

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 501

FINAL READING

Introduced by Sullivan, 41; Karpisek, 32.

Read first time January 21, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-607,
2 32-960, 77-27,142.01, 77-27,142.02, and 77-27,142.03,
3 Reissue Revised Statutes of Nebraska, and section
4 13-519, Revised Statutes Cumulative Supplement, 2008; to
5 change provisions relating to the submission of certain
6 questions at an election; to change candidate filing
7 form requirements; to change population requirements for
8 elections conducted by mail; and to repeal the original
9 sections.

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

1 Section 1. Section 13-519, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 13-519 (1) (a) Subject to subdivisions (1) (b) and (c) of
4 this section, for all fiscal years beginning on or after July
5 1, 1998, no governmental unit shall adopt a budget containing
6 a total of budgeted restricted funds more than the last prior
7 year's total of budgeted restricted funds plus allowable growth
8 plus the basic allowable growth percentage of the base limitation
9 established under section 77-3446. For the second fiscal year in
10 which a county will receive a full year of receipts from the tax
11 imposed in sections 77-27,223 to 77-27,227, the prior year's total
12 of restricted funds shall be the prior year's total of restricted
13 funds plus the total receipts from the tax imposed in sections
14 77-27,223 to 77-27,227 in the prior year. If a governmental unit
15 transfers the financial responsibility of providing a service
16 financed in whole or in part with restricted funds to another
17 governmental unit or the state, the amount of restricted funds
18 associated with providing the service shall be subtracted from
19 the last prior year's total of budgeted restricted funds for the
20 previous provider and may be added to the last prior year's total
21 of restricted funds for the new provider. For governmental units
22 that have consolidated, the calculations made under this section
23 for consolidating units shall be made based on the combined total
24 of restricted funds, population, or full-time equivalent students
25 of each governmental unit.

1 (b) For all fiscal years beginning on or after July 1,
2 2005, the last prior year's total of budgeted restricted funds
3 shall be increased for a community college area by adding to such
4 area's fiscal year base-year revenue the amount of revenue to be
5 collected under subdivision (2)(c) of section 85-1517 that is in
6 excess of the amount budgeted under this subdivision in the prior
7 fiscal year.

8 (c) For all fiscal years beginning on or after July
9 1, 2008, educational service units may exceed the limitations
10 of subdivision (1)(a) of this section to the extent that one
11 hundred ten percent of the needs for the educational service unit
12 calculated pursuant to section 79-1241.03 exceeds the budgeted
13 restricted funds allowed pursuant to subdivision (1)(a) of this
14 section.

15 (2) A governmental unit may exceed the limit provided in
16 subdivisions (1)(a) and (b) of this section for a fiscal year by up
17 to an additional one percent upon the affirmative vote of at least
18 seventy-five percent of the governing body.

19 (3) A governmental unit may exceed the applicable
20 allowable growth percentage otherwise prescribed in this section
21 by an amount approved by a majority of legal voters voting on
22 the issue at a special election called for such purpose upon the
23 recommendation of the governing body or upon the receipt by the
24 county clerk or election commissioner of a petition requesting an
25 election signed by at least five percent of the legal voters of

1 the governmental unit. The recommendation of the governing body
2 or the petition of the legal voters shall include the amount and
3 percentage by which the governing body would increase its budgeted
4 restricted funds for the ensuing year over and above the current
5 year's budgeted restricted funds. The county clerk or election
6 commissioner shall call for a special election on the issue within
7 ~~fifteen~~ thirty days after the receipt of such governing body
8 recommendation or legal voter petition. The election shall be held
9 pursuant to the Election Act, and all costs shall be paid by the
10 governing body. The issue may be approved on the same question as a
11 vote to exceed the levy limits provided in section 77-3444.

12 (4) In lieu of the election procedures in subsection (3)
13 of this section, any governmental unit may exceed the allowable
14 growth percentage otherwise prescribed in this section by an amount
15 approved by a majority of legal voters voting at a meeting of
16 the residents of the governmental unit, called after notice is
17 published in a newspaper of general circulation in the governmental
18 unit at least twenty days prior to the meeting. At least ten
19 percent of the registered voters residing in the governmental unit
20 shall constitute a quorum for purposes of taking action to exceed
21 the allowable growth percentage. If a majority of the registered
22 voters present at the meeting vote in favor of exceeding the
23 allowable growth percentage, a copy of the record of that action
24 shall be forwarded to the Auditor of Public Accounts along with
25 the budget documents. The issue to exceed the allowable growth

1 percentage may be approved at the same meeting as a vote to exceed
2 the limits or final levy allocation provided in section 77-3444.

3 Sec. 2. Section 32-607, Reissue Revised Statutes of
4 Nebraska, is amended to read:

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

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

23 (2) For officers elected within a county, in the office
24 of the election commissioner or county clerk. If the candidate is
25 not a resident of the county, he or she shall submit a certificate

1 of registration obtained under section 32-316 with the candidate
2 filing form;

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

10 (4) For city or village officers, in the office of the
11 city or village clerk, except that in the case of joint elections,
12 the filing may be either in the office of the election commissioner
13 or county clerk or in the office of the city or village clerk with
14 deputized personnel. When the city or village clerk is deputized to
15 take filings, he or she shall return all filings to the office of
16 the election commissioner or county clerk by the end of the next
17 business day following the filing deadline.

18 Sec. 3. Section 32-960, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-960 In any county with less than ~~seven~~ ten thousand
21 inhabitants, the county clerk may apply to the Secretary of State
22 to mail ballots for all elections held after approval of the
23 application to registered voters of any or all of the precincts
24 in the county in lieu of establishing polling places for such
25 precincts. The application shall include a written plan for the

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

12 Sec. 4. Section 77-27,142.01, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 77-27,142.01 ~~(1)~~ The governing body of any incorporated
15 municipality which, after January 1, 1978, and prior to February
16 14, 1978, authorizes a sales and use tax pursuant to section
17 77-27,142, shall submit the question of continuing such tax at
18 the first regular city, county, or state election held within such
19 incorporated municipality after such tax is imposed. If a majority
20 of those voting on the question shall be opposed to such tax, the
21 governing body of the incorporated municipality shall immediately
22 discontinue the tax.

23 ~~(2)~~ The governing body of any incorporated municipality
24 may submit the question of changing any terms and conditions of a
25 sales and use tax previously authorized under section 77-27,142.

1 The question of modification shall be submitted to the voters at
2 any primary or general election or at a special election if the
3 governing body submits a certified copy of the resolution proposing
4 modification to the election commissioner or county clerk within
5 a ~~reasonable~~ the time prior to the primary, general, or special
6 election prescribed in section 77-27,142.02.

7 Sec. 5. Section 77-27,142.02, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 77-27,142.02 Except as otherwise provided by section
10 77-27,142, after February 14, 1978, the power granted by section
11 77-27,142 shall not be exercised unless and until the question
12 has been submitted at a primary, general, or special election held
13 within the incorporated municipality and in which all qualified
14 electors shall be entitled to vote on such question. The officials
15 of the incorporated municipality shall order the submission of the
16 question by submitting a certified copy of the resolution proposing
17 the tax to the election commissioner or county clerk ~~not later than~~
18 ~~forty-one days prior to the primary or general election, or within~~
19 ~~thirty~~ by March 1 for a primary election, by September 1 for a
20 general election, or at least fifty days before a special election.

21 The question may include any terms and conditions set forth in
22 the resolution proposing the tax, such as a termination date or
23 the specific project or program for which the revenue received
24 from such tax will be allocated, and shall include the following
25 language: Shall the governing body of the incorporated municipality

1 impose a sales and use tax upon the same transactions within such
 2 municipality on which the State of Nebraska is authorized to impose
 3 a tax? If a majority of the votes cast upon such question shall be
 4 in favor of such tax, then the governing body of such incorporated
 5 municipality shall be empowered as provided by section 77-27,142
 6 and shall forthwith proceed to impose a tax pursuant to the Local
 7 Option Revenue Act. If a majority of those voting on the question
 8 shall be opposed to such tax, then the governing body of the
 9 incorporated municipality shall not impose such a tax.

10 Sec. 6. Section 77-27,142.03, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 77-27,142.03 (1) ~~Whenever, at least forty-five days prior~~
 13 ~~to any city, county, or state election,~~ If the qualified electors
 14 of any municipality, equal in number to at least ten percent of
 15 the votes cast at the last preceding municipal election, ~~shall~~
 16 petition the governing body to submit ~~such~~ the question at least
 17 seventy-five days before the next primary, general, or special
 18 election, ~~it shall be the duty of the governing body to~~ shall
 19 submit the question at the next primary, general, or special
 20 election.

21 (2) The question of imposing a sales and use tax which
 22 has been submitted to the electors and failed shall not be
 23 submitted to the electors of an incorporated municipality again
 24 until twenty-three months after such failure.

25 Sec. 7. Original sections 32-607, 32-960, 77-27,142.01,

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1 77-27,142.02, and 77-27,142.03, Reissue Revised Statutes of
2 Nebraska, and section 13-519, Revised Statutes Cumulative
3 Supplement, 2008, are repealed.