

AMENDMENTS TO LB285

Introduced by Brewer, 43.

1           1. Insert the following new sections:

2           Sec. 11. Section 32-903, Revised Statutes Cumulative Supplement,  
3           2020, is amended to read:

4           32-903 (1) The election commissioner or county clerk shall create  
5           precincts composed of compact and contiguous territory within the  
6           boundary lines of legislative districts. The precincts shall contain not  
7           less than seventy-five nor more than one thousand seven hundred fifty  
8           registered voters based on the number of voters voting at the last  
9           statewide general election, except that a precinct may contain less than  
10          seventy-five registered voters if in the judgment of the election  
11          commissioner or county clerk it is necessary to avoid creating an undue  
12          hardship on the registered voters in the precinct. The election  
13          commissioner or county clerk shall create precincts based on the number  
14          of votes cast at the immediately preceding presidential election or the  
15          current list of registered voters for the precinct. The election  
16          commissioner or county clerk shall revise and rearrange the precincts and  
17          increase or decrease them at such times as may be necessary to make the  
18          precincts contain as nearly as practicable not less than seventy-five nor  
19          more than one thousand seven hundred fifty registered voters voting at  
20          the last statewide general election. The election commissioner or county  
21          clerk shall, when necessary and possible, readjust precinct boundaries to  
22          coincide with the boundaries of cities, villages, and school districts  
23          which are divided into districts or wards for election purposes. The  
24          election commissioner or county clerk shall not make any precinct changes  
25          in precinct boundaries or divide precincts into two or more parts between  
26          the statewide primary and general elections unless he or she has been  
27          authorized to do so by the Secretary of State. If changes are authorized,

1 the election commissioner or county clerk shall notify each state and  
2 local candidate affected by the change.

3 (2) The election commissioner or county clerk may alter and divide  
4 the existing precincts, except that when any city of the first class by  
5 ordinance divides any ward of such city into two or more voting districts  
6 or polling places, the election commissioner or county clerk shall  
7 establish precincts or polling places in conformity with such ordinance.  
8 No such alteration or division shall take place between the statewide  
9 primary and general elections except as provided in subsection (1) of  
10 this section.

11 (3) Following the release of the 2020 Census of Population data by  
12 the United States Department of Commerce, Bureau of the Census, the  
13 election commissioner or county clerk shall create, revise, or rearrange  
14 precincts in compliance with subsections (1) and (2) of this section and  
15 deliver maps of the updated precinct boundaries to all applicable  
16 political subdivisions within the jurisdiction of the election  
17 commissioner or county clerk by November 1, 2021.

18 (4) The Secretary of State may grant up to seven additional days for  
19 election commissioners and county clerks to meet the requirements of  
20 subsection (3) of this section for an extraordinary circumstance.

21 Sec. 6. Section 32-552, Revised Statutes Cumulative Supplement,  
22 2020, is amended to read:

23 32-552 (1) Except as provided by subsection (4) of this section, at  
24 At least five months prior to an election, the governing board of any  
25 political subdivision requesting the adjustment of the boundaries of  
26 election districts shall provide to the election commissioner or county  
27 clerk (a) written notice of the need and necessity of his or her office  
28 to perform such adjustments and (b) a revised election district boundary  
29 map that has been approved by the requesting political subdivision's  
30 governing board and subjected to all public review and challenge  
31 ordinances of the political subdivision.

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

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

15           (a)(i) The Legislature hereby divides such school district into nine  
16 numbered election districts of compact and contiguous territory and of as  
17 nearly equal population as may be practical. Each election district shall  
18 be entitled to one member on the board of education of such Class V  
19 school district. The Legislature adopts the official population figures  
20 and maps from the 2010 Census Redistricting (Public Law 94-171) TIGER/  
21 Line Shapefiles published by the United States Department of Commerce,  
22 Bureau of the Census. The numbers and boundaries of the election  
23 districts are designated and established by a map identified and labeled  
24 as OPS-13-002, filed with the Clerk of the Legislature, and incorporated  
25 by reference as part of Laws 2013, LB125. Such districts are drawn using  
26 the boundaries of the Class V school district as they existed on February  
27 12, 2013; (ii) the Clerk of the Legislature shall transfer possession of  
28 the map referred to in subdivision (a)(i) of this subsection to the  
29 Secretary of State and the election commissioner of the county in which  
30 the greater part of the school district is situated on February 12, 2013;  
31 (iii) when questions of interpretation of such election district

1 boundaries arise, the map referred to in subdivision (a)(i) of this  
2 subsection in possession of such election commissioner shall serve as the  
3 indication of the legislative intent in drawing the election district  
4 boundaries; and (iv) the Secretary of State and such election  
5 commissioner shall also have available for viewing on his or her web site  
6 the map referred to in subdivision (a)(i) of this subsection identifying  
7 the boundaries for such election districts; and

8 (b) After the next federal decennial census, the election  
9 commissioner of the county in which the greater part of a Class V school  
10 district is situated shall divide the school district into nine numbered  
11 districts of compact and contiguous territory and of as nearly equal  
12 population as may be practical. The election commissioner shall adjust  
13 the boundaries of such districts, subject to final review and adjustment  
14 by the school board, to conform to changes in the territory of the school  
15 district and also following each federal decennial census.

16 (4) Following the release of the 2020 Census of Population data by  
17 the United States Department of Commerce, Bureau of the Census, the  
18 governing board of any political subdivision requesting the adjustment of  
19 the boundaries of election districts shall provide to the election  
20 commissioner or county clerk (a) written notice of the need and necessity  
21 of his or her office to perform such adjustments and (b) a revised  
22 election district boundary map that has been approved by the requesting  
23 political subdivision's governing board and subjected to all public  
24 review and challenge ordinances of the political subdivision by December  
25 30, 2021.

26 (5) The Secretary of State, the election commissioner, or the county  
27 clerk, as the filing officer for the political subdivision pursuant to  
28 section 32-607, may grant up to six additional days upon request of the  
29 political subdivision if precinct maps are not delivered to the political  
30 subdivision by November 1, 2021, or for an extraordinary circumstance.

31 Sec. 7. Section 32-553, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 32-553 (1)(a) ~~(1)~~ When any political subdivision except a public  
3 power district nominates or elects members of the governing board by  
4 districts, such districts shall be substantially equal in population as  
5 determined by the most recent federal decennial census.

6 (b) Except as provided by subdivision (c) of this subsection, (i)  
7 any Any such political subdivision which has districts in place on the  
8 date the census figures used in drawing district boundaries for the  
9 Legislature are required to be submitted to the state by the United  
10 States Department of Commerce, Bureau of the Census, shall, if necessary  
11 to maintain substantial population equality as required by this  
12 subsection, have new district boundaries drawn within six months after  
13 the passage and approval of the legislative bill providing for  
14 reestablishing legislative districts and (ii) any ~~Any~~ such political  
15 subdivision in existence on the date the census figures used in drawing  
16 district boundaries for the Legislature are required to be submitted to  
17 the state by the United States Department of Commerce, Bureau of the  
18 Census, and which has not established any district boundaries shall  
19 establish district boundaries pursuant to this section within six months  
20 after such date.

21 (c) Following the release of the 2020 Census of Population data by  
22 the United States Department of Commerce, Bureau of the Census, any such  
23 political subdivision which has districts in place on the date the census  
24 figures used in drawing district boundaries for the Legislature are  
25 required to be submitted to the state by the United States Department of  
26 Commerce, Bureau of the Census, shall, if necessary to maintain  
27 substantial population equality as required by this subsection, have new  
28 district boundaries drawn and submitted to the election commissioner or  
29 county clerk by December 30, 2021, after the passage and approval of the  
30 legislative bill providing for reestablishing legislative districts. Any  
31 such political subdivision in existence on the date the census figures

1 used in drawing district boundaries for the Legislature are required to  
2 be submitted to the state by the United States Department of Commerce,  
3 Bureau of the Census, and which has not established any district  
4 boundaries shall establish district boundaries and submit the boundaries  
5 to the election commissioner or county clerk pursuant to this section by  
6 December 30, 2021.

7 (d) The Secretary of State, the election commissioner, or the county  
8 clerk, as the filing officer for the political subdivision pursuant to  
9 section 32-607, may grant up to six additional days upon request of the  
10 political subdivision if precinct maps are not delivered to the political  
11 subdivision by November 1, 2021, or for an extraordinary circumstance.

12 (e) If the deadline for drawing or redrawing district boundary lines  
13 imposed by this section is not met, the procedures set forth in section  
14 32-555 shall be followed.

15 (2) The governing board of each such political subdivision shall be  
16 responsible for drawing its own district boundaries and shall, as nearly  
17 as possible, follow the precinct lines created by the election  
18 commissioner or county clerk after each federal decennial census, except  
19 that the election commissioner of any county in which a Class IV or V  
20 school district is located shall draw district boundaries for such school  
21 district as provided in this section and section 32-552.

22 Sec. 14. Section 70-663, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 70-663 (1) This subsection applies to charter amendments submitted  
25 after December 31, 2021. Upon such authorization occurring, the proposed  
26 amendment shall thereupon be submitted to the Nebraska Power Review  
27 Board, together with a petition setting forth the reasons for the  
28 adoption of such amendment, and requesting that the same be approved. The  
29 Nebraska Power Review Board shall then cause notice to be given by  
30 publication for three consecutive weeks in two legal newspapers of  
31 general circulation within such district. Such notice shall set forth in

1 full the proposed amendment and set a date, not sooner than three weeks  
2 after the last date of publication of the notice, for protests,  
3 complaints, or objections to be filed with the Nebraska Power Review  
4 Board in opposition to the adoption of such amendment. The cost of such  
5 publication shall be paid by such district. If any person residing in  
6 such district, or affected by the proposed amendment, shall, within the  
7 time provided, file a protest, complaint, or objection, the Nebraska  
8 Power Review Board shall schedule a hearing and give due notice thereof  
9 to the district, the district's representative, and the person who filed  
10 such protest, complaint, or objection. Any person filing a protest,  
11 complaint, or objection may appear at such hearing and contest the  
12 approval by the Nebraska Power Review Board of such proposed amendment.  
13 After all protests, complaints, or objections have been heard, the  
14 Nebraska Power Review Board shall act upon the petition and either  
15 approve or disapprove the amendment. If no protests, complaints, or  
16 objections are properly filed, the board shall either approve the  
17 amendment without a hearing or schedule a hearing to determine whether or  
18 not the amendment should be approved. If a hearing is scheduled, due  
19 notice shall be provided to the district and the district representative.

20 (2) This subsection applies to charter amendments submitted before  
21 December 31, 2021. Following the release of the 2020 Census of Population  
22 data by the United States Department of Commerce, Bureau of the Census,  
23 any public power district seeking an amendment to its charter shall  
24 submit the proposed amendment to the Nebraska Power Review Board on or  
25 before December 17, 2021. If the proposed amendment is in proper form,  
26 the Nebraska Power Review Board shall give conditional approval of the  
27 amendment on or before December 30, 2021. The approval process provided  
28 in subsection (1) of this section shall occur concurrent with the  
29 conditional approval process. If a protest, complaint, or objection is  
30 filed and a hearing is set, any decision from the Nebraska Power Review  
31 Board rejecting the amendment shall be decided and notification provided

1 to the Secretary of State by March 1, 2022. Immediately upon receiving  
2 such notification, the Secretary of State shall notify all election  
3 commissioners and county clerks responsible for such elections within the  
4 public power district that the conditionally approved boundaries were  
5 rejected and that the previous boundaries shall be used for the primary  
6 and general elections.

7 Section 1. Section 2-3213, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 2-3213 (1) Except as provided in subsections (2), ~~and (3), and (4)~~  
10 of this section, each district shall be governed by a board of directors  
11 of five, seven, nine, eleven, thirteen, fifteen, seventeen, nineteen, or  
12 twenty-one members. The board of directors shall determine the number of  
13 directors and in making such determination shall consider the complexity  
14 of the foreseeable programs and the population and land area of the  
15 district. Districts shall be political subdivisions of the state, shall  
16 have perpetual succession, and may sue and be sued in the name of the  
17 district.

18 (2) Except as provided by subsection (7) of this section, at A  
19 least six months prior to the primary election, the board of directors of  
20 any natural resources district may change the number of directors for the  
21 district and may change subdistrict boundaries to accommodate the  
22 increase or decrease in the number of directors.

23 (3) The board of directors shall utilize the criteria found in  
24 subsection (1) of this section and in subsection (2) of section 2-3214  
25 when changing the number of directors. Except as provided in subsection  
26 (6) (5) of this section, no director's term of office shall be shortened  
27 as a result of any change in the number of directors. Any reduction in  
28 the number of directors shall be made as directors take office during the  
29 two succeeding elections or more quickly if the reduction can be made by  
30 not filling vacancies on the board and if desired by the board. If  
31 necessary to preserve staggered terms for directors when the reduction in



1 number is made in whole or in part through unfilled vacancies, the board  
2 may provide for a one-time election of one or more directors for a two-  
3 year term. The board of directors shall inform the Secretary of State  
4 whenever any such one-time elections have been approved. Notwithstanding  
5 subsection (1) of this section, the district may be governed by an even  
6 number of directors during the two-year transition to a board of reduced  
7 number.

8 (4) ~~(3)~~ Whenever any change of boundaries, division, or merger  
9 results in a natural resources district director residing in a district  
10 other than the one to which such director was elected to serve, such  
11 director shall automatically become a director of the board of the  
12 district in which he or she then resides. Except as provided in  
13 subsection (6) ~~(5)~~ of this section, all such directors shall continue to  
14 serve in office until the expiration of the term of office for which they  
15 were elected. Directors or supervisors of other special-purpose districts  
16 merged into a natural resources district shall not become members of the  
17 natural resources district board but may be appointed as advisors in  
18 accordance with section 2-3228. No later than six months after any  
19 change, division, or merger, each affected board, in accordance with the  
20 procedures and criteria found in this section and section 2-3214, shall  
21 determine the number of directors for the district as it then exists, the  
22 option chosen for nomination and election of directors, and, if  
23 appropriate, new subdistrict boundaries.

24 (5) ~~(4)~~ To facilitate the task of administration of any board  
25 increased in size by a change of boundaries or merger, such board may  
26 appoint an executive committee to conduct the business of the board in  
27 the interim until board size reductions can be made in accordance with  
28 this section. An executive committee shall be empowered to act for the  
29 full board in all matters within its purview unless specifically limited  
30 by the board in the establishment and appointment of the executive  
31 committee.

1           (6) ~~(5)~~ Notwithstanding the provisions of section 2-3214 and  
2 subsections ~~(3) and (4)~~ and (5) of this section, the board of directors  
3 of any natural resources district established by merging two or more  
4 districts in their entirety may provide that all directors be nominated  
5 and elected at the first primary and general elections following the year  
6 in which such merger becomes effective. In districts which have one  
7 director elected from each subdistrict, each director elected from an  
8 even-numbered subdistrict shall be elected for a two-year term and each  
9 director from an odd-numbered district and any member to be elected at  
10 large shall be elected for a four-year term. In districts which have two  
11 directors elected from each subdistrict, the four candidates receiving  
12 the highest number of votes at the primary election shall be carried over  
13 to the general election, and at such general election the candidate  
14 receiving the highest number of votes shall be elected for a four-year  
15 term and the candidate receiving the second highest number of votes shall  
16 be elected for a two-year term. Thereafter each director shall be elected  
17 for a four-year term.

18           (7) Following the release of the 2020 Census of Population data by  
19 the United States Department of Commerce, Bureau of the Census, any  
20 natural resources district that will have a change to the number of  
21 directors as a result of any adjustment to the boundaries of election  
22 districts shall provide to the election commissioner or county clerk (a)  
23 written notice of the need and necessity of his or her office to perform  
24 such adjustments and (b) a revised election district boundary map that  
25 has been approved by the board of directors and subjected to all public  
26 review and challenge ordinances of the natural resources district by  
27 December 30, 2021.

28           Sec. 2. Section 2-3214, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30           2-3214 (1) District directors shall be elected as provided in  
31 section 32-513. Elections shall be conducted as provided in the Election

1 Act. Registered voters residing within the district shall be eligible for  
2 nomination as candidates for any at-large position or, in those districts  
3 that have established subdistricts, as candidates from the subdistrict  
4 within which they reside.

5 (2) The board of directors may choose to: (a) Nominate candidates  
6 from subdistricts and from the district at large who shall be elected by  
7 the registered voters of the entire district; (b) nominate and elect each  
8 candidate from the district at large; or (c) nominate and elect  
9 candidates from subdistricts of substantially equal population except  
10 that any at-large candidate would be nominated and elected by the  
11 registered voters of the entire district. Unless the board of directors  
12 determines that the nomination and election of all directors will be at  
13 large, the board shall strive to divide the district into subdistricts of  
14 substantially equal population, except that no subdistrict shall have a  
15 population greater than three times the population of any other  
16 subdistrict within the district. Such subdistricts shall be consecutively  
17 numbered and shall be established with due regard to all factors  
18 including, but not limited to, the location of works of improvement and  
19 the distribution of population and taxable values within the district.  
20 Except as provided by subsection (7) of this section, the ~~The~~ boundaries  
21 and numbering of such subdistricts shall be designated at least six  
22 months prior to the primary election. Unless the district has been  
23 divided into subdistricts with substantially equal population, all  
24 directors shall be elected by the registered voters of the entire  
25 district and all registered voters shall vote on the candidates  
26 representing each subdistrict and any at-large candidates. If a district  
27 has been divided into subdistricts with substantially equal population,  
28 the board of directors may determine that directors shall be elected only  
29 by the registered voters of the subdistrict except that an at-large  
30 director may be elected by registered voters of the entire district.

31 (3) Except in districts which have chosen to have a single director

1 serve from each subdistrict, the number of subdistricts for a district  
2 shall equal a number which is one less than a majority of directors for  
3 the district. In districts which have chosen to have a single director  
4 serve from each subdistrict, the number of subdistricts shall equal a  
5 number which is equal to the total number of directors of the district or  
6 which is one less than the total number of directors for the district if  
7 there is an at-large candidate. If the number of directors to be elected  
8 exceeds the number of subdistricts or if the term of the at-large  
9 director expires in districts which have chosen to have a single director  
10 serve from each subdistrict, candidates may file as a candidate from the  
11 district at large. Registered voters may each cast a number of votes not  
12 larger than the total number of directors to be elected.

13 (4) Elected directors shall take their oath of office in the same  
14 manner provided for county officials.

15 (5) At least six months prior to the primary election, the board of  
16 directors may choose to have a single director serve from each  
17 subdistrict.

18 (6) The board of directors shall certify to the Secretary of State  
19 and the election commissioners or county clerks the number of directors  
20 to be elected at each election and the length of their terms as provided  
21 in section 32-404.

22 (7) Following the release of the 2020 Census of Population data by  
23 the United States Department of Commerce, Bureau of the Census, any board  
24 of directors requesting the adjustment of the boundaries of election  
25 districts shall provide to the election commissioner or county clerk (a)  
26 written notice of the need and necessity of his or her office to perform  
27 such adjustments and (b) a revised election district boundary map that  
28 has been approved by the board and subjected to all public review and  
29 challenge ordinances of the natural resources district by December 30,  
30 2021.

31 Sec. 18. Since an emergency exists, this act takes effect when

- 1 passed and approved according to law.
- 2       2. Renumber the remaining sections and correct the repealer
- 3 accordingly.