17 filing clerk issues the initial petition papers to the principal  
18 circulator or circulators as provided in section 32-1303.

19 (2) If the filing clerk is the subject of a recall petition, the  
20 signature verification process shall be conducted by two election  
21 commissioners or county clerks appointed by the Secretary of State.  
22 Mileage and expenses incurred by officials appointed pursuant to this  
23 subsection shall be reimbursed by the political subdivision involved in  
24 the recall.

25 (3) Within fifteen business days after the filing of the petition,  
26 the filing clerk shall ascertain whether or not the petition is signed by  
27 the requisite number of registered voters. No new signatures may be added  
28 after the initial filing of the petition papers. No signatures may be  
29 removed unless the filing clerk receives an affidavit signed by the  
30 person requesting his or her signature be removed before the petitions  
31 are filed with the filing clerk for signature verification. If the

1 petition is found to be sufficient, the filing clerk shall attach to the  
2 petition a certificate showing the result of such examination. If the  
3 requisite number of signatures has not been gathered, the filing clerk  
4 shall file the petition in his or her office without prejudice to the  
5 filing of a new petition for the same purpose.

6 Sec. 17. Section 32-1306, Revised Statutes Supplement, 2019, is  
7 amended to read:

8 32-1306 (1) If the recall petition is found to be sufficient, the  
9 filing clerk shall notify the official whose removal is sought and the  
10 governing body of the affected political subdivision that sufficient  
11 signatures have been gathered. Notification of the official sought to be  
12 removed may be by any method specified in section 25-505.01 or, if  
13 notification cannot be made with reasonable diligence by any of the  
14 methods specified in section 25-505.01, by leaving such notice at the  
15 official's usual place of residence and mailing a copy by first-class  
16 mail to the official's last-known address.

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

29 (3) All resignations shall be tendered as provided in section  
30 32-562. If the official whose removal is sought resigns before the recall  
31 election is held, the governing body may cancel the recall election if

1 the governing body notifies the election commissioner or county clerk of  
2 the cancellation at least twenty-four days prior to the election,  
3 otherwise the recall election shall be held as scheduled.

4 (4) {3} If the governing body of the political subdivision fails or  
5 refuses to order a recall election within the time required, the election  
6 may be ordered by the district court having jurisdiction over a county in  
7 which the elected official serves. If a filing clerk is subject to a  
8 recall election, the Secretary of State shall conduct the recall  
9 election.

10 Sec. 18. Section 32-1525, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 32-1525 (1) No person shall conduct an exit poll, a public opinion  
13 poll, or any other interview with voters on election day seeking to  
14 determine voter preference within twenty feet of the entrance of any  
15 polling place or, if inside the polling place or building, within one  
16 hundred feet of any voting booth.

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

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

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

25 (d) A poll watcher shall maintain a distance of at least eight feet  
26 from the sign-in table, the sign-in register, the polling booths, the  
27 ballot box, and any ballots which have not been cast, except that if the  
28 polling place is not large enough for a distance of eight feet, the judge  
29 of election shall post a notice of the minimum distance the poll watcher  
30 must maintain from the sign-in table, the sign-in register, the polling  
31 booths, the ballot box, and any ballots which have not been cast. The

1 posted notice shall be clearly visible to the voters and shall be posted  
2 prior to the opening of the polls on election day. The minimum distance  
3 shall not be determined to exclude a poll watcher from being in the  
4 polling place.

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

7 Sec. 19. Section 49-14,103.01, Reissue Revised Statutes of Nebraska,  
8 is amended to read:

9 49-14,103.01 (1) For purposes of sections 49-14,103.01 to  
10 49-14,103.06, unless the context otherwise requires, officer means (a) a  
11 member of the board of directors of a natural resources district, (b) a  
12 member of the board of directors of a district organized under Chapter  
13 70, (c) a member of any board or commission of any county, school  
14 district, city, or village which spends and administers its own funds,  
15 who is dealing with a contract made by such board or commission, (d) ~~(e)~~  
16 any elected county, school district, educational service unit, city, or  
17 village official, and (e) ~~(d)~~ a member of any board of directors or  
18 trustees of a hospital district as provided by the Nebraska Local  
19 Hospital District Act or a county hospital as provided by sections  
20 23-3501 to 23-3519. Officer does not mean volunteer firefighters or  
21 ambulance drivers with respect to their duties as firefighters or  
22 ambulance drivers.

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

30 (3) An action to have a contract declared void under this section  
31 may be brought by the county attorney, the governing body, or any

1 resident within the jurisdiction of the governing body and shall be  
2 brought within one year after the contract is signed or assigned. The  
3 decree may provide for the reimbursement of any person for the reasonable  
4 value of all money, goods, material, labor, or services furnished under  
5 the contract, to the extent that the governing body has benefited  
6 thereby.

7 (4) The prohibition in this section shall apply only when the  
8 officer or his or her parent, spouse, or child (a) has a business  
9 association as defined in section 49-1408 with the business involved in  
10 the contract or (b) will receive a direct pecuniary fee or commission as  
11 a result of the contract.

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

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

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

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

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

31 (7) The receiving of deposits, cashing of checks, and buying and

1 selling of warrants and bonds of indebtedness of any such governing body  
2 by a financial institution shall not be considered a contract for  
3 purposes of this section. The ownership of less than five percent of the  
4 outstanding shares of a corporation shall not constitute an interest  
5 within the meaning of this section.

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

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

13 (10)(a) This section does not prohibit a director of a natural  
14 resources district from acting as a participant in any of the  
15 conservation or other general district programs which are available for  
16 like participation to other residents and landowners of the district or  
17 from granting, selling, or otherwise transferring to such district any  
18 interest in real property necessary for the exercise of its powers and  
19 authorities if the cost of acquisition thereof is equal to or less than  
20 that established by a board of three credentialed real property  
21 appraisers or by a court of competent jurisdiction in an eminent domain  
22 proceeding.

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

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

30 79-552 The board of education of a Class V school district shall  
31 ~~consist of twelve members until the fourth Monday after the date in 2013~~



1 ~~of the election held pursuant to section 14-201~~ and shall consist of nine  
2 ~~members thereafter~~. One member shall be elected from each district  
3 pursuant to section 32-545. Each elected member shall be a resident of  
4 the district for at least six months prior to the election. Each  
5 candidate for election to and each member of the board of education shall  
6 be a taxpayer in and a resident of the district of such school district  
7 as designated pursuant to section 32-552.

8       Sec. 21. Original sections 10-702, 32-103, 32-405, 32-545, 32-960,  
9 32-1027, 32-1305, 32-1525, 49-14,103.01, and 79-552, Reissue Revised  
10 Statutes of Nebraska, sections 32-312 and 32-606, Revised Statutes  
11 Cumulative Supplement, 2018, and sections 32-101, 32-552, 32-910, and  
12 32-1306, Revised Statutes Supplement, 2019, are repealed.

13       Sec. 22. The following section is outright repealed: Section  
14 70-642.02, Reissue Revised Statutes of Nebraska.

15       2. On page 1, strike beginning with "the" in line 1 through line 4  
16 and insert "government; to amend sections 10-702, 32-103, 32-405, 32-545,  
17 32-960, 32-1027, 32-1305, 32-1525, 49-14,103.01, and 79-552, Reissue  
18 Revised Statutes of Nebraska, sections 32-312 and 32-606, Revised  
19 Statutes Cumulative Supplement, 2018, and sections 32-101, 32-552,  
20 32-910, and 32-1306, Revised Statutes Supplement, 2019; to change  
21 requirements for the issuance of certain bonds; to define a term under  
22 the Election Act and change provisions relating to voter registration  
23 applications, special elections, certain incumbent filing deadlines,  
24 voting by mail, early voting, petition signatures, and recall elections;  
25 to eliminate obsolete provisions; to provide for poll watchers and for  
26 powers and duties; to provide a penalty; to change provisions of the  
27 Nebraska Political Accountability and Disclosure Act relating to an  
28 interest in a contract by certain officers; to eliminate a prohibition  
29 against an interest in a contract by a board member of a public power and  
30 irrigation district; to harmonize provisions; to repeal the original  
31 sections; and to outright repeal section 70-642.02, Reissue Revised

1 Statutes of Nebraska."