

E AND R AMENDMENTS TO LB946

Introduced by Murante, 49, Chairman Enrollment and Review

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

3 Section 1. Section 10-703.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:

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

1 or election commissioner. The notice of election shall state where
2 ballots for early voting may be obtained.

3 The ballots shall be counted by the county clerk or
4 election commissioner conducting the election and two disinterested
5 persons appointed by him or her. When the polls are closed, the
6 receiving board shall deliver the ballots to the county clerk or
7 election commissioner conducting the election who, with the two
8 disinterested persons appointed by him or her, shall proceed to
9 count the ballots.

10 Ballots for early voting shall be furnished to the county
11 clerk or election commissioner and ready for distribution by the
12 county clerk or election commissioner conducting the election not
13 less than fifteen days prior to the election.

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

27 All ballots cast at the election shall be counted by the

1 same board. When all the ballots have been counted, the returns of
2 such election shall be turned over to the school board or board of
3 education of the district in which the election was held for the
4 purpose of making a canvass thereof.

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

8 Sec. 2. Section 23-1901.01, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 23-1901.01 (1) ~~Except as provided in subsection (2) of~~
11 ~~this section,~~ a county surveyor elected after November 1986 A
12 person need not be a resident of the county when he or she files
13 for election as county surveyor, but a person who is elected to be
14 the county surveyor shall reside in a the county for which he or
15 she ~~holds~~ was elected to hold such office.

16 (2) ~~When there is no qualified surveyor within a county~~
17 ~~who will accept the office of county surveyor,~~ In a county
18 having a population of less than one hundred fifty thousand
19 inhabitants in which the voters have voted against the election of
20 a county surveyor pursuant to section 32-525 or in which no county
21 surveyor has been elected and qualified, the county board of such
22 county ~~may employ~~ shall appoint a competent surveyor either on a
23 full-time or part-time basis from any other county of the State of
24 Nebraska to such office. In making such ~~employment,~~ appointment,
25 the county board shall negotiate a contract with the surveyor, such
26 contract ~~to specify the terms and conditions of the appointment~~
27 ~~or employment,~~ including shall specify the responsibility of the

1 appointee to carry out the statutory duties of the office of county
2 surveyor and shall specify the compensation of the surveyor for
3 the performance of such duties, which compensation shall not be
4 subject to section 33-116. A county surveyor ~~employed~~ appointed
5 under this subsection shall serve the same term as that of an
6 elected surveyor, and

7 (3) A person appointed to the office of county surveyor
8 in any county shall not be required to reside in the county of
9 employment. ~~appointment.~~

10 Sec. 3. Section 32-101, Revised Statutes Supplement,
11 2013, is amended to read:

12 32-101 Sections 32-101 to 32-1551 and section 11 of this
13 act shall be known and may be cited as the Election Act.

14 Sec. 4. Section 32-209, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 32-209 (1) The election commissioner in counties having
17 a population of more than one hundred thousand inhabitants shall
18 appoint a chief deputy election commissioner in the manner provided
19 in section 32-210. The chief deputy election commissioner shall
20 be a member of a different political party than the election
21 commissioner, shall be a registered voter in the county and of the
22 party he or she is to represent, and shall be a resident of such
23 county for at least one year.

24 (2) The chief deputy election commissioner shall hold
25 office until the term of the election commissioner expires.

26 (3) Before entering upon his or her duties, the chief
27 deputy election commissioner shall take and subscribe an oath in

1 the form provided in section 11-101.01.

2 ~~(3)~~ (4) The chief deputy election commissioner shall give
3 bond to the State of Nebraska in the sum of five thousand dollars
4 with security to be approved by the Governor conditioned on the
5 faithful performance of the duties of such office.

6 ~~(4)~~ (5) The chief deputy election commissioner shall
7 perform duties assigned by the election commissioner. In
8 the absence of the election commissioner, the chief deputy
9 election commissioner shall perform all the duties of the
10 election commissioner consistent with the policies and procedures
11 established by the election commissioner. The chief deputy election
12 commissioner shall also be responsible for carrying out any
13 directions properly made and given by the election commissioner
14 prior to his or her absence.

15 Sec. 5. Section 32-210, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 32-210 The election commissioner in counties having a
18 population of more than one hundred thousand inhabitants shall,
19 within ten days after being appointed or being notified that a
20 vacancy exists in the office of chief deputy election commissioner,
21 notify by registered or certified mail the county chairperson
22 of the political parties from which a chief deputy election
23 commissioner may be appointed that an appointment needs to be
24 made. The county chairperson of the political parties shall call
25 a meeting of a committee comprised of the county chairperson,
26 vice-chairperson, secretary, and treasurer of the political parties
27 within ten days after receiving the letter for the purpose of

1 preparing a list of three or more candidates. The list shall
2 be submitted to the election commissioner within five days after
3 the meeting, and the election commissioner shall select a chief
4 deputy election commissioner from the list of names of candidates
5 submitted within ten days after receiving ~~the list.~~ all lists.

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

8 32-405 Any special election under the Election Act shall
9 be held on the first Tuesday following the second Monday of the
10 selected month unless otherwise specifically provided. No special
11 election shall be held under the Election Act in April, May, June,
12 October, November, or December of an even-numbered year unless
13 it is held in conjunction with the statewide primary or general
14 election. A special election for a Class IV or V school district
15 may be held in conjunction with the primary or general election for
16 a city of the primary or metropolitan class which is governed by a
17 home rule charter.

18 Sec. 7. Section 32-525, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-525 (1) Except as provided in section 22-417 and
21 except for counties which vote not to elect the county surveyor as
22 provided in subsection (2) or (4) of this section, when there is
23 a qualified surveyor within a county who will accept the office of
24 county surveyor if elected, a county surveyor on either a full-time
25 or part-time basis, as determined by the county board in accordance
26 with section 23-1901, shall be elected in each county having a
27 population of less than one hundred fifty thousand inhabitants

1 at the statewide general election in 1990 and each four years
2 thereafter.

3 (2) (a) Except as provided in section 22-417 and in
4 subsection (3) of this section, in each county having a population
5 of less than one hundred fifty thousand inhabitants, the question
6 of electing a county surveyor in the county shall be submitted
7 to the registered voters of the county at the statewide general
8 election in 2020. The form of submission upon the ballot shall be
9 as follows: For election of county surveyor; Against election of
10 county surveyor.

11 (b) If a majority of the votes cast on the question
12 are against the election of a county surveyor in such county, the
13 office of county surveyor shall cease as an elected office with
14 the expiration of the term of the incumbent or shall remain as it
15 exists if no elected official holds that office. In such counties,
16 the office shall be filled as provided in subsection (2) of section
17 23-1901.01.

18 (c) If a majority of the votes cast on the question
19 are in favor of the election of a county surveyor, the office
20 shall continue to be elected as provided in subsection (1) of this
21 section or, if no elected county surveyor is in office, a county
22 surveyor shall be elected at the next statewide general election as
23 provided in subsection (1) of this section.

24 (3) If a county having a population of less than one
25 hundred fifty thousand inhabitants has an elected county surveyor
26 in office on January 1, 2020, the county board may, prior to
27 February 1, 2020, following a public hearing, adopt a resolution

1 to continue to elect the county surveyor for the county and not to
2 submit the question pursuant to subsection (2) of this section.

3 (4) (a) Beginning in 2021, in each county having a
4 population of less than one hundred fifty thousand inhabitants,
5 the county board shall submit the question of electing a county
6 surveyor in the county to the registered voters of the county at
7 the next statewide general election if (i) the county board, by
8 majority vote of all the members of the county board, adopts a
9 resolution on or before September 1 prior to the next statewide
10 general election to submit the question to the voters or (ii) a
11 petition conforming to section 32-628 asking for the submission
12 of the question to the voters is presented to the election
13 commissioner or county clerk on or before September 1 prior to the
14 next statewide general election signed by at least ten percent of
15 the registered voters of the county. The election commissioner or
16 county clerk shall verify the signatures pursuant to section 32-631
17 and place the question on the ballot if he or she determines that
18 at least ten percent of the registered voters of the county have
19 signed the petition.

20 (b) The form of submission upon the ballot shall be
21 as follows: For election of county surveyor; Against election of
22 county surveyor.

23 (c) If a majority of the votes cast on the question
24 are against the election of a county surveyor in such county, the
25 office of county surveyor shall cease as an elected office with
26 the expiration of the term of the incumbent or shall remain as it
27 exists if no elected official holds that office. In such counties,

1 the office shall be filled as provided in subsection (2) of section
2 23-1901.01.

3 (d) If a majority of the votes cast on the question
4 are in favor of the election of a county surveyor, the office
5 shall continue to be elected as provided in subsection (1) of this
6 section or, if no elected county surveyor is in office, a county
7 surveyor shall be elected at the next statewide general election as
8 provided in subsection (1) of this section.

9 (5) The term of the county surveyor shall be four years
10 or until his or her successor is elected and qualified. The
11 county surveyor shall meet the qualifications found in sections
12 23-1901 and 23-1901.01. The county surveyor shall be elected on the
13 partisan ballot.

14 Sec. 8. Section 32-542, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 32-542 ~~Three school board members shall be elected for~~
17 ~~each Class II school district at each statewide general election,~~
18 ~~except that when~~ (1) Members of the school board of a Class II
19 school district shall be elected at the statewide general election.
20 The school board of a Class II school district shall have no
21 fewer than five members and no more than nine members as provided
22 in section 79-550. The number of members to be elected at the
23 statewide general election and the terms for which they will be
24 elected shall be determined by the election commissioner or county
25 clerk with the aid of the secretary of the school board. Terms
26 shall be staggered so that approximately one-half of the members
27 are elected to each board at each general election for terms of

1 four years. When it becomes necessary to establish the staggering
2 of terms by electing at-large members for terms of different
3 duration at the same election, candidates receiving the greatest
4 number of votes shall be elected for the longest terms. When a
5 Class II school district is created by a Class I school district
6 which determines by a majority vote to establish a high school
7 pursuant to section 79-406, a ~~six-member~~ the school board shall
8 be elected at the next statewide general election and ~~the three~~
9 approximately one-half of the members receiving the highest number
10 of votes shall be elected for terms of four years, and the ~~three~~
11 members receiving the next highest number of votes shall be elected
12 for terms of two years.

13 (2) Each member's term of office shall begin on the date
14 of the first regular meeting of the board in January following
15 the statewide general election at which he or she is elected
16 and, except as otherwise provided in this section, shall continue
17 for four years or until the member's successor is elected and
18 qualified. ~~The term of a board member holding office on January 1,~~
19 ~~1997, which term would otherwise expire before the first regular~~
20 ~~meeting of the board in January following the statewide general~~
21 ~~election, shall be extended to the first regular meeting of the~~
22 ~~board in January following the date his or her term would otherwise~~
23 ~~expire.~~ The school board members of a Class II school district
24 shall meet the qualifications found in section 79-543.

25 Sec. 9. Section 32-543, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 32-543 (1) If a caucus is held for nominations under

1 section 79-549 for a Class III school district, the board of
2 education shall consist of six members to be elected by the
3 registered voters of the school district at the statewide primary
4 election. Two members shall be elected at each election for a term
5 of six years. The members shall meet the qualifications found in
6 section 79-543.

7 (2) Except as provided in subsection (1) of this section,
8 members of the board of education of a Class III school district
9 shall be nominated at the statewide primary election and elected at
10 the statewide general election. The board of education of a Class
11 III school district shall have ~~six or~~ no fewer than five members
12 and no more than nine members as provided in section 79-549 or
13 79-550, and the members shall be nominated and elected at large
14 or by district or ward as provided in section 32-554 or nominated
15 by district or ward and elected at large as provided in section
16 79-550. The number of members to be nominated at the statewide
17 primary election and elected at the statewide general election and
18 the terms for which they will be nominated and elected shall be
19 determined by the election commissioner or county clerk with the
20 aid of the elected secretary of the board of education of the
21 district. The terms of office of members of such board shall expire
22 on the first Thursday after the first Tuesday in January. Terms
23 shall be staggered so that ~~three~~ approximately one-half of the
24 ~~members shall be~~ are elected to each ~~six-member~~ board and ~~four or~~
25 ~~five members shall be~~ elected to each ~~nine-member~~ board at each
26 general election for terms of four years. When it becomes necessary
27 to establish the staggering of terms by electing members for terms

1 of different duration at the same election, candidates receiving
2 the greatest number of votes shall be elected for the longest
3 terms. The members shall meet the qualifications found in section
4 79-543.

5 Sec. 10. Section 32-567, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 32-567 Vacancies in office shall be filled as follows:

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

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

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

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

16 ~~(4)~~ (5) In township offices, by the township board or,
17 if there are two or more vacancies on the township board, by the
18 county board;

19 ~~(5)~~ (6) In offices in public power and irrigation
20 districts, according to section 70-615;

21 ~~(6)~~ (7) In offices in natural resources districts,
22 according to section 2-3215;

23 ~~(7)~~ (8) In offices in community college areas, according
24 to section 85-1514;

25 ~~(8)~~ (9) In offices in educational service units,
26 according to section 79-1217;

27 ~~(9)~~ (10) In offices in hospital districts, according to

1 section 23-3534;

2 ~~(10)~~ (11) In offices in metropolitan utilities districts,
3 according to section 14-2104;

4 ~~(11)~~ (12) In membership on airport authority boards,
5 according to section 3-502, 3-611, or 3-703, as applicable;

6 ~~(12)~~ (13) In membership on the board of trustees of a
7 road improvement district, according to section 39-1607;

8 ~~(13)~~ (14) In membership on the council of a municipal
9 county, by the council; and

10 ~~(14)~~ (15) For learning community coordinating councils,
11 according to section 32-546.01.

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

15 Sec. 11. The term of any person elected to serve a
16 four-year term in a governmental body other than the State Board
17 of Education starts on the day of the meeting of the body at which
18 members are regularly sworn in to office. The second half of such a
19 term starts on the day of the meeting of the body at which members
20 are regularly sworn in to office in the second calendar year after
21 the term begins.

22 Sec. 12. Section 32-608, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 32-608 (1) Except as provided in subsection (4) or (5) of
25 this section, a filing fee shall be paid by or on behalf of each
26 candidate prior to filing for office. For candidates who file in
27 the office of the Secretary of State as provided in subdivision (1)

1 of section 32-607, the filing fee shall be paid to the Secretary
2 of State who shall remit the fee to the State Treasurer for credit
3 to the Election Administration Fund. For candidates for any city or
4 village office, the filing fee shall be paid to the city or village
5 treasurer of the city or village in which the candidate resides.
6 For candidates who file in the office of the election commissioner
7 or county clerk, the filing fee shall be paid to the election
8 commissioner or county clerk in the county in which the office
9 is sought. The election commissioner or county clerk shall remit
10 the fee to the county treasurer. The fee shall be placed in the
11 general fund of the county, city, or village. No candidate filing
12 forms shall be filed until the proper payment or the proper receipt
13 showing the payment of such filing fee is presented to the filing
14 officer. On the day of the filing deadline, the city or village
15 treasurer's office shall remain open to receive filing fees until
16 the hour of the filing deadline.

17 (2) Except as provided in subsection (4) or (5) of this
18 section, the filing fees shall be as follows:

19 (a) For the office of United States Senator, state
20 officers, including members of the Legislature, Representatives in
21 Congress, county officers, and city or village officers, except the
22 mayor or council members of cities having a home rule charter, a
23 sum equal to one percent of the annual salary ~~such candidate will~~
24 ~~receive if he or she is elected and qualifies~~ as of November 30 of
25 the year preceding the election for the office for which he or she
26 files as a candidate;

27 (b) For directors of public power and irrigation

1 districts in districts receiving annual gross revenue of forty
2 million dollars or more, twenty-five dollars, and in districts
3 receiving annual gross revenue of less than forty million dollars,
4 ten dollars;

5 (c) For directors of reclamation districts, ten dollars;
6 and

7 (d) For Regents of the University of Nebraska, members
8 of the State Board of Education, and directors of metropolitan
9 utilities districts, twenty-five dollars.

10 (3) All declared write-in candidates shall pay the filing
11 fees that are required for the office at the time that they present
12 the write-in affidavit to the filing officer. Any undeclared
13 write-in candidate who is nominated or elected by write-in votes
14 shall pay the filing fee required for the office within ten days
15 after the canvass of votes by the county canvassing board and
16 shall file the receipt with the person issuing the certificate of
17 nomination or the certificate of election prior to the certificate
18 being issued.

19 (4) No filing fee shall be required for any candidate
20 filing for an office in which a per diem is paid rather than a
21 salary or for which there is a salary of less than five hundred
22 dollars per year. No filing fee shall be required for any candidate
23 for membership on a school board, on the board of an educational
24 service unit, on the board of governors of a community college
25 area, on the board of directors of a natural resources district, or
26 on the board of trustees of a sanitary and improvement district.

27 (5) No filing fee shall be required of any candidate

1 completing an affidavit requesting to file for elective office in
2 forma pauperis. A pauper shall mean a person whose income and other
3 resources for maintenance are found under assistance standards to
4 be insufficient for meeting the cost of his or her requirements and
5 whose reserve of cash or other available resources does not exceed
6 the maximum available resources that an eligible individual may
7 own. Available resources shall include every type of property or
8 interest in property that an individual owns and may convert into
9 cash except:

10 (a) Real property used as a home;

11 (b) Household goods of a moderate value used in the home;

12 and

13 (c) Assets to a maximum value of three thousand
14 dollars used by a recipient in a planned effort directed towards
15 self-support.

16 (6) If any candidate dies prior to an election, the
17 spouse of the candidate may file a claim for refund of the filing
18 fee with the proper governing body prior to the date of the
19 election. Upon approval of the claim by the proper governing body,
20 the filing fee shall be refunded.

21 Sec. 13. Section 32-616, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 32-616 (1) Any registered voter who was not a candidate
24 in the primary election and who was not registered to vote with a
25 party affiliation on or ~~before~~ after March 1 and before the general
26 election in the calendar year of the general election may have his
27 or her name placed on the general election ballot for a partisan

1 office by filing petitions as prescribed in sections 32-617 to
2 32-621 or by nomination by political party convention or committee
3 pursuant to section 32-627 or 32-710.

4 (2) Any candidate who was defeated in the primary
5 election and any registered voter who was not a candidate in
6 the primary election may have his or her name placed on the general
7 election ballot if a vacancy exists on the ballot under subsection
8 (2) of section 32-625 and the candidate files for the office by
9 petition as prescribed in sections 32-617 and 32-618, files as a
10 write-in candidate as prescribed in section 32-615, or is nominated
11 by political party convention or committee pursuant to section
12 32-627 or 32-710.

13 Sec. 14. Section 32-713, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 32-713 (1) The certificates of appointment for
16 presidential electors shall be served by the Governor on each
17 person appointed. The Governor shall notify the presidential
18 electors to be at the State Capitol at noon on the first Monday
19 after the second Wednesday in December after appointment and
20 report to the Governor at his or her office in the capitol as
21 being in attendance. The Governor shall serve the certificates of
22 appointment by registered or certified mail. In submitting this
23 state's certificate of ascertainment as required by 3 U.S.C. 6, the
24 Governor shall certify this state's presidential electors and state
25 in the certificate that:

26 (a) The presidential electors will serve as presidential
27 electors unless a vacancy occurs in the office of presidential

1 elector before the end of the meeting at which the presidential
2 electors cast their votes, in which case a substitute presidential
3 elector will fill the vacancy; and

4 (b) If a substitute presidential elector is appointed to
5 fill a vacancy, the Governor will submit an amended certificate of
6 ascertainment stating the names on the final list of this state's
7 presidential electors.

8 (2) The presidential electors shall convene at 2 p.m.
9 of such Monday at the Governor's office in the capitol. Each
10 presidential elector shall execute the following pledge: As
11 a presidential elector duly selected (or appointed) for this
12 position, I agree to serve and to mark my ballots for President
13 and Vice President for the presidential and vice-presidential
14 candidates who received the highest number of votes in the state
15 if I am an at-large presidential elector or the highest number of
16 votes in my congressional district if I am a congressional district
17 presidential elector.

18 Sec. 15. Section 32-714, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-714 (1) The Governor shall provide each presidential
21 elector with a list of all the presidential electors. If any
22 presidential elector is absent or if there is a deficiency in the
23 proper number of presidential electors, those present shall elect
24 from the citizens of the state so many persons as will supply
25 the deficiency and immediately issue a certificate of election,
26 signed by those present or a majority of them, to the person or
27 persons so chosen. In case of failure to elect as required in

1 this subsection by 3 p.m. of such day or in case of a vacancy
2 created under subsection (4) of this section, the Governor shall
3 fill the vacancies by appointment. Each appointee shall execute
4 the pledge in section 32-713. After all vacancies are filled, the
5 college of presidential electors shall proceed with the election of
6 a President of the United States and a Vice President of the United
7 States and certify their votes in conformity with the Constitution
8 and laws of the United States.

9 (2) The Secretary of State shall provide each
10 presidential elector with a presidential and vice-presidential
11 ballot. Each at-large presidential elector shall ~~cast~~ mark his or
12 her ballot for the presidential and vice-presidential candidates
13 who received the highest number of votes in the state and
14 consistent with his or her pledge. Each congressional district
15 presidential elector shall ~~cast~~ mark his or her ballot for the
16 presidential and vice-presidential candidates who received the
17 highest number of votes in his or her congressional district and
18 consistent with his or her pledge.

19 (3) Each presidential elector shall present the completed
20 ballot to the Secretary of State. The Secretary of State shall
21 examine each ballot and accept as cast each ballot marked by
22 a presidential elector consistent with his or her pledge. The
23 Secretary of State shall not accept and shall not count the ballot
24 if the presidential elector has not marked the ballot or has marked
25 the ballot in violation of his or her pledge.

26 (4) A presidential elector who refuses to present a
27 ballot, who attempts to present an unmarked ballot, or who attempts

1 to present a ballot marked in violation of his or her pledge
2 vacates the office of presidential elector.

3 Sec. 16. Section 32-949.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-949.01 If a ballot for early voting is destroyed,
6 spoiled, lost, or not received by the registered voter, the voter
7 may cast a provisional ballot pursuant to section 32-915 at the
8 voter's polling place on election day or may obtain a replacement
9 ballot from the election commissioner or county clerk by signing
10 a statement verified on oath or affirmation on a form prescribed
11 by the Secretary of State that the original ballot for early
12 voting was destroyed, spoiled, lost, or not received and delivering
13 the statement to the election commissioner or county clerk. To
14 receive a replacement ballot in person, the voter shall return
15 the statement to the office of the election commissioner or county
16 clerk by ~~noon~~ 8 p.m. on the day of the election. To receive a
17 replacement ballot by mail, the voter shall return the statement
18 to such office prior to the close of business on the fourth
19 business day before the election. If the election commissioner or
20 county clerk receives a statement meeting the requirements of this
21 section, he or she shall deliver a replacement ballot to the voter
22 if the voter is present in the office or shall mail a replacement
23 ballot to the voter at the address shown on the statement. The
24 election commissioner or county clerk shall keep a record of all
25 replacement ballots issued under this section.

26 Sec. 17. Section 32-953, Reissue Revised Statutes of
27 Nebraska, is amended to read:

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

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

20 Sec. 18. Section 32-956, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-956 If a ballot is destroyed, spoiled, lost, or
23 not received by the registered voter, the voter may obtain a
24 replacement ballot from the election commissioner or county clerk
25 by signing a statement verified on oath or affirmation on a form
26 prescribed by the Secretary of State that the ballot was destroyed,
27 spoiled, lost, or not received and delivering the statement to

1 the election commissioner or county clerk by ~~noon~~ 5 p.m. on the
2 date set for the election. If the voter mails the statement,
3 the election commissioner or county clerk shall not deliver a
4 replacement ballot to the voter unless the statement is received
5 prior to the close of business on the fourth business day before
6 the date set for the election. If the election commissioner or
7 county clerk receives a statement meeting the requirements of this
8 section, he or she shall deliver a replacement ballot to the voter
9 if the voter is present in the office or shall mail a replacement
10 ballot to the voter at the address shown on the statement. The
11 election commissioner or county clerk shall keep a record of all
12 replacement ballots issued under this section.

13 Sec. 19. Section 32-957, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 32-957 An official ballot under section 32-953 shall be
16 counted only if it is returned in the identification envelope,
17 the envelope is signed by the voter to whom it was issued, and
18 the signature is verified by the election commissioner or county
19 clerk. The election commissioner or county clerk shall verify
20 the signature on each identification envelope received in his or
21 her office with the signature appearing on the voter registration
22 records. If the election commissioner or county clerk is unable
23 to verify a signature, the election commissioner or county clerk
24 shall contact the voter within two days after determining that
25 he or she is unable to verify the signature to ascertain whether
26 the voter cast a ballot. The election commissioner or county
27 clerk may request that the registered voter sign and submit a

1 current signature card pursuant to section 32-318. The election
2 commissioner or county clerk may begin verifying the signatures as
3 the envelopes are received in his or her office. If the election
4 commissioner or county clerk determines that a voter has voted
5 more than once, no ballot cast by that voter in that election
6 shall be counted. The election commissioner or county clerk shall
7 ~~not~~ make public any record or list of registered voters who have
8 returned their ballots. ~~until the election has been certified by~~
9 ~~the canvassing board.~~

10 Sec. 20. Section 32-1202, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-1202 The cost of publication and posting of notices
13 and ballots, the cost of precinct registration lists, the
14 compensation of temporary employees, inspectors, judges and clerks
15 of election, and members of counting boards, the overtime costs
16 of all permanent employees of the election commissioner or
17 county clerk relating to elections, the cost of renting, heating,
18 lighting, and equipping polling places including placing and
19 removing ballot boxes and other fixtures and equipment, the cost
20 of printing and delivering ballots and sample ballots, the cost of
21 postage, cards of instructions for voters, maps, voter books for
22 the polling place, other election supplies, and electronic media,
23 the expense of programming and operation of voting systems, and
24 all other expenses of conducting statewide primary and general
25 elections not listed in section 32-1201 shall be chargeable to the
26 political subdivisions in and for which such elections are held.

27 Sec. 21. Section 49-1413, Revised Statutes Supplement,

1 2013, is amended to read:

2 49-1413 (1) Committee shall mean (a) any combination
3 of two or more individuals which receives contributions or makes
4 expenditures of more than five thousand dollars ~~or more~~ in a
5 calendar year for the purpose of influencing or attempting to
6 influence the action of the voters for or against the nomination or
7 election of one or more candidates or the qualification, passage,
8 or defeat of one or more ballot questions or (b) a person whose
9 primary purpose is to receive contributions or make expenditures
10 and who receives or makes contributions or expenditures of more
11 than five thousand dollars ~~or more~~ in a calendar year for the
12 purpose of influencing or attempting to influence the action of
13 the voters for or against the nomination or election of one or
14 more candidates or the qualification, passage, or defeat of one
15 or more ballot questions, except that an individual, other than a
16 candidate, shall not constitute a committee.

17 (2) Except as otherwise provided in section 49-1445,
18 a committee shall be considered formed and subject to the
19 Nebraska Political Accountability and Disclosure Act upon raising,
20 receiving, or spending more than five thousand dollars in a
21 calendar year as prescribed in this section.

22 (3) A corporation, labor organization, industry, trade,
23 or professional association, limited liability company, or limited
24 liability partnership is not a committee if it makes expenditures
25 or provides personal services pursuant to sections 49-1469 to
26 49-1469.08.

27 Sec. 22. Section 49-1415, Revised Statutes Supplement,

1 2013, is amended to read:

2 49-1415 (1) Contribution shall mean a payment, gift,
3 subscription, assessment, expenditure, contract, payment for
4 services, dues, advance, forbearance, loan, donation, pledge or
5 promise of money or anything of ascertainable monetary value to
6 a person, made for the purpose of influencing the nomination or
7 election of a candidate, or for the qualification, passage, or
8 defeat of a ballot question. An offer or tender of a contribution
9 is not a contribution if expressly and unconditionally rejected or
10 returned.

11 (2) Contribution shall include the purchase of tickets
12 or payment of an attendance fee for events such as dinners,
13 luncheons, rallies, testimonials, and similar fundraising events;
14 an individual's own money or property other than the individual's
15 homestead used on behalf of that individual's candidacy; and the
16 granting of discounts or rebates by broadcast media and newspapers
17 not extended on an equal basis to all candidates for the same
18 office.

19 (3) Contribution shall not include:

20 (a) Volunteer personal services provided without
21 compensation, or payments of costs incurred of less than two
22 hundred fifty dollars ~~or less~~ in a calendar year by an individual
23 for personal travel expenses if the costs are voluntarily incurred
24 without any understanding or agreement that the costs shall be,
25 directly or indirectly, repaid;

26 (b) Amounts received pursuant to a pledge or promise
27 to the extent that the amounts were previously reported as a

1 contribution; or

2 (c) Food and beverages, in the amount of not more than
3 fifty dollars ~~or less~~ in value during a calendar year, which are
4 donated by an individual and for which reimbursement is not given.

5 Sec. 23. Section 49-1433.01, Revised Statutes Supplement,
6 2013, is amended to read:

7 49-1433.01 Major out-of-state contributor means a
8 corporation, union, industry association, trade association, or
9 professional association which is not organized under the laws of
10 the State of Nebraska and which makes contributions or expenditures
11 totaling more than ten thousand dollars ~~or more~~ in any calendar
12 year in connection with one or more elections.

13 Sec. 24. Section 49-1445, Revised Statutes Supplement,
14 2013, is amended to read:

15 49-1445 (1) A candidate shall form a candidate committee
16 upon raising, receiving, or expending more than five thousand
17 dollars ~~or more~~ in a calendar year.

18 (2) A candidate committee may consist of one member with
19 the candidate being the member.

20 (3) A person who is a candidate for more than one office
21 shall form a candidate committee for an office upon raising,
22 receiving, or expending more than five thousand dollars ~~or more~~ in
23 a calendar year for that office.

24 (4) Two or more candidates who campaign as a slate
25 or team for public office shall form a committee upon raising,
26 receiving, or expending jointly in any combination more than five
27 thousand dollars ~~or more~~ in a calendar year.

1 (5) The fee to file for office shall not be included in
2 determining if a candidate has raised, received, or expended more
3 than five thousand dollars ~~or more~~ in a calendar year.

4 (6) Any person who violates this section shall be guilty
5 of a Class IV misdemeanor.

6 Sec. 25. Section 49-1455, Revised Statutes Supplement,
7 2013, is amended to read:

8 49-1455 (1) The campaign statement of a committee, other
9 than a political party committee, shall contain the following
10 information:

11 (a) The filing committee's name, address, and telephone
12 number and the full name, residential and business addresses, and
13 telephone numbers of its committee treasurer;

14 (b) Under the heading RECEIPTS, the total amount of
15 contributions received during the period covered by the campaign
16 statement; under the heading EXPENDITURES, the total amount of
17 expenditures made during the period covered by the campaign
18 statement; and the cumulative amount of those totals for the
19 election period. If a loan was repaid during the period covered
20 by the campaign statement, the amount of the repayment shall
21 be subtracted from the total amount of contributions received.
22 Forgiveness of a loan shall not be included in the totals. Payment
23 of a loan by a third party shall be recorded and reported as a
24 contribution by the third party but shall not be included in the
25 totals. In-kind contributions or expenditures shall be listed at
26 fair market value and shall be reported as both contributions and
27 expenditures;

1 (c) The balance of cash and cash equivalents on hand at
2 the beginning and the end of the period covered by the campaign
3 statement;

4 (d) The full name of each individual from whom
5 contributions totaling more than two hundred fifty dollars ~~or more~~
6 are received during the period covered by the report, together with
7 the individual's street address, the amount contributed, the date
8 on which each contribution was received, and the cumulative amount
9 contributed by that individual for the election period;

10 (e) The full name of each person, except those
11 individuals reported under subdivision (1)(d) of this section,
12 which contributed a total of more than two hundred fifty dollars
13 ~~or more~~ during the period covered by the report together with
14 the person's street address, the amount contributed, the date on
15 which each contribution was received, and the cumulative amount
16 contributed by the person for the election period;

17 (f) The name of each committee which is listed as
18 a contributor shall include the full name of the committee's
19 treasurer;

20 (g) Except as otherwise provided in subsection (3) of
21 this section: The full name and street address of each person to
22 whom expenditures totaling more than two hundred fifty dollars ~~or~~
23 ~~more~~ were made, together with the date and amount of each separate
24 expenditure to each such person during the period covered by the
25 campaign statement; the purpose of the expenditure; and the full
26 name and street address of the person providing the consideration
27 for which any expenditure was made if different from the payee;

1 (h) The amount and the date of expenditures for or
2 against a candidate or ballot question during the period covered
3 by the campaign statement and the cumulative amount of expenditures
4 for or against that candidate or ballot question for the election
5 period. An expenditure made in support of more than one candidate
6 or ballot question, or both, shall be apportioned reasonably among
7 the candidates or ballot questions, or both; and

8 (i) The total amount of funds disbursed by a separate
9 segregated political fund, by state, for the purpose of supporting
10 or opposing candidates and committees in elections in states
11 other than Nebraska and candidates for federal office, including
12 independent expenditures made in such elections.

13 (2) For purposes of this section, election period means
14 the calendar year of the election.

15 (3) A campaign statement shall include the total amount
16 paid to individual petition circulators during the reporting
17 period, if any, but shall not include the name, address, or
18 telephone number of any individual petition circulator if the only
19 payment made to such individual was for services as a petition
20 circulator.

21 Sec. 26. Section 49-1456, Revised Statutes Supplement,
22 2013, is amended to read:

23 49-1456 (1) Any income received by a committee on an
24 account consisting of funds or property belonging to the committee
25 shall not be considered a contribution to the committee but shall
26 be reported as income. Any interest paid by a committee shall be
27 reported as an expenditure.

1 (2) A loan made or received shall be set forth in a
2 separate schedule providing the date and amount of the loan and, if
3 the loan is repaid, the date and manner of repayment. The committee
4 shall provide the name and address of the lender and any person
5 who is liable directly, indirectly, or contingently on each loan of
6 more than two hundred fifty dollars. ~~or more.~~

7 Sec. 27. Section 49-1457, Revised Statutes Supplement,
8 2013, is amended to read:

9 49-1457 (1) The campaign statement filed by a political
10 party committee shall contain the following information:

11 (a) The full name and street address of each person from
12 whom contributions totaling more than two hundred fifty dollars ~~or~~
13 ~~more~~ in value are received in a calendar year, the amount, and the
14 date or dates contributed; and if the person is a committee, the
15 name and address of the committee and the full name and street
16 address of the committee treasurer, together with the amount of the
17 contribution and the date received;

18 (b) An itemized list of all expenditures, including
19 in-kind contributions and expenditures and loans, made during the
20 period covered by the campaign statement which were contributions
21 to a candidate committee of a candidate for elective office or a
22 ballot question committee; or independent expenditures in support
23 of the qualification, passage, or defeat of a ballot question,
24 or in support of the nomination or election of a candidate for
25 elective office or the defeat of any of the candidate's opponents;

26 (c) The total expenditure by the committee for each
27 candidate for elective office or ballot question in whose behalf an

1 independent expenditure was made or a contribution was given for
2 the election; and

3 (d) The filer's name, address, and telephone number, if
4 any, and the full name, residential and business addresses, and
5 telephone numbers of the committee treasurer.

6 (2) A contribution to a candidate or ballot question
7 committee listed under subdivision (1)(b) of this section shall
8 note the name and address of the committee, the name of the
9 candidate and the office sought, if any, the amount contributed,
10 and the date of the contribution.

11 (3) An independent expenditure listed under subdivision
12 (1)(b) of this section shall note the name of the candidate for
13 whose benefit the expenditure was made and the office sought by
14 the candidate, or a brief description of the ballot question for
15 which the expenditure was made, the amount, date, and purpose of
16 the expenditure, and the full name and address of the person to
17 whom the expenditure was made.

18 (4) An expenditure listed which was made in support of
19 more than one candidate or ballot question, or both, shall be
20 apportioned reasonably among the candidates or ballot questions, or
21 both.

22 Sec. 28. Section 49-1461.01, Revised Statutes Supplement,
23 2013, is amended to read:

24 49-1461.01 (1) A ballot question committee shall file
25 with the commission a surety bond running in favor of the State
26 of Nebraska with surety by a corporate bonding company authorized
27 to do business in this state and conditioned upon the payment of

1 all fees, penalties, and interest which may be imposed under the
2 Nebraska Political Accountability and Disclosure Act.

3 (2) A bond in the amount of five thousand dollars shall
4 be filed with the commission within thirty days after the committee
5 receives contributions or makes expenditures of more than one
6 hundred thousand dollars ~~ex more~~ in a calendar year, and the amount
7 of the bond shall be increased by five thousand dollars for each
8 additional five hundred thousand dollars received or expended in a
9 calendar year.

10 (3) Proof of any required increase in the amount of
11 the bond shall be filed with the commission within thirty days
12 after each additional five hundred thousand dollars is received or
13 expended. Any failure to pay late filing fees, civil penalties, or
14 interest due under the act shall be recovered from the proceeds of
15 the bond prior to recovery from the treasurer of the committee.

16 (4) Any person violating this section shall be guilty of
17 a Class III misdemeanor.

18 Sec. 29. Section 49-1463.01, Revised Statutes Supplement,
19 2013, is amended to read:

20 49-1463.01 (1) A person required to pay a late filing
21 fee imposed under section 49-1449, 49-1458, 49-1463, 49-1467,
22 49-1469.08, 49-1478.01, or 49-1479.01 may apply to the commission
23 for relief. The commission by order may reduce the amount of a late
24 filing fee imposed and waive any or all of the interest due on
25 the fee upon a showing by such person that (a) the circumstances
26 indicate no intent to file late, (b) the person has not been
27 required to pay late filing fees for two years prior to the time

1 the filing was due, (c) the late filing shows that less than five
2 thousand dollars ~~or less~~ was raised, received, or expended during
3 the reporting period, and (d) a reduction of the late fees and
4 waiver of interest would not frustrate the purposes of the Nebraska
5 Political Accountability and Disclosure Act.

6 (2) A person required to pay a late filing fee imposed
7 for failure to file a statement of exemption under subsection (2)
8 of section 49-1459 may apply to the commission for relief. The
9 commission by order may reduce or waive the late filing fee and
10 waive any or all of the interest due on the fee, and the person
11 shall not be required to make a showing as provided by subsection
12 (1) of this section.

13 Sec. 30. Section 49-1467, Revised Statutes Supplement,
14 2013, is amended to read:

15 49-1467 (1) Any person, other than a committee, who makes
16 an independent expenditure advocating the election of a candidate
17 or the defeat of a candidate's opponents or the qualification,
18 passage, or defeat of a ballot question, which is in an amount
19 of more than two hundred fifty dollars, ~~or more~~, shall file a
20 report of the independent expenditure, within ten days, with the
21 commission.

22 (2) The report shall be made on an independent
23 expenditure report form provided by the commission and shall
24 include the date of the expenditure, a brief description of the
25 nature of the expenditure, the amount of the expenditure, the
26 name and address of the person to whom it was paid, the name and
27 address of the person filing the report, and the name, address,

1 occupation, employer, and principal place of business of each
2 person who contributed more than two hundred fifty dollars ~~or more~~
3 to the expenditure.

4 (3) Any person who fails to file a report of an
5 independent expenditure with the commission shall pay to the
6 commission a late filing fee of twenty-five dollars for each day
7 the statement remains not filed in violation of this section, not
8 to exceed seven hundred fifty dollars.

9 (4) Any person who violates this section shall be guilty
10 of a Class IV misdemeanor.

11 Sec. 31. Section 49-1469, Revised Statutes Supplement,
12 2013, is amended to read:

13 49-1469 (1) A corporation, labor organization, industry,
14 trade, or professional association, limited liability company, or
15 limited liability partnership, which is organized under the laws of
16 the State of Nebraska or doing business in this state and which is
17 not a committee, may:

18 (a) Make an expenditure;

19 (b) Make a contribution; and

20 (c) Provide personal services.

21 (2) Any such entity shall not be required to file reports
22 of independent expenditures pursuant to section 49-1467, but if it
23 makes a contribution or expenditure, or provides personal services,
24 with a value of more than two hundred fifty dollars, ~~or more,~~ it
25 shall file a report with the commission within ten days after the
26 end of the calendar month in which the contribution or expenditure
27 is made or the personal services are provided. The report shall

1 include:

2 (a) The nature, date, and value of the contribution
3 or expenditure and the name of the candidate or committee or a
4 description of the ballot question to or for which the contribution
5 or expenditure was made; and

6 (b) A description of any personal services provided, the
7 date the services were provided, and the name of the candidate or
8 committee or a description of the ballot question to or for which
9 the personal services were provided.

10 (3) Any entity specified in subsection (1) of this
11 section may not receive contributions unless it establishes and
12 administers a separate segregated political fund which shall be
13 utilized only in the manner set forth in sections 49-1469.05 and
14 49-1469.06.

15 Sec. 32. Section 49-1477, Revised Statutes Supplement,
16 2013, is amended to read:

17 49-1477 No person shall receive a contribution from
18 a person other than a committee unless, for purposes of the
19 recipient person's record-keeping and reporting requirements, the
20 contribution is accompanied by the name and address of each person
21 who contributed more than one hundred dollars ~~or more~~ to the
22 contribution. Any person violating the provisions of this section
23 shall be guilty of a Class III misdemeanor.

24 Sec. 33. Section 49-1479.02, Revised Statutes Supplement,
25 2013, is amended to read:

26 49-1479.02 (1) A major out-of-state contributor shall
27 file with the commission an out-of-state contribution report.

1 An out-of-state contribution report shall be filed on a form
2 prescribed by the commission within ten days after the end of
3 the calendar month in which a person becomes a major out-of-state
4 contributor. For the remainder of the calendar year, a major
5 out-of-state contributor shall file an out-of-state contribution
6 report with the commission within ten days after the end of each
7 calendar month in which the contributor makes a contribution or
8 expenditure.

9 (2) An out-of-state contribution report shall disclose as
10 to each contribution or expenditure not previously reported (a) the
11 amount, nature, value, and date of the contribution or expenditure,
12 (b) the name and address of the committee, candidate, or person
13 who received the contribution or expenditure, (c) the name and
14 address of the person filing the report, and (d) the name, address,
15 occupation, and employer of each person making a contribution of
16 more than two hundred dollars ~~or more~~ in the calendar year to the
17 person filing the report.

18 (3) This section shall not apply to (a) a person who
19 files a report of a contribution or an expenditure pursuant to
20 subsection (2) of section 49-1469, (b) a person required to file
21 a report or campaign statement pursuant to section 49-1469.07,
22 (c) a committee having a statement of organization on file with
23 the commission, or (d) a person or committee registered with the
24 Federal Election Commission.

25 (4) Any person who fails to file an out-of-state
26 contribution report with the commission as required by this section
27 shall pay to the commission a late filing fee of one hundred

1 dollars for each of the first ten days the report remains not filed
2 in violation of this section. After the tenth day, such person
3 shall pay, for each day the report remains not filed, an additional
4 late filing fee of one percent of the amount of the contributions
5 or expenditures which were required to be reported, not to exceed
6 ten percent of the amount of the contributions or expenditures
7 which were required to be reported.

8 Sec. 34. Section 49-1488.01, Revised Statutes Supplement,
9 2013, is amended to read:

10 49-1488.01 (1) Every lobbyist who fails to file a
11 quarterly statement or a statement of activity with the Clerk
12 of the Legislature, pursuant to sections 49-1483 and 49-1488, shall
13 pay to the commission a late filing fee of twenty-five dollars
14 for each day any of such statements are not filed in violation of
15 such sections, but not to exceed seven hundred fifty dollars per
16 statement.

17 (2) A lobbyist required to pay a late filing fee pursuant
18 to subsection (1) of this section may apply to the commission
19 for relief. The commission by order may reduce the amount of the
20 late filing fee imposed upon such lobbyist if he or she shows the
21 commission that (a) the circumstances indicate no intent to file
22 late, (b) the lobbyist has not been required to pay a late filing
23 fee for two years prior to the time the filing of the statement was
24 due, (c) the late filing of the statement shows that less than five
25 thousand dollars ~~or less~~ was raised, received, or expended during
26 the reporting period, and (d) a reduction of the late fee would not
27 frustrate the purposes of the Nebraska Political Accountability and

1 Disclosure Act.

2 (3) A lobbyist required to pay a late filing fee pursuant
3 to subsection (1) of this section who qualifies for an exemption
4 to the filing of quarterly statements pursuant to subsection (5)
5 of section 49-1483 may apply to the commission for relief. The
6 commission by order may reduce or waive the late filing fee and
7 the person shall not be required to make a showing as provided by
8 subsection (2) of this section.

9 Sec. 35. Section 79-406, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 79-406 A Class II school district shall be created
12 whenever a Class I school district determines to establish a high
13 school by a majority vote of the legal voters at an annual or
14 special meeting.

15 The members of the school board serving when it is
16 decided to establish a high school shall determine how many members
17 the school board will have and shall continue in office until
18 the first regular meeting of the board in January following the
19 next statewide general election. The Class II district school board
20 shall be elected pursuant to section 32-542.

21 Sec. 36. Section 79-443, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 79-443 After one or more public hearings have been held,
24 the state committee may approve a plan or plans of reorganization.
25 Such plan shall contain:

26 (1) A description of the proposed boundaries of the
27 reorganized districts;

1 (2) A summary of the reasons for each proposed change,
2 realignment, or adjustment of the boundaries. If such plan provides
3 for the creation of a new Class VI district, it shall designate
4 whether such district shall include high school grades only or be
5 known as a Class VI junior-senior high school district as described
6 in section 79-411;

7 (3) A summary of the terms on which reorganization is to
8 be made between the reorganized districts. Such terms shall include
9 a provision for initial school board districts or wards within the
10 proposed district, which proposed initial school board districts
11 or wards shall be determined by the state committee taking into
12 consideration population and valuation, a determination of the
13 number of members to be appointed to the initial school board for
14 Class II and III school districts, and a determination of the terms
15 of the board members first appointed to membership on the board of
16 the newly reorganized district;

17 (4) A separate statement as to whether the reorganization
18 is contingent upon the success of a bond election held in
19 conjunction with the reorganization;

20 (5) A statement of the findings with respect to the
21 location of schools, the utilization of existing buildings, the
22 construction of new buildings, and the transportation requirements
23 under the proposed plan of reorganization. The plan may contain
24 provisions for the holding of school within existing buildings in
25 the newly reorganized district and that a school constituted under
26 this section shall be maintained from the date of reorganization
27 unless the legal voters served by the school vote by a majority

1 vote for discontinuance of the school;

2 (6) A map showing the boundaries of established school
3 districts and the boundaries proposed under any plan or plans of
4 reorganization; and

5 (7) Such other matters as the state committee determines
6 proper to be included.

7 Sec. 37. Section 79-451, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 79-451 Within thirty days after the classification of
10 the reorganized school districts by the county clerk under section
11 79-450, the state committee shall appoint from among the legal
12 voters of each new school district created the number of school
13 board members necessary to constitute a school board of the class
14 in which the new school district has been classified. specified in
15 the plan of reorganization. A reorganized school district shall be
16 formed and organized and shall have a school board not later than
17 April 1 following the last legal action, as prescribed in section
18 79-450, necessary to effect the changes in boundaries as set forth
19 in the plan of reorganization, although the physical reorganization
20 of such reorganized school district may not take effect until June
21 1. The first board shall be appointed on an at-large basis, and
22 all boards shall be elected at large until such time as school
23 districts are established as provided in section 32-554.

24 In appointing the first school board of a Class II school
25 district, the members shall be appointed so that the terms of
26 ~~three~~ approximately one-half of the members expire on the date of
27 the first regular meeting of the board in January after the first

1 even-numbered year following their appointment and the terms of the
2 ~~three~~ remaining members expire on the date of the first regular
3 meeting of the board in January after the second even-numbered
4 year following their appointment. At the statewide general election
5 in the first even-numbered year after the reorganization, ~~three~~
6 approximately one-half of the board members in each Class II school
7 district shall be elected to terms of four years, and thereafter
8 all candidates shall be elected to terms of four years. Each
9 member's term shall begin on the date of the first regular meeting
10 of the board in January following his or her election.

11 In appointing the first school board of a Class III
12 school district, ~~with a six-member board serving terms of four~~
13 ~~years,~~ the terms of ~~three~~ approximately one-half of the members
14 shall expire on the first Thursday after the first Tuesday
15 in January after the first even-numbered year following their
16 appointment and the terms of the ~~three~~ remaining members shall
17 expire on the first Thursday after the first Tuesday in January
18 after the second even-numbered year following their appointment.

19 In appointing the first school board of a Class III
20 school district with a ~~nine-member board serving terms of four~~
21 ~~years,~~ the terms of ~~four~~ members shall expire on the first Thursday
22 after the first Tuesday in January after the first even-numbered
23 year following their appointment and the terms of ~~five~~ members
24 shall expire on the first Thursday after the first Tuesday
25 in January after the second even-numbered year following their
26 appointment. Thereafter all Class III district school boards shall
27 be elected to terms of ~~four years.~~

1 The school board so appointed shall proceed at once to
2 organize in the manner prescribed by law.

3 Sec. 38. Section 79-4,123, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-4,123 After one or more public hearings have been
6 held, the state committee may approve a plan or plans of
7 reorganization pursuant to the Learning Community Reorganization
8 Act. Such plan shall contain:

9 (1) A description of the proposed boundaries of the
10 reorganized districts and a designation of the class for each
11 district;

12 (2) A summary of the reasons for each proposed change,
13 realignment, or adjustment of the boundaries which shall include,
14 but not be limited to, an explanation of how the plan complies
15 with any statutory requirements for learning community organization
16 and an assurance that the plan does not increase the geographic
17 size of any school district that has more than twenty-five thousand
18 students;

19 (3) A summary of the terms on which reorganization is to
20 be made between the reorganized districts. Such terms shall include
21 a provision for initial school board districts or wards within the
22 proposed district, which proposed initial school board districts
23 or wards shall be determined by the state committee taking into
24 consideration population and valuation, a determination of the
25 number of members to be appointed to the initial school board for
26 Class II and III school districts, and a determination of the terms
27 of the board members first appointed to membership on the board of

1 the newly reorganized district;

2 (4) A statement of the findings with respect to the
3 location of schools, the utilization of existing buildings, the
4 construction of new buildings, and the transportation requirements
5 under the proposed plan of reorganization;

6 (5) A map showing the boundaries of established school
7 districts and the boundaries proposed under any plan or plans of
8 reorganization; and

9 (6) Such other matters as the state committee determines
10 proper to be included.

11 Sec. 39. Section 79-4,129, Revised Statutes Supplement,
12 2013, is amended to read:

13 79-4,129 (1) Within thirty days after the classification
14 of the reorganized school districts by the county clerk under
15 section 79-4,128, the state committee shall appoint from among the
16 legal voters of each new school district created the number of
17 school board members necessary to constitute a school board of
18 the class in which the new school district has been classified.
19 specified in the plan of reorganization. A reorganized school
20 district shall be formed and organized and shall have a school
21 board not later than April 1 following the last legal action, as
22 prescribed in section 79-4,128, necessary to effect the changes in
23 boundaries as set forth in the plan of reorganization, although the
24 physical reorganization of such reorganized school district shall
25 take effect July 1 following the classification of the reorganized
26 school districts under section 79-4,128. The first board shall be
27 appointed on an at-large basis, and all boards shall be elected

1 at large until such time as election districts are established as
2 provided in section 32-554.

3 (2) In appointing the first school board of a Class
4 II school district, the members shall be appointed so that the
5 terms of ~~three~~ approximately one-half of the members expire on
6 the date of the first regular meeting of the board in January
7 after the first even-numbered year following their appointment
8 and the terms of the ~~three~~ remaining members expire on the date
9 of the first regular meeting of the board in January after the
10 second even-numbered year following their appointment. At the
11 statewide general election in the first even-numbered year after
12 the reorganization, ~~three~~ approximately one-half of the board
13 members in each Class II school district shall be elected to terms
14 of four years. Thereafter all candidates shall be elected to terms
15 of four years. Each member's term shall begin on the date of the
16 first regular meeting of the board in January following his or her
17 election.

18 (3) In appointing the first school board of a Class
19 III school district, ~~with a six-member board serving terms of~~
20 ~~four years,~~ the terms of ~~three~~ approximately one-half of the
21 members shall expire on the first Thursday after the first Tuesday
22 in January after the first even-numbered year following their
23 appointment and the terms of the ~~three~~ remaining members shall
24 expire on the first Thursday after the first Tuesday in January
25 after the second even-numbered year following their appointment.
26 Thereafter all Class III district school boards ~~with six-member~~
27 ~~boards~~ shall be elected to terms of four years.

1 ~~(4)~~ In appointing the first school board of a Class
2 III school district with a nine-member board serving terms of
3 four years, the terms of four members shall expire on the first
4 Thursday after the first Tuesday in January after the first
5 even-numbered year following their appointment and the terms of
6 five members shall expire on the first Thursday after the first
7 Tuesday in January after the second even-numbered year following
8 their appointment. Thereafter all Class III district school boards
9 with nine-member boards shall be elected to terms of four years.

10 ~~(5)~~ (4) In appointing the first school board of a Class
11 IV school district, the members shall be appointed so that the
12 terms of three members shall expire on the third Monday in May
13 of the first odd-numbered year following their appointment and
14 the terms of four members shall expire on the third Monday in
15 May of the second odd-numbered year following their appointment.
16 Thereafter all Class IV district school boards shall be elected to
17 terms of four years.

18 ~~(6)~~ (5) In appointing the first school board of a Class
19 V school district after a reorganization under this section with
20 a nine-member board serving terms of four years, the terms of the
21 members shall expire as provided in section 32-545. All Class V
22 district school boards shall be elected to terms of four years.

23 ~~(7)~~ (6) The school boards appointed under this section
24 shall proceed at once to organize in the manner prescribed by law.

25 Sec. 40. Section 79-547, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 79-547 (1) ~~The~~ Except as otherwise provided in section

1 79-550, the school board or board of education shall consist of the
2 following members:

3 (a) In a Class II district, six members; and

4 (b) In a Class III district, six members, ~~unless the~~
5 ~~board of education provides a nine-member board pursuant to section~~
6 ~~79-550.~~

7 (2) In addition to the members specified in subsection
8 (1) of this section, such school boards or boards of education may
9 include one or more student members selected pursuant to section
10 79-559.

11 Sec. 41. Section 79-549, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 79-549 (1) The school board of any Class III school
14 district that is a member of a learning community may place before
15 the legal voters of the school district the issue of whether to
16 begin to have a caucus for nominations by adopting a resolution to
17 place the issue before the legal voters and certifying the issue to
18 the election commissioner or county clerk prior to September 1 for
19 placement on the ballot at the next statewide general election. The
20 legal voters of the school district may also have the issue placed
21 on the ballot at the statewide general election by circulating a
22 petition and gathering the signatures of the legal voters residing
23 within the school district at least equal to seven percent of
24 the number of persons registered to vote in the school district
25 at the last statewide primary election. The petitions shall be
26 filed with the election commissioner or county clerk for signature
27 verification on or before August 15 prior to a statewide general

1 election. If the election commissioner or county clerk determines
2 that the appropriate number of legal voters signed the petition, he
3 or she shall place the issue on the ballot for the next statewide
4 general election. The issue shall not be placed on the ballot again
5 within four years after voting on the issue at a statewide general
6 election.

7 (2) Any Class III school district that nominated school
8 board members by caucus pursuant to this section as it existed
9 immediately before July 14, 2006, shall continue such procedure
10 until the legal voters of the district vote not to continue to
11 have a caucus for nominations pursuant to subsection (3) of this
12 section. A caucus shall be held pursuant to subsection (5) of this
13 section not less than seventy days prior to the holding of the
14 election to nominate two or more candidates for each vacancy to
15 be voted upon at the election to be held in conjunction with the
16 statewide primary election pursuant to subsection (1) of section
17 32-543. No candidate nominated shall have his or her name placed
18 upon the ballot for the general election unless, not more than
19 ten days after his or her nomination, he or she files with the
20 secretary of the school board a written statement accepting the
21 nomination. The secretary of the school board shall certify the
22 names of the candidates to the election commissioner or county
23 clerk who shall prepare the official ballot listing the names
24 as certified and without any area designation. All legal voters
25 residing within the school district shall be permitted to vote at
26 such election.

27 (3) The school board may place before the legal voters

1 of the school district the issue of whether to continue to have a
2 caucus for nominations by adopting a resolution to place the issue
3 before the legal voters and certifying the issue to the election
4 commissioner or county clerk prior to September 1 for placement
5 on the ballot at the next statewide general election. The legal
6 voters of the school district may also have the issue placed on the
7 ballot at the statewide general election by circulating a petition
8 and gathering the signatures of the legal voters residing within
9 the school district at least equal to seven percent of the number
10 of persons registered to vote in the school district at the last
11 statewide primary election. The petitions shall be filed with the
12 election commissioner or county clerk for signature verification
13 on or before August 15 prior to a statewide general election.
14 If the election commissioner or county clerk determines that the
15 appropriate number of legal voters signed the petition, he or
16 she shall place the issue on the ballot for the next statewide
17 general election. The issue shall not be placed on the ballot again
18 within four years after voting on the issue at a statewide general
19 election.

20 (4) If the legal voters vote not to continue to have
21 a caucus, ~~candidates shall~~ the school board shall determine the
22 number of members to be nominated and elected as provided in
23 subsection (2) of section 32-543. The terms of the members in
24 office at the time of the vote shall be extended to the first
25 Thursday after the first Tuesday in January after the expiration of
26 their terms. At the first general election following the vote, ~~the~~
27 ~~member~~ a number of members receiving the greatest number of votes

1 shall be elected for a term of four years and ~~the member~~ a number
2 of members receiving the next greatest number of votes shall be
3 elected for a term of two years so that approximately one-half of
4 the school board members are elected every two years.

5 (5) A school district which uses a caucus for nominations
6 shall develop rules and procedures for conducting the caucus which
7 will ensure:

8 (a) Publication of the rules and procedures by multiple
9 sources if necessary so that every resident of the school district
10 has access to information on the process for placing a name in
11 nomination and voting at the caucus;

12 (b) Facilities for voting at the caucus which comply with
13 the federal Americans with Disabilities Act of 1990 and which will
14 accommodate a reasonably anticipated number of legal voters;

15 (c) Election security which will provide for a fair and
16 impartial election, including the secrecy of the ballot, one vote
17 per legal voter, and only legal voters of the school district being
18 allowed to vote;

19 (d) Equal access to all legal voters of the school
20 district, including the presence of an interpreter at the caucus
21 at the expense of the school district and ballots for the blind
22 and visually impaired to provide access to the process by all legal
23 voters of the school district;

24 (e) Adequate time and opportunity for legal voters of the
25 school district to exercise their right to vote; and

26 (f) Notification of nomination to the candidates and to
27 the secretary of the school board.

1 The rules and regulations shall be approved by the
2 election commissioner or county clerk prior to use for a caucus.

3 Sec. 42. Section 79-550, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-550 (1) A The school board of a Class II or III school
6 district with a six-member board of education may, by resolution
7 adopted in an odd-numbered year, provide for an increase a change
8 in the number of members from six to nine. The board of education
9 shall appoint members to fill the three vacancies thus created in
10 the manner prescribed in section 32-570, on the school board to
11 a minimum of five members and a maximum of nine members to be
12 effective at the beginning of the term of office for school board
13 members elected at the next statewide general election. The school
14 board shall include in the resolution:

15 (a) A statement of the change in number of members to be
16 added to or eliminated from the school board;

17 (b) A statement that the change does not take effect
18 until the beginning of the term of office for school board members
19 elected at the next statewide general election;

20 (c) If the members are not nominated or elected by
21 district or ward in the school district:

22 (i) If the change in number adds members to the school
23 board, a statement of the number of members to be elected at
24 the next statewide general election, including the members whose
25 terms are expiring and the additional members, and the number of
26 such members to be elected to four-year terms and the number of
27 such members to be elected to two-year terms so that approximately

1 one-half of the total number of members are elected at each
2 statewide general election. The members receiving the highest
3 number of votes shall be elected to four-year terms, and the
4 members receiving the next highest number of votes shall be elected
5 to two-year terms; and

6 (ii) If the change in number decreases the number of
7 members on the school board, a statement of the number of members
8 to be elected at the next statewide general election, if any, and
9 at the subsequent statewide general election, if necessary, and
10 the number of such members to be elected at such elections to
11 four-year terms and the number of such members to be elected at
12 such elections to two-year terms so that approximately one-half of
13 the total number of members are elected at each statewide general
14 election. The members receiving the highest number of votes shall
15 be elected to four-year terms, and the members receiving the next
16 highest number of votes shall be elected to two-year terms; and

17 (d) If the members are nominated or elected by district
18 or ward in the school district:

19 (i) The changes to the boundaries of districts or wards;

20 (ii) A statement that the changes to the boundaries are
21 effective for purposes of nominating or electing, as applicable,
22 members to the school board beginning with the next statewide
23 primary and general elections but that the changes in boundaries
24 are not effective for purposes of representation until the
25 beginning of the term of office for school board members elected at
26 the next statewide general election;

27 (iii) A statement of which districts or wards, as

1 changed, are on the ballot at the next statewide primary or
2 general election, as applicable, and whether the members elected
3 from such districts or wards are being elected for four-year terms
4 or two-year terms;

5 (iv) A statement specifying the newly established
6 districts which each member will represent for the remainder of his
7 or her term, if necessary;

8 (v) If the change in number adds members to the school
9 board, a statement of the number of members to be elected at the
10 next statewide general election, including the members whose terms
11 are expiring and the additional members, and the districts or wards
12 of such members to be elected to four-year terms and the districts
13 or wards of such members to be elected to two-year terms so that
14 approximately one-half of the total number of members are elected
15 at each statewide general election; and

16 (vi) If the change in number decreases the number of
17 members on the school board, a statement of the number of members
18 to be elected at the next statewide general election, if any,
19 and at the subsequent statewide general election, if necessary,
20 and the districts or wards of such members to be elected at such
21 elections to four-year terms and the districts or wards of such
22 members to be elected at such elections to two-year terms so that
23 approximately one-half of the total number of members are elected
24 at each statewide general election.

25 (2) A Class III school district with a nine-member board
26 of education may by resolution provide for decreasing the number of
27 members of the board of education from nine to six. When such a

1 decrease is provided, three of the vacancies which would otherwise
2 occur at the next election shall not be filled.

3 ~~(3)~~ (2) If the members of the school board of education
4 of a Class III school district are nominated and elected by
5 district or ward, the board ~~of education~~ may by resolution provide
6 for the nomination of the members by district or ward and the
7 election of the members at large. If the members are nominated
8 by district or ward and elected at large, the board ~~of education~~
9 may by resolution provide for the nomination and election of the
10 members by district or ward.

11 Sec. 43. Section 79-10,111, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 79-10,111 The legal voters in a Class I or II school
14 district, when lawfully assembled, may adjourn from time to time,
15 as may be necessary, to designate a site for a schoolhouse by
16 a vote of fifty-five percent of those present and to change the
17 designation of a site for a schoolhouse by a similar vote at any
18 annual or special meeting. In any school district in which the
19 schoolhouse is located three-fourths of one mile or more from the
20 center of such district, such schoolhouse site may be changed to
21 a point nearer the center of the district by a majority vote of
22 those present at any such school meeting. In any school district
23 containing more than one hundred fifty children five through twenty
24 years of age and having a school board of ~~six~~ five or more
25 members, the schoolhouse site in the district may be changed or the
26 purchasing of a new site may be directed, or both, at any annual or
27 special meeting, by a fifty-five percent vote of those present at

1 any such meeting. A schoolhouse site shall not be changed more than
2 once in any one school year.

3 Sec. 44. This act becomes operative on January 1, 2015.

4 Sec. 45. If any section in this act or any part of any
5 section is declared invalid or unconstitutional, the declaration
6 shall not affect the validity or constitutionality of the remaining
7 portions.

8 Sec. 46. Original sections 10-703.01, 23-1901.01, 32-209,
9 32-210, 32-405, 32-525, 32-542, 32-543, 32-567, 32-608, 32-713,
10 32-714, 32-949.01, 32-953, 32-956, 32-957, 32-1202, 79-406, 79-443,
11 79-451, 79-4,123, 79-547, 79-549, 79-550, and 79-10,111, Reissue
12 Revised Statutes of Nebraska, section 32-616, Revised Statutes
13 Cumulative Supplement, 2012, and sections 32-101, 49-1413, 49-1415,
14 49-1433.01, 49-1445, 49-1455, 49-1456, 49-1457, 49-1461.01,
15 49-1463.01, 49-1467, 49-1469, 49-1477, 49-1479.02, 49-1488.01, and
16 79-4,129, Revised Statutes Supplement, 2013, are repealed.

17 2. On page 1, strike lines 2 through 10 and insert
18 "23-1901.01, 32-209, 32-210, 32-405, 32-525, 32-542, 32-543,
19 32-567, 32-608, 32-713, 32-714, 32-949.01, 32-953, 32-956, 32-957,
20 32-1202, 79-406, 79-443, 79-451, 79-4,123, 79-547, 79-549, 79-550,
21 and 79-10,111, Reissue Revised Statutes of Nebraska, section
22 32-616, Revised Statutes Cumulative Supplement, 2012, and sections
23 32-101, 49-1413, 49-1415, 49-1433.01, 49-1445, 49-1455, 49-1456,
24 49-1457, 49-1461.01, 49-1463.01, 49-1467, 49-1469, 49-1477,
25 49-1479.02, 49-1488.01, and 79-4,129, Revised Statutes Supplement,
26 2013; to change provisions relating to bond elections, county
27 surveyor elections, school board elections, administration and

1 conduct of elections, vacancies, presidential electors, and
2 threshold amounts under the Nebraska Political Accountability
3 and Disclosure Act; to provide an operative date; to provide
4 severability; and to repeal the original sections."