

LEGISLATIVE BILL 764

Approved by the Governor June 10, 1997

Introduced by Robinson, 16; Matzke, 47; Maurstad, 30; Schimek, 27; Withem, 14

AN ACT relating to elections; to amend sections 2-233, 19-2202, 19-3015, 19-3032, 70-611, and 79-549, Reissue Revised Statutes of Nebraska, and sections 10-703.01, 23-222, 23-501, 32-101, 32-103, 32-107, 32-115, 32-204, 32-208, 32-210, 32-211, 32-214, 32-215, 32-221, 32-222, 32-228, 32-230, 32-235 to 32-238, 32-240 to 32-242, 32-305, 32-306, 32-308, 32-310, 32-312, 32-314 to 32-316, 32-319, 32-321 to 32-325, 32-329, 32-330, 32-404, 32-530, 32-543, 32-552, 32-554, 32-560, 32-565, 32-568, 32-606 to 32-609, 32-612 to 32-614, 32-616, 32-618 to 32-621, 32-631, 32-632, 32-703, 32-707, 32-710, 32-715, 32-801, 32-803, 32-808, 32-810, 32-811, 32-814 to 32-816, 32-903, 32-904, 32-910, 32-913 to 32-916, 32-929, 32-933 to 32-935, 32-941, 32-943, 32-945, 32-946, 32-950, 32-1016, 32-1029, 32-1032, 32-1033, 32-1044, 32-1201, 32-1203, 32-1208, 32-1303, 32-1516, 32-1544, and 49-209, Revised Statutes Supplement, 1996; to change and eliminate provisions regarding elections; to provide and eliminate penalties; to harmonize provisions; to repeal the original sections; to outright repeal sections 70-642.03 and 70-642.04, Reissue Revised Statutes of Nebraska, and sections 32-1014 and 32-1509, Revised Statutes Supplement, 1996; and to declare an emergency.

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

Section 1. Section 2-233, Reissue Revised Statutes of Nebraska, is amended to read:

2-233. Whenever it ~~shall be~~ is deemed expedient to dissolve and abandon any county fair enterprise, established or sought to be established in any county with less than one hundred ~~and~~ twenty-five thousand people in this state under the provisions of sections 2-221 to 2-231, the county board shall, upon petition of not less than twenty-five percent of the legal voters of said registered voters of the county as shown by the poll books list of registered voters of the last previous general election, submit to the people of the said county, to be voted upon at a general or special election called by the county board for that purpose, a proposition to dissolve and abandon such county fair enterprise. The ~~7~~ PROVIDED, the question of dissolving and abandoning any such county fair shall not be submitted until the expiration of three years after the vote to establish such fair has been taken.

Sec. 2. Section 10-703.01, Revised Statutes Supplement, 1996, is amended to read:

10-703.01. In all special elections called for voting on the question of issuing bonds of the school district, the county clerk or election commissioner or, if the school district lies in more than one county, the county clerk or election commissioner in the county having the greatest number of electors entitled to vote on the question shall designate the polling places and appoint the election officials, who need not be the regular election officials, and otherwise conduct the election as provided under the Election Act except as otherwise specifically provided in this section. No special election shall be held under this section within thirty days prior to the statewide primary or general election or sixty days after the statewide primary or general election. The school district shall designate the form of ballot and reimburse the county clerk or election official for the expenses of conducting the election as provided in sections 32-1201 to 32-1208. The school district officers shall give notice of the election at least twenty days prior to the election and cause the sample ballot to be published in a newspaper of general circulation in the school district one time not more than ten days nor less than three days prior to the election, and no notice of the election shall be required to be given by the county clerk or election commissioner. The notice of election shall state where absentee ballots may be obtained.

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

Absentee ballots shall be furnished to the county clerk or election commissioner and ready for distribution by the county clerk or election

commissioner conducting the election not less than fifteen days prior to the election.

When a school district lies in more than one county, the county clerk or election commissioner in any other county containing part of such school district shall, upon request, certify its registration books for those precincts in which the school district is located to the county clerk or election commissioner conducting the election and shall immediately forward all requests for absentee ballots to the county clerk or election commissioner charged with the issuing of such ballots. Not less than five days prior to the election, the school district officers shall certify to the county clerk or election commissioner conducting the election a list of all registered voters of the school district in any other county or counties qualified to vote on the bond issue.

Absentee ballots cast at the election shall be counted by the same board as counted other ballots at the election. When all the ballots have been counted, the returns of such election shall be turned over to the school board or board of education of the district in which the election was held for the purpose of making a canvass thereof.

The two disinterested persons appointed on the counting board shall receive four dollars and twenty-five cents per hour for each hour of service rendered.

Sec. 3. Section 19-2202, Reissue Revised Statutes of Nebraska, is amended to read:

19-2202. The application presented to the district court of the county in which the territory lies shall: (1) Contain a recital of the resolution of the council or board of trustees for correction and reestablishment of the corporate limits, and the vote thereon; (2) set forth the name of the plat or plats, the date of record, the book and page of the record book wherein in which such plat or plats have been recorded, and the book and page of the record wherein in which the original charter and annexations, if any there be, are recorded; (3) describe in general terms the area contained within the corporate limits and the territory affected by the corrections and reestablishment sought; (4) set forth the streets and alleys of such area which are maintained or used; and (5) be supported by exhibits consisting of a certificate of the county treasurer of the county in which the territory lies showing the years for which ~~said~~ the real estate and the property therein situated shall have been subject to the tax levy of such city or village and a certificate of the city or village clerk or other officer having custody of the ~~poll books~~ sign-in registers for elections of the city or village in which the territory lies showing the years during which the inhabitants thereof enjoyed the right of franchise in the elections of such city or village. The application shall pray for an order of the district court correcting and reestablishing the corporate limits of the ~~said~~ city or village to include such territory.

Sec. 4. Section 19-3015, Reissue Revised Statutes of Nebraska, is amended to read:

19-3015. Previous to any votes being received in a precinct, the judges and clerks of election shall severally take an oath or affirmation according to the form prescribed in section 11-101.01. If there ~~be~~ is no judge present at the opening of the polls, it shall be lawful for the judges of election to administer the oath or affirmation to each other and the clerks of election. The person administering such oath or affirmation shall cause an entry to be made thereof and subscribed by him, or her and affixed to each ~~poll book~~ sign-in register.

Sec. 5. Section 19-3032, Reissue Revised Statutes of Nebraska, is amended to read:

19-3032. If one or more of the judges of election in a precinct suspect that a person offering to vote does not possess the necessary qualifications for an elector at a municipal election, he or she may challenge such elector. If ~~such~~ the person offering to vote is so challenged, one of the judges of election shall administer to ~~him~~ the person the following oath or affirmation:

You do solemnly swear (or affirm) that you will fully and truthfully answer all such questions as shall be put to you, touching upon your qualifications as an elector in this election, so help you God.

Thereafter, one or more of the judges of election may propound all the pertinent questions necessary to determine whether such person offering to vote possesses the necessary qualifications of an elector. If the judges of election ~~be~~ are satisfied that such person offering to vote does not possess the necessary qualifications of an elector, then the clerks of election shall be instructed to refuse to deliver to such person the ballot or ballots to be used in such municipal election. If such challenge is successful, the judges

of election shall make a brief memorandum in writing of the proceedings and certify the same, which memorandum shall be attached to the ~~poll list~~ sign-in register and returned to the municipal clerk after the close of the election. If the person challenged, ~~as aforesaid, shall refuse~~ refuses to answer fully any question, ~~which shall be asked him, as aforesaid,~~ no ballots shall be delivered to such person, and ~~he~~ such person shall not be permitted to cast a vote. If any such person who is so challenged ~~shall refuse~~ refuses to take the oath or affirmation so tendered, ~~he~~ the person shall not be permitted to cast a vote. It shall be the duty of any judge of election to challenge any person offering to vote whom he ~~shall believe~~ she believes is not qualified to be an elector.

Sec. 6. Section 23-222, Revised Statutes Supplement, 1996, is amended to read:

23-222. The ~~town~~ township clerk, ~~town~~ township treasurer, and chairperson of the ~~township board of supervisors~~ shall be elected pursuant to the Election Act at the next general election held in November following appointment and shall have the qualifications required by sections 23-214 and 23-215.

Sec. 7. Section 23-501, Revised Statutes Supplement, 1996, is amended to read:

23-501. Whenever it is deemed necessary to erect a courthouse, jail, or other public county buildings in any county in this state, the county board may and, upon petition of not less than one-fourth of the ~~legal~~ registered voters of the county as shown by the ~~poll books~~ list of registered voters of the last previous general election, shall submit to the people of the county to be voted upon at a general election or at a special election called by the county board for that purpose a proposition to vote a special annual tax for that purpose of not to exceed three and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in such county for a term of not to exceed five years.

Sec. 8. Section 32-101, Revised Statutes Supplement, 1996, is amended to read:

32-101. Sections 32-101 to 32-1551 and sections 12, 85, and 86 of this act shall be known and may be cited as the Election Act.

Sec. 9. Section 32-103, Revised Statutes Supplement, 1996, is amended to read:

32-103. For purposes of the Election Act, the definitions found in sections 32-104 to 32-120 and section 12 of this act shall be used.

Sec. 10. Section 32-107, Revised Statutes Supplement, 1996, is amended to read:

32-107. District shall mean a ~~political~~ political subdivision of the state or of a county, city, or village, ~~or other political subdivision~~ in which all registered voters residing within the district are entitled to participate in the election of any one or more candidates or in the determination by election of any question or proposition.

Sec. 11. Section 32-115, Revised Statutes Supplement, 1996, is amended to read:

32-115. Registered voter shall mean an elector who has a current valid voter registration record on file with the election commissioner or county clerk in the county of his or her residence.

Sec. 12. Special election shall mean an election other than a regularly scheduled primary or general election as specified in statute or by home rule charter.

Sec. 13. Section 32-204, Revised Statutes Supplement, 1996, is amended to read:

32-204. The Voter Registration Cash Fund is hereby created. The fund shall be used by the Secretary of State to pay for the printing and distribution of forms for voter registration and any other training or informational materials related to elections. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 14. Section 32-208, Revised Statutes Supplement, 1996, is amended to read:

32-208. The election commissioner in counties having a population of more than one hundred thousand inhabitants shall be a registered voter, a resident of such county for at least five years, and of good moral character and approved integrity and capacity. No person who is a candidate for any elective office or is a deputy, clerk, or employee of any person who is a candidate for any elective office shall be eligible for the office of election commissioner. The election commissioner shall not hold any other elective office and shall not be eligible to any elective office or to become a

candidate for an elective office during his or her term of office or within three months after his or her term has expired whether or not he or she served the full term.

Sec. 15. Section 32-210, Revised Statutes Supplement, 1996, is amended to read:

32-210. The election commissioner in counties having a population of more than one hundred thousand inhabitants shall, within ten days after being appointed or being notified that a vacancy exists in the office of chief deputy election commissioner, notify by registered or certified mail the county chairperson of the political ~~party parties~~ from which a chief deputy election commissioner ~~is to~~ may be appointed that an appointment needs to be made. The county chairperson of the ~~appropriate~~ political ~~party parties~~ shall call a meeting of a committee comprised of the county chairperson, vice-chairperson, secretary, and treasurer of the political ~~party parties~~ within ten days after receiving the letter for the purpose of preparing a list of three or more candidates. The list shall be submitted to the election commissioner within five days after the meeting, and the election commissioner shall select a chief deputy election commissioner from the list of names of candidates submitted within ten days after receiving the list.

Sec. 16. Section 32-211, Revised Statutes Supplement, 1996, is amended to read:

32-211. The office of election commissioner may be created for each county having a population of not less than twenty thousand nor more than one hundred thousand inhabitants. Such office may be created by resolution of the county board establishing such office, and the election commissioner shall be appointed by the county board. The appointment of a chief deputy election commissioner shall be at the option of the county board. If a chief deputy election commissioner is appointed, he or she shall be a member of a different political party than the election commissioner. The election commissioner and chief deputy election commissioner shall be registered voters, residents of such county for at least five years, and of good moral character and ~~approved~~ integrity and capacity. The election commissioner and chief deputy election commissioner shall serve for terms of four years from the date of their initial appointment or until their successors have been appointed and qualified. The county board may by resolution eliminate the office of election commissioner at the end of a term or upon a vacancy in the office. The county board shall not appoint any county official who is serving an elected term to the office of election commissioner or chief deputy election commissioner. If a vacancy occurs in either office, the county board shall appoint an election commissioner or chief deputy election commissioner to serve for the unexpired term.

Sec. 17. Section 32-214, Revised Statutes Supplement, 1996, is amended to read:

32-214. The election commissioner shall be responsible for the enforcement of the Election Act as it relates to his or her office and for the competency, integrity, and conduct of his or her chief deputy election commissioner and all personnel appointed by him or her. The election commissioner or chief deputy election commissioner shall be removed when it appears that (1) he or she has been derelict in the performance of the duties of his or her office, (2) he or she is incompetent, (3) his or her conduct is prejudicial to the public interest, (4) he or she has appointed incompetent, negligent, or corrupt precinct or district inspectors, judges of election, clerks of election, or deputy registrars, (5) a fair and impartial registration of election voters was not obtained in any district of the county, or (6) the act was not enforced in the county. If the election commissioner is appointed by the Governor, the Governor shall remove the election commissioner or chief deputy election commissioner when either is subject to removal under this section. If the Governor fails to remove the election commissioner or the chief deputy election commissioner when either the election commissioner or deputy, or both, are subject to removal under this section, any citizen of the county may institute an action to order the Governor to remove the election commissioner, chief deputy election commissioner, or both. If the election commissioner is appointed by the county board, the county board shall remove the election commissioner or chief deputy election commissioner when either is subject to removal under this section. If the county board fails to remove the election commissioner or the chief deputy election commissioner when either the election commissioner or deputy, or both, are subject to removal under this section, any citizen of the county may institute an action to order the county board to remove the election commissioner, chief deputy election commissioner, or both.

Sec. 18. Section 32-215, Revised Statutes Supplement, 1996, is amended to read:

32-215. (1) The election commissioner shall adopt and promulgate rules and regulations pursuant to the Administrative Procedure Act in regard to elections and the registration of voters in his or her county which are not inconsistent with the Election Act or the rules and regulations of the Secretary of State. The election commissioner shall have charge of and make provisions for all elections to be held in such county unless otherwise specifically provided.

(2) The election commissioner shall select and appoint the places of registration and the polling place for each precinct and cause the same to be properly equipped and maintained.

Sec. 19. Section 32-221, Revised Statutes Supplement, 1996, is amended to read:

32-221. (1) The election commissioner shall appoint precinct and district inspectors, judges of election, and clerks of election to assist the election commissioner in conducting elections on election day. In counties with a population of less than three hundred thousand inhabitants, judges and clerks of election and inspectors shall be appointed at least thirty days prior to the statewide primary election, shall hold office for terms of two years or until their successors are appointed and qualified for the next statewide primary election, and shall serve at all elections in the county during their terms of office. In counties with a population of three hundred thousand or more inhabitants, judges and clerks of election shall be appointed at least thirty days prior to the first election for which appointments are necessary and shall serve for at least four elections. In counties with a population of three hundred thousand or more inhabitants:

(a) (2) Judges and clerks of election shall may be selected at random from a cross section of the population of the county. ↗

(b) All qualified citizens shall have the opportunity to be considered for service. ↗

(c) All qualified citizens shall fulfill their obligation to serve as judges or clerks of election as prescribed by the election commissioner. ↗

(d) No citizen shall be excluded from service as a result of discrimination based upon race, color, religion, sex, national origin, or economic status. ↗ and

(e) No citizen shall be excluded from service unless excused by reason of ill health or other good and sufficient reason.

(f) (3) All persons appointed shall be of good repute and character, be able to read and write the English language, and be registered voters in the county. No candidate at an election shall be appointed as a judge or clerk of election or inspector for such election other than a candidate for delegate to a county, state, or national political party convention.

(g) (4) If a vacancy occurs in the office of judge or clerk of election or inspector, the election commissioner shall fill such vacancy in accordance with section 32-223. If any judge or clerk of election or inspector fails to appear at the hour appointed for the opening of the polls, the remaining officers shall notify the election commissioner, select a registered voter to serve in place of the absent officer if so directed by the election commissioner, and proceed to conduct the election. If the election commissioner finds that a judge or clerk of election or inspector does not possess all the qualifications prescribed in this section or if any judge or clerk of election or inspector is guilty of neglecting the duties of the office or of any official misconduct, the election commissioner shall remove the person and fill the vacancy.

Sec. 20. Section 32-222, Revised Statutes Supplement, 1996, is amended to read:

32-222. Before entering upon his or her duties, each judge of election, clerk of election, and inspector shall take and subscribe an oath and file the same with the election commissioner. The oath need not be taken and signed before a person authorized to administer oaths. If the oath is printed in the poll books of the election sign-in register, the signing of the poll books sign-in register by such judges, clerks, and inspectors shall be a complete and sufficient compliance with the requirements of section 11-101.01. The form of the oath shall be as provided in such section.

Sec. 21. Section 32-228, Revised Statutes Supplement, 1996, is amended to read:

32-228. The election commissioner shall notify each person appointed as a judge or clerk of election, precinct inspector, or district inspector of the appointment by letter. Such letter shall be mailed at least fifteen days prior to the required reporting date. Each appointee shall, at the time fixed in the notice of appointment, report to the office of the election commissioner to complete any informational forms and receive instructions as to his or her duties. Such appointee, if found qualified and

unless excused by reason of ill health or other good and sufficient reason, shall serve as a judge or clerk of election or inspector for the term of his or her appointment. A violation of this section by an appointee is a Class V misdemeanor. The election commissioner shall submit the names of appointees violating this section to the local law enforcement agency for citation pursuant to sections 32-1549 and 32-1550.

Sec. 22. Section 32-230, Revised Statutes Supplement, 1996, is amended to read:

32-230. (1) ~~The As~~ provided in subsection (4) of this section, the precinct committeeman and committeewoman of each political party shall appoint a receiving board consisting of three judges of election and two clerks of election except as provided in subsection ~~(2)~~ (3) of this section and a counting board if required pursuant to section 32-234 consisting of two judges of election and two clerks of election, ~~as provided in subsection (3) of this section.~~ The chairperson of the county central committee of each political party shall send the names of the appointments to the county clerk at least sixty days before the primary election.

(2) If no names are submitted by the chairperson, the county clerk shall appoint judges or clerks of election from the appropriate political party. ~~Judges and clerks of election may be selected at random from a cross section of the population of the county. All qualified citizens shall have the opportunity to be considered for service. All qualified citizens shall fulfill their obligation to serve as judges or clerks of election as prescribed by the county clerk. No citizen shall be excluded from service as a result of discrimination based upon race, color, religion, sex, national origin, or economic status. No citizen shall be excluded from service unless excused by reason of ill health or other good and sufficient reason.~~

~~(2)~~ (3) In precincts in which voting machines or punch card voting systems are used, the receiving board shall have at least three members. When more than one voting machine is used, there shall be one additional member for each additional machine. When more than one punch card voting device is used, the county clerk shall appoint additional members if necessary.

~~(3)~~ (4) For each precinct, one judge and one clerk of election shall be appointed from the political party casting the highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, one judge and one clerk shall be appointed from the political party casting the next highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, and one judge shall be appointed from the political party casting the third highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election. If the political party casting the third highest number of votes cast less than ten percent of the total vote cast in the county at the immediately preceding general election, the political party casting the highest number of votes at the immediately preceding general election shall be entitled to two judges and one clerk. If a counting board is required pursuant to section 32-234, one judge and one clerk of election shall be appointed to be members of the counting board from the political party casting the highest number of votes for Governor or for President of the United States in the county in the immediately preceding general election and one judge and one clerk of election shall be appointed to be members of the counting board from the political party casting the next highest number of votes.

~~(4)~~ (5) The county clerk may appoint registered voters to serve in case of a vacancy among any of the judges or clerks of election or in addition to the judges and clerks in any precinct when necessary to meet any situation that requires additional judges and clerks. Such appointees may include registered voters unaffiliated with any political party. Such appointees shall serve at subsequent or special elections as determined by the county clerk.

Sec. 23. Section 32-235, Revised Statutes Supplement, 1996, is amended to read:

32-235. The county clerk shall, by mail, notify judges and clerks of election of their appointment. The notice shall inform the appointee of his or her appointment and of the date and time he or she is required to report to the office of the county clerk or the polling place. The notice shall be mailed at least fifteen days prior to the election. The county clerk shall order the members of the receiving board to appear at their respective polling place at least one hour prior to the hour fixed for the opening of the polls and the members of the counting board to appear at their respective polling place on the day and at the hour specified in such order the notice of appointment.

Sec. 24. Section 32-236, Revised Statutes Supplement, 1996, is amended to read:

32-236. Each judge and clerk of election appointed pursuant to subsection ~~(3)~~ (4) of section 32-230 shall serve at all elections, except city and village elections, held in the county or precinct during his or her two-year term unless excused. A violation of this section by an appointee is a Class V misdemeanor. The county clerk shall submit the names of appointees violating this section to the local law enforcement agency for citation pursuant to sections 32-1549 and 32-1550.

Sec. 25. Section 32-237, Revised Statutes Supplement, 1996, is amended to read:

32-237. If any judge or clerk of election fails to appear at the appropriate hour, the remaining judges and clerks shall notify the county clerk, select a registered voter to serve in place of the absent person, and proceed to conduct the election, point a registered voter to replace the absent person. The registered voter shall be affiliated with the same political party as the absent person if possible.

Sec. 26. Section 32-238, Revised Statutes Supplement, 1996, is amended to read:

32-238. Before entering upon his or her duties, each judge or clerk of election shall sign an oath to be returned to the county clerk after the polls close. The oath need not be taken and signed before a person authorized to administer oaths. If the oath is printed in the poll books of the election sign-in register, the signing of the poll books sign-in register shall be complete and sufficient compliance with the requirements of section 11-101.01. The form of the oath shall be as provided in such section.

Sec. 27. Section 32-240, Revised Statutes Supplement, 1996, is amended to read:

32-240. Any person who is appointed to serve as a judge or clerk of election may, at any time before election day, be excused by the county clerk from serving in such capacity by reason of his or her own sickness, the serious illness of any member of his or her family, or unavoidable absence from the precinct county on election day.

Sec. 28. Section 32-241, Revised Statutes Supplement, 1996, is amended to read:

32-241. (1) Any person who is appointed in any county to serve as a judge or clerk of election or precinct or district inspector shall not be subject to discharge from employment, loss of pay, loss of overtime pay, loss of sick leave, loss of vacation time, the threat of any such action, or any other form of penalty as a result of his or her absence from employment due to such service if he or she gives reasonable notice to his or her employer of such appointment. Reasonable notice shall be waived for those persons appointed as judges or clerks of election on the day of election to fill vacancies. Any such person shall be excused upon request from any shift work, without loss of pay, for those days he or she is required to serve.

(2) No employer shall subject an employee serving as a judge or clerk of election or precinct or district inspector to coercion, discharge from employment, loss of pay, loss of overtime pay, loss of sick leave, loss of vacation time, the threat of any such action, or any other form of penalty on account of his or her absence from employment by reason of such service, except that an employer may reduce the pay of an employee for each hour of work missed by an amount equal to the hourly compensation other than expenses paid to the employee by the county for such service.

(3) A violation of this section is a Class V misdemeanor. The election commissioner or county clerk shall submit the names of persons violating this section to the local law enforcement agency for citation pursuant to sections 32-1549 and 32-1550.

(4) The election commissioner or county clerk shall not provide a list of judges or clerks of election or precinct or district inspectors to any committee or to any person until the election has been completed.

Sec. 29. Section 32-242, Revised Statutes Supplement, 1996, is amended to read:

32-242. (1) The election commissioner, county clerk, chief deputy election commissioners, office personnel of the election commissioner or county clerk, judges of election, precinct or district inspectors, and deputy registrars may administer all oaths required or necessary in the administration of the Election Act.

(2) The election commissioner or county clerk may adopt an official seal for use as prescribed by law.

Sec. 30. Section 32-305, Revised Statutes Supplement, 1996, is amended to read:

32-305. (1) Any registered voter may apply to the election

commissioner or county clerk to be appointed as a deputy registrar for the purpose of registering voters. The application form shall be prescribed by the election commissioner, county clerk, or Secretary of State. The deputy registrar shall notify the election commissioner or county clerk of the location and time of proposed voter registration and the names and party affiliations of the deputy registrars at least seventy-two hours prior to required publication deadlines. The election commissioner or county clerk, at his or her discretion, may approve or disapprove the deputy registrar's plans for voter registration and shall notify the deputy registrar of such decision.

(2) Any person appointed as a deputy registrar shall attend a training session conducted by an election commissioner or county clerk. A person who attends and successfully completes a training session after January 1, 1995, shall be qualified as a deputy registrar for any county in the state and shall receive a certificate verifying successful completion of the training and indicating his or her qualification as a deputy registrar to conduct registration in any county in the state.

(3) Before entering upon his or her duties, the deputy registrar shall take and subscribe to the following oath:

You do solemnly swear that you will support the Constitution of the United States and the Constitution of Nebraska and will faithfully and impartially perform the duties of the office of deputy registrar according to law and to the best of your ability.

(4) Deputy registrars trained after January 1, 1995, shall not be required to attend another training session unless the Secretary of State determines that substantial changes have occurred in the voter registration process requiring additional training. The training session may vary in length but shall not exceed four hours. The Secretary of State shall inspect and review all training programs, procedures, and practices to assure that they relate to the position of a deputy registrar and his or her duties.

(5) Any deputy registrar who violates any registration procedure, rule, regulation, or guideline may have his or her status as a deputy registrar revoked by the election commissioner, county clerk, or Secretary of State.

Sec. 31. Section 32-306, Revised Statutes Supplement, 1996, is amended to read:

32-306. Deputy registrars shall register voters in teams of at least two deputies, one of whom is not a member of the same political party as the other or others. The deputy registrars shall return the completed registration forms to the office of the election commissioner or county clerk of the county in which the registrations are to be effective no later than the end of the next business day after the registrations are taken. The election commissioner or county clerk shall mail a confirmation an acknowledgment of registration at least five days prior to the next election to each person registered by a deputy registrar. Deputy registrars shall not register voters after 6 p.m. on the third Friday preceding any election. A registration received after the deadline shall not be processed by the election commissioner or county clerk until after the election. This section shall not apply to registration done by the employees of the election commissioner or county clerk.

Sec. 32. Section 32-308, Revised Statutes Supplement, 1996, is amended to read:

32-308. (1) The Department of Motor Vehicles, with the assistance of the Secretary of State, shall prescribe a voter registration form which may be used to register to vote or change his or her address for voting purposes at the same time an elector applies for an original or renewal motor vehicle operator's license, an original or renewal state identification card, or a replacement or duplicate thereof. The voter registration form shall contain the information required pursuant to section 32-312 and shall be designed so that it does not require the duplication of information in the application form for the motor vehicle operator's license or state identification card, except that it may require a second signature of the applicant. The department and the Secretary of State shall make the forms available to the county treasurer, the license examiners of the department, and any other person who issues operators' licenses or state identification cards. Registration forms shall be completed at the office of the county treasurer or department by the close of business on the third Friday preceding any election to be registered to vote at such election. A registration received after the deadline shall not be processed by the election commissioner or county clerk until after the election.

(2) State agency personnel and county treasurers involved in the voter registration process pursuant to this section and section 32-309 shall not be considered deputy registrars or agents or employees of the election

commissioner or county clerk.

Sec. 33. Section 32-310, Revised Statutes Supplement, 1996, is amended to read:

32-310. (1) The State Department of Education, the Department of Health and Human Services, the Department of Health and Human Services Regulation and Licensure, and the Department of Health and Human Services Finance and Support shall provide the opportunity to register to vote at the time of application, review, or change of address for the following programs, as applicable: (a) The food stamp program; (b) the medicaid program; (c) the WIC program as defined in section 71-2225; (d) the aid to dependent children program; (e) the vocational rehabilitation program; and (f) any other public assistance program or program primarily for the purpose of providing services to persons with disabilities. If the application, review, or change of address is accomplished through an agent or contractor of the department, the agent or contractor shall provide the opportunity to register to vote. Any information on whether an applicant registers or declines to register and the agency at which he or she registers shall be confidential and shall only be used for voter registration purposes.

(2) The department, agent, or contractor shall make the mail-in registration form described in section 32-320 available at the time of application, review, or change of address and shall provide assistance, if necessary, to the applicant in completing the form. The department shall retain records indicating whether an applicant accepted or declined the opportunity to register to vote.

(3) Department personnel, agents, and contractors involved in the voter registration process pursuant to this section shall not be considered deputy registrars or agents or employees of the election commissioner or county clerk.

(4) The applicant may return the completed form to the department, agent, or contractor or may personally mail or deliver the form to the election commissioner or county clerk as provided in section 32-321. If the applicant returns the completed form to the department, agent, or contractor, the department, agent, or contractor shall deliver the form to the election commissioner or county clerk of the county in which the office of the department, agent, or contractor is located not later than ten days after receipt by the department, agent, or contractor, except that if the form is returned to the department, agent, or contractor within five days prior to the third Friday preceding any election, it shall be delivered not later than five days after the date it is returned. The election commissioner or county clerk shall, if necessary, forward the form to the election commissioner or county clerk of the county in which the applicant resides within such prescribed time limits. Registration forms shall be completed and returned to the department, agency, or contractor by the close of business on the third Friday preceding any election to be registered to vote at such election. A registration received after the deadline shall not be processed by the election commissioner or county clerk until after the election.

(5) The departments shall adopt and promulgate rules and regulations to ensure compliance with this section.

Sec. 34. Section 32-312, Revised Statutes Supplement, 1996, is amended to read:

32-312. The office personnel of the election commissioner or county clerk or the deputy registrar shall examine all persons who may personally apply to register to vote as to his or her qualifications, and in the presence of the applicant, the information listed in this section shall be entered in the register.

NAME--the name of the applicant giving the first and last name in full, the middle name in full or the middle initial, and the maiden name of the applicant, if applicable.

RESIDENCE--the name and number of the street, avenue, or other location of the dwelling where the applicant resides if there is a number. If the registrant resides in a hotel, apartment, tenement house, or institution, such additional information shall be included as will give the exact location of such registrant's place of residence. If the registrant lives in an incorporated or unincorporated area not identified by the use of roads, road names, or house numbers, the registrant shall state the section, township, and range of his or her residence and the corporate name of the school district as described in section 79-405 in which he or she is located.

POSTAL ADDRESS--the address at which the applicant receives mail if different from the residence address.

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

TELEPHONE NUMBERS (optional)--the telephone number of the applicant at work and at home. At the request of the applicant, a designation shall be made at the request of the applicant that the telephone number is an unlisted number, and such designation shall preclude the listing of the applicant's telephone number on any list of voter registrations.

~~GATH-AFFIRMATION~~--the word Yes or No following either respectively as the case may be--

DATE OF APPLICATION FOR REGISTRATION--the month, day, and year when applicant presented himself or herself for registration.

PLACE OF BIRTH (optional)--show the state, country, kingdom, empire, or dominion where the applicant was born.

DATE OF BIRTH--show the date of the applicant's birth. The applicant shall be at least eighteen years of age or attain eighteen years of age on or before the first Tuesday after the first Monday in November to have the right to register and vote in any election in the present calendar year.

REGISTRATION TAKEN BY--show the signature of the deputy registrar taking the application, if applicable.

PARTY AFFILIATION--show the party affiliation of the applicant as Democrat, Republican, Nonpartisan, or Other (Note: If you wish to vote in both partisan and nonpartisan primary elections for state and local offices, you must indicate a political party affiliation on the registration form. If you register without a political party affiliation (independent), you will receive only the nonpartisan ballots for state and local offices at primary elections. If you register without a political party affiliation, you may vote in partisan primary elections for congressional offices.)

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

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

(1) I am at least eighteen years of age or I will be eighteen years of age prior to the first Tuesday following the first Monday of November of this year;

(2) I am a citizen of the United States;

(3) I live in the State of Nebraska at the address provided above;

(4) I have not been convicted of a felony or, if convicted, my civil rights have been restored; and

(5) I have not been officially found to be non compos mentis (mentally incompetent).

Any registrant who signs this form knowing that any of the information in the form is false shall be guilty of a Class IV felony under section 32-1502 of the statutes of Nebraska. The penalty for a Class IV felony is up to five years imprisonment, a fine of up to ten thousand dollars, or both.

APPLICANT'S SIGNATURE--require the applicant to affix his or her signature to the form.

Sec. 35. Section 32-314, Revised Statutes Supplement, 1996, is amended to read:

32-314. (1) Any person going into another territory or state and registering to vote or voting shall lose his or her residence in this state. Any person going into another county of this state and registering to vote or voting shall lose his or her residence in the county where he or she was registered. Any registered voter shall register again if he or she changes his or her residence to a different county or state.

(2) A registered voter who changes his or her name, party affiliation, or residence within the county and has retained legal residence in the county since the date of his or her last registration may change his or her registration to vote by completing an abbreviated transfer of registration form as provided in section 32-325 or a new registration form. Any registered voter who changes his or her name or his or her residence within a county may be entitled to vote pursuant to section 32-915 or section 85 or 86 of this act.

Sec. 36. Section 32-315, Revised Statutes Supplement, 1996, is amended to read:

32-315. Upon receiving notice of a change of address pursuant to section 32-309 or 32-310 indicating that the person has moved to another county or state, the election commissioner or county clerk shall remove the name of the person from the permanent registration register. Upon receiving notice of a change of name or change of address pursuant to section 32-309 or 32-310 indicating that the person has changed his or her name or moved to another residence within the same county, the election commissioner or county clerk shall change the voter registration of the registered voter to the new name or new address and shall send an acknowledgment card to the registered

voter indicating that ~~transfer the change~~ of registration has been completed and the address of the voter's new polling place.

Sec. 37. Section 32-316, Revised Statutes Supplement, 1996, is amended to read:

32-316. The election commissioner or county clerk may issue a certificate of registration to any registered voter who requests a certificate verifying that he or she is a registered voter in the county and pays a fee of three dollars. The certificate of registration shall include the information contained in section 32-312 and shall be issued with the seal of the election commissioner or county clerk. All fees so collected shall be reported to the county board and remitted to the county treasurer at least once each month.

Sec. 38. Section 32-319, Revised Statutes Supplement, 1996, is amended to read:

32-319. (1) The Secretary of State shall prescribe a registration form which may be used statewide to register to vote. The form shall contain substantially all the information provided in section 32-312. The form shall include a mail-in portion which may be designed to be detached from the rest of the form for mail-in registrations. The form shall also include an abbreviated transfer of registration form as described in section 32-325. Every election commissioner or county clerk shall accept a registration made on the form prescribed by the Secretary of State.

(2) A statement shall appear in enlarged, capitalized, bold print on the mail-in portion of the form that the form must be postmarked on or before the fourth Tuesday third Friday before the election. The mail-in portion shall also contain a statement that the election commissioner or county clerk will, upon receipt of the registration form, send an acknowledgment of registration to the registrant indicating whether the registration form is proper or not and a statement as follows:

NOTE: This application may be delivered to the office of the election commissioner or county clerk by mail, in person, or by personal messenger. Any voter who is unable to sign his or her name may affix his or her mark before two witnesses who are registered voters in this county.

Sec. 39. Section 32-321, Revised Statutes Supplement, 1996, is amended to read:

32-321. Any elector may request voter registration forms in person, by telephone, or by mail from the office of the election commissioner or county clerk. The election commissioner or county clerk shall make registration forms prescribed by the Secretary of State available and may place the forms in public places. The election commissioner or county clerk may require that all unused forms be returned to his or her office and may place reasonable limits on the amount of forms requested. If an elector mails the registration form to the election commissioner or county clerk, the form shall be postmarked on or before the fourth Tuesday third Friday before the next election and processed by the election office as a proper registration for the voter to be entitled to vote on the day of the next election. If a postmark is unreadable, the election commissioner or county clerk shall accept the registration if it is received in his or her office at least twenty-five fourteen days before the election. If the registration form arrives after the registration deadline, the applicant's form shall not be processed until after the election. Written notice shall be given to any applicant whose registration form failed to meet the registration deadline or was found to be incorrect or incomplete. All postage costs related to returning registration forms to the election commissioner or county clerk shall be paid by the registrant.

Sec. 40. Section 32-322, Revised Statutes Supplement, 1996, is amended to read:

32-322. Upon receipt by the election commissioner or county clerk of a complete and correct registration form showing that the registrant is qualified to be a registered voter, the registrant shall be a registered voter and the election commissioner or county clerk shall send, by nonforwardable first-class mail, an acknowledgment of registration to the registrant at the postal address shown on the registration form. If an acknowledgment of registration is returned as undeliverable, a second nonforwardable first-class mailing shall be attempted. If a registration form is rejected, the registrant shall be promptly notified of the rejection and the specific reason for rejection. If a registration form is a duplicate of a registration already on file, the registrant shall be so notified.

Sec. 41. Section 32-323, Revised Statutes Supplement, 1996, is amended to read:

32-323. Registration by mail shall not constitute a valid registration for purposes of signing any type of petition requiring the validation of the signatures of registered voters until the a complete and

correct registration form has been received by the election commissioner or county clerk. A signature on a petition shall be considered a valid signature as of the date that the election commissioner or county clerk receives the registration form of the registrant.

Sec. 42. Section 32-324, Revised Statutes Supplement, 1996, is amended to read:

32-324. When a person who previously has been registered to vote in another county or state registers to vote in a new county of residence in Nebraska, the election commissioner or county clerk accepting the new registration shall notify the election commissioner, county clerk, or other appropriate election official in the voter's previous county or state that the voter has registered in the new county. The notification shall contain the printed or typewritten name and signature and previous address of the registered voter or shall contain the printed or typewritten name and previous address of the registered voter and the signature or certification of the election commissioner or county clerk. Upon receiving the notification, the election commissioner or county clerk of the registered voter's previous county shall purge his or her name from the voter registration records.

Sec. 43. Section 32-325, Revised Statutes Supplement, 1996, is amended to read:

32-325. (1) An abbreviated transfer of registration form shall contain the information prescribed in subsection (2) of this section. The voter shall date and sign the form. The form shall be delivered or mailed to the office of the election commissioner or county clerk. If the application is delivered, it must physically arrive in such office prior to the regular registration deadline prescribed in section 32-302. If the application is mailed, the application must be postmarked by such deadline.

(2) The abbreviated transfer of registration form shall be prescribed by the Secretary of State and shall contain the full name, previous name, party affiliation, present address, and previous address of the registered voter and the effective date of the change of name, party affiliation, or address. The form shall also include space for the registered voter to sign and date the form and the following statement: I have maintained legal residence in the county continuously since the date of my last registration at my previous address shown above.

(3) After verifying the signature on the previous registration of the registered voter, the election commissioner or county clerk shall make the change of name, party affiliation, or address on all pertinent election records. The election commissioner or county clerk shall send an acknowledgment card to the registered voter indicating that the transfer change of registration has been completed and shall include the address of the registered voter's new polling place.

Sec. 44. Section 32-329, Revised Statutes Supplement, 1996, is amended to read:

32-329. (1) The election commissioner or county clerk shall verify the permanent registration register by using (a) the National Change of Address program of the United States Postal Service and a confirmation notice pursuant to subsection (2) of this section or (b) the biannual biennial mailing of a nonforwardable notice to each registered voter. The Secretary of State shall provide biannual biennial training for the election commissioners and county clerks responsible for maintaining voter registration lists. No name shall be removed from the permanent registration register for the sole reason that such person has not voted for any length of time.

(2) When an election commissioner or county clerk receives information from the National Change of Address program of the United States Postal Service that a registered voter has moved from the address at which he or she is registered to vote, the election commissioner or county clerk shall immediately update the permanent registration register and mail a confirmation notice by forwardable first-class mail. If a nonforwardable notice under subdivision (1)(b) of this section is returned as undeliverable, the election commissioner or county clerk shall mail a confirmation notice by forwardable first-class mail. The confirmation notice shall include a confirmation letter and a preaddressed, postage-paid confirmation card. The confirmation letter shall contain the following statements substantially as follows:

(a) The election commissioner or county clerk has received information that you have moved to a different residence address from that appearing on the permanent voter registration register;

(b) If you have not moved or you have moved to a new residence within this county, you should return the enclosed confirmation card by the regular registration deadline prescribed in section 32-302. If you fail to return the card by the deadline, you will be required to affirm or confirm your address prior to being allowed to vote. If you are required to affirm or

confirm your address, it may result in a delay at your polling place; and

(c) If you have moved out of the county, you must reregister to be eligible to vote. This can be accomplished by mail or in person. For further information, contact your local election commissioner or county clerk.

(3) The election commissioner or county clerk shall maintain for a period of not less than two years a record of each confirmation letter indicating the date it was mailed and the person to whom it was mailed.

(4) ~~If information from the National Change of Address or the nonforwardable notice under subdivision (1)(b) of this section indicates that the voter has moved outside the jurisdiction and the election commissioner or county clerk receives no response to the confirmation letter and the voter does not offer to vote at any election held prior to and including the second statewide federal general election following the mailing of the confirmation notice, the voter's registration shall be canceled and his or her name shall be deleted from the permanent registration register.~~

Sec. 45. Section 32-330, Revised Statutes Supplement, 1996, is amended to read:

32-330. (1) The permanent registration register shall be a public record. Any person may examine the register at the office of the election commissioner or county clerk but shall not be allowed to make copies of the register. The election commissioner or county clerk shall withhold information in the register designated as confidential under section 32-331.

(2) The election commissioner or county clerk shall make available for purchase a list of registered voters that contains the information required under section 32-312 and, if requested, a list that only contains registered voters who have voted in an election held more than sixty days prior to the request for the list. The election commissioner or county clerk shall establish the price of the lists at a rate that fairly covers the actual production cost of the lists, not to exceed three cents per name. Lists shall be used solely for purposes related to elections, political activities, voter registration, law enforcement, or jury selection. Lists shall not be used for commercial purposes. ~~Lists shall only be made available under this subsection to:~~

- (a) Courts for jury selection;
- (b) Cities and villages;
- (c) Governmental agencies;
- (d) Candidates or their agents for purposes of campaigning;
- (e) Political party committees and other committees which have filed statements of organization with the Nebraska Accountability and Disclosure Commission; and
- (f) Incumbent officeholders for reporting to their constituents.

(3) Any person who acquires a list of registered voters under subsection (2) of this section shall take and subscribe to an oath in substantially the following form:

I hereby swear that I will use the am a person authorized by section 32-330 to acquire a list of registered voters of County, Nebraska, that the lists will be used only for the purposes prescribed in that section 32-330 and for no other purpose; and that I will not permit the use or copying of such list by persons not authorized by that section to use such list for unauthorized purposes.

I hereby declare under the penalty of election falsification that the statements above are true to the best of my knowledge.

The penalty for election falsification is a Class IV felony.

.....
(Signature of person acquiring list)

Subscribed and sworn to before me this day of 19.. .

.....
(Name of officer)

.....
(Official title of officer)

(4) The election commissioner or county clerk shall provide, upon request and free of charge, a complete and current listing of all registered voters and their addresses to the Clerk of the United States District Court for the District of Nebraska. Such list shall be provided no later than December 31 of each even-numbered year.

(5) The election commissioner or county clerk shall provide, upon request and free of charge, a complete and current listing of all registered voters and their addresses to the state party headquarters of each political party and to the county chairperson of each political party. Such list shall be provided no later than thirty-five days prior to the statewide primary and statewide general elections.

Sec. 46. Section 32-404, Revised Statutes Supplement, 1996, is

amended to read:

32-404. (1) When any political subdivision holds an election in conjunction with the statewide primary or general election, the election shall be held as provided in the Election Act. Any other election held by a political subdivision shall be held as provided in the act unless otherwise provided by sections 19-3001 to 19-3051 or the charter, code, or bylaws of the political subdivision.

(2) No later than December 1 of each odd-numbered year, the election commissioner or county clerk shall give notice to each political subdivision of the filing deadlines for the statewide primary election. No later than January 5 of each even-numbered year, the governing board of each political subdivision which will hold an election in conjunction with a statewide primary election shall certify to the Secretary of State, the election commissioner, or the county clerk the name of the subdivision, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office.

(3) No later than July 5 1 of each even-numbered year, the governing board of each reclamation district, county weed district, village, county under township organization, public power district receiving annual gross revenue of less than forty million dollars, or educational service unit which will hold an election in conjunction with a statewide general election shall certify to the Secretary of State, the election commissioner, or the county clerk the name of the subdivision, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office.

(4) The Secretary of State shall prescribe the forms to be used for certification to him or her, and the election commissioner or county clerk shall prescribe the forms to be used for certification to him or her.

Sec. 47. Section 32-530, Revised Statutes Supplement, 1996, is amended to read:

32-530. After the initial appointments as provided for in sections 23-214 and 23-215, the town township clerk, the town township treasurer, and the chairperson of the township board of supervisors shall be elected in counties under township government at the statewide general election in 1994 and every four years thereafter. Except for officers first appointed after the county has adopted township organization, the term of each officer shall be four years or until his or her successor is elected and qualified. The township officers shall meet the qualifications found in sections 23-214 and 23-215. The township officers shall be elected on the partisan ballot.

Sec. 48. Section 32-543, Revised Statutes Supplement, 1996, is amended to read:

32-543. (1) If more than seventy-five percent of the geographical area of a Class III school district lies within a city of the metropolitan class and a caucus is held for nominations under section 79-549, the board of education shall consist of six members to be elected by the registered voters of the school district at the statewide primary election. Two members shall be elected at each election for a term of six years. The members shall meet the qualifications found in section 79-543.

(2) Except as provided in subsection (1) of this section, members of the board of education of a Class III school district shall be nominated at the statewide primary election and elected at the statewide general election. The board of education of a Class III school district shall have six or nine members as provided in section 79-549 or 79-550, and the members shall be nominated and elected at large or by district or ward as provided in section 32-554.

The number of members to be nominated at the statewide primary election and elected at the statewide general election and the terms for which they will be nominated and elected shall be determined by the election commissioner or county clerk with the aid of the elected secretary of the board of education of the district. The terms of office of members of such board shall expire on the first Thursday after the first Tuesday in January. Terms shall be staggered so that three members shall be elected to each six-member board and four or five members shall be elected to each nine-member board at each general election for terms of four years. When it becomes necessary to establish the staggering of terms by nominating and electing members for terms of different duration at the same election, candidates receiving the greatest number of votes shall be nominated elected for the longest terms. The members shall meet the qualifications found in section 79-543.

Sec. 49. Section 32-552, Revised Statutes Supplement, 1996, is amended to read:

32-552. (1) At least ninety days five months prior to an election, the governing board of any political subdivision requesting the adjustment of the boundaries of election districts shall provide written notification to the election commissioner or county clerk of the need and necessity of his or her office to perform such adjustments.

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

(3) The election commissioner of the county in which the greater part of a Class V school district is situated shall divide the school district into twelve numbered districts of compact and contiguous territory and of as nearly equal population as may be practical. The election commissioner shall adjust the boundaries of such districts to conform to changes in the territory of the school district and also following each federal decennial census.

Sec. 50. Section 32-554, Revised Statutes Supplement, 1996, is amended to read:

32-554. (1) Any city not under a home rule charter, village, county, or school district electing members to its governing board at large may at a general election submit the question of electing members to its governing board by district or ward. Any city not under a home rule charter, village, county having not more than three hundred thousand inhabitants, or school district electing members to its governing board by district or ward may at a general election submit the question of electing members to its governing board at large.

(2) Petitions for submission of the question shall be prepared, circulated, and signed by registered voters of the city, village, county, or school district desiring to change the procedures for electing the governing board of the city, village, county, or school district. The petition or petitions shall be signed by registered voters equal in number to twenty-five percent of the votes cast for the person receiving the highest number of votes in the city, village, county, or school district at the preceding general election for electing the last member or members to its governing board. Each sheet of the petition shall have printed the full and correct copy of the question as it will appear on the official ballot. The petitions shall be filed with the county clerk or election commissioner not less than seventy days prior to the date of the general election, and no signatures shall be added or removed from the petitions after they have been so filed. Petitions shall be verified as provided in section 32-631. If the petition or petitions are found to contain the required number of valid signatures, the county clerk or election commissioner shall place the question on a separate ballot to be issued to the registered voters of the city, village, county, or school district entitled to vote on the question.

(3)(a) Any city, village, county, or school district voting to change from electing the members of its governing board by district or ward to electing such members at large shall notify the public and instruct the filing officer to accept all filings on an at-large basis. Candidates shall be nominated and elected on an at-large basis at the next primary and general election following submission of the question.

(b) Any city, village, county, or school district voting to change from electing the members of its governing board at large to electing by district or ward shall notify the public and instruct the filing officer to accept all filings by district or ward. Candidates shall be nominated and elected by district or ward at the next primary and general election following submission of the question. When district or ward elections have been approved by the majority of the electorate, the governing board of any city, village, county, or school district approving such question shall establish districts substantially equal in population as determined by the most recent federal decennial census except as provided in subsection (2) of section 32-553.

(4) Except as provided in section 14-201, each city not under a home rule charter, village, county, and school district which votes to elect members to its governing board by district or ward shall establish districts or wards so that the members of its governing board may be nominated and

electd from districts or wards bearing odd numbers at one election and from districts or wards bearing even numbers at the following election. Districts or wards shall be created not later than October 1 in the year following the general election at which the question was voted upon. If the governing board fails to draw district boundaries by October 1, the procedures set forth in section 32-555 shall be followed.

Sec. 51. Section 32-560, Revised Statutes Supplement, 1996, is amended to read:

32-560. Every elective office shall be vacant, except as provided in section 32-561, upon the happening of any one of the following events at any time before the expiration of the term of such office:

- (1) Resignation of the incumbent;
- (2) Death of the incumbent;
- (3) Removal of the incumbent from office;
- (4) Decision of a competent tribunal declaring the office of the incumbent vacant;
- (5) Incumbent ceasing to be a resident of the state, district, county, township, or precinct in which the duties of his or her office are to be exercised or for which he or she may have been elected;
- (6) Failure to elect at a ~~proper~~ an election when there is no incumbent to continue in office until his or her successor is elected and qualified;
- (7) Failure of a candidate elected to an office to qualify for such office;
- (8) Forfeiture of office as provided by law;
- (9) Conviction of a felony or of any public offense involving the violation of the oath of office of the incumbent; or
- (10) Incumbent of an elective office assuming another elective office as provided in subsections (2) and (3) of section 32-604.

Sec. 52. Section 32-565, Revised Statutes Supplement, 1996, is amended to read:

32-565. (1) When a vacancy occurs in the representation of the State of Nebraska in the Senate of the United States, the office shall be filled by the Governor. The Governor shall appoint a suitable person possessing the qualifications necessary for senator to fill such vacancy.

(2)(a) If the vacancy occurs ~~within sixty days of a regular or less prior to a statewide~~ general election and if the term vacated expires on the following January 3, the appointee shall serve until the following January 3.

(b) If the vacancy occurs sixty days or less prior to a statewide general election, and if the term extends beyond the following January 3, the appointee shall serve until January 3 following the second regular statewide general election next succeeding his or her appointment and at such election a senator shall be elected to serve the unexpired term if any.

(3) If the vacancy occurs more than sixty days before a regular prior to a statewide general election, the appointee shall serve until January 3 following the regular statewide general election and at the regular general such election a senator shall be elected to serve the unexpired term if any.

Sec. 53. Section 32-568, Revised Statutes Supplement, 1996, is amended to read:

32-568. (1) If any vacancy occurs in the office of city council member of a city of the metropolitan class, the remaining members of the council shall appoint a person to fill such vacancy from the district in which the vacancy occurred for the remainder of the term. The person thus appointed shall qualify and give bond as by law provided for council members elected to such office. A vacancy in the office of mayor of a city of the metropolitan class shall be filled as provided by local law.

(2) The city council of a city of the primary class may provide for filling any vacancies that occur in any elective office by appointment by the mayor, with the advice and consent of the council, to hold office until the next general city election. In case of vacancy in the office of mayor of a city of the primary class or his or her absence or disability, the president of the council shall exercise the powers and duties of the office until such vacancy is filled or disability removed or, in case of temporary absence, until the mayor returns, and such acting mayor shall perform such other duties as may be required by law.

(3) In a city of the first class except a city which has adopted the commissioner or city manager plan of government, any vacancy on the council resulting from causes other than expiration of the term shall be filled by appointment by the mayor with the consent of the city council to hold office until a successor is elected at the next regular election held more than sixty days from the date of vacancy. At such election a successor shall be elected to hold office for the remainder of the term. When there is a vacancy in the

office of the mayor in a city of the first class, the president of the city council shall serve as mayor for the unexpired term, except that if at least one-half of the previous mayor's term remains and a general election is to be held more than sixty days from the date of vacancy, a successor shall be elected at the next general election for the balance of the previous mayor's unexpired term. In case of any vacancy in the office of mayor, or in case of his or her absence or disability, the president of the council shall exercise the powers and duties of the office of mayor until such vacancy shall be filled or such disability removed, or in case of temporary absence until the mayor returns, and shall perform such other duties as may be required by law.

(4) Any vacancy on the city council of a city of the second class shall be filled as provided in section 32-569. In the case of any vacancy in the office of mayor, or in case of his or her disability or absence, the president of the council shall exercise the office of mayor for the unexpired term until such vacancy is filled or such disability is removed, or in case of temporary absence, until the mayor returns. If the president of the council assumes the office of mayor for the unexpired term, there shall be a vacancy on the council.

(5) A vacancy on the board of trustees of a village shall be filled as provided in section 32-569, except that the board of trustees of a village situated in more than one county shall have power to fill by appointment any vacancy that may occur in their number.

(6) If any vacancy occurs in the office of council member in a city under the commission plan of government, the vacancy shall be filled as provided in section 32-569. If an incumbent in a city under the commission plan of government files for a city office other than the office he or she holds, the office he or she holds shall become vacant as of the date of the commencement of the term of the office for which he or she has filed. If such vacancy results in an unexpired term, such vacancy shall be filled by election for the remainder of the unexpired term. In a city under the commission plan of government, the vice president of the city council shall perform the duties of the mayor of the city in the absence or inability of the mayor to serve. If a vacancy occurs in the office of mayor by death or otherwise, the vice president shall perform the duties of mayor of the city until such time as the council shall fill such vacancy, which shall be done at the first council meeting after such vacancy occurs or as soon thereafter as may be practicable.

(7) If a vacancy occurs in the office of ward council member in a city under a city manager plan, a successor council member shall be elected in the ward at the next regular city election to serve for the remainder of the term, except that a majority of the remaining members of the council shall appoint a registered voter of the ward to serve as council member until the successor is so elected and has qualified. If the council members are elected by ward, the council member elected or appointed to fill the vacancy shall be a registered voter of the ward in which the vacancy exists. If for any reason the seats of a majority of the council become vacant, the city clerk shall call Secretary of State shall conduct a special election to fill the vacancies for the unexpired portion of each term, which election shall be conducted as provided for the regular city election. A vacancy in any office to which the council elects shall be filled by the council for the unexpired term.

(8) Vacancies in city offices in any city under home rule charter shall be filled as provided in the home rule charter.

Sec. 54. Section 32-606, Revised Statutes Supplement, 1996, is amended to read:

32-606. (1) Any candidate may place his or her name on the primary election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in section 32-607. If a candidate for an elective office is the incumbent, the deadline for filing the candidate filing form shall be February 15 prior to the date of the primary election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for any office after February 15 of that election year. All other candidates shall file for office by March 1 prior to the date of the primary election. All candidate filing forms which are mailed shall be in the office of the filing officer no later than the day of the filing deadline. A candidate filing form may be transmitted by facsimile if (a) the transmission is received in the office of the filing officer by the filing deadline and (b) the original filing form is mailed to the filing officer with a legible postmark bearing a date on or prior to the filing deadline and is in the office of the filing officer no later than seven days after the filing deadline.

(2) Any candidate for a county township office in a county under township organization, the board of trustees of a village, the board of directors of a reclamation district, the county weed district board, the board

of directors of a public power district receiving annual gross revenue of less than forty million dollars, the school board of a Class II school district, or the board of an educational service unit may place his or her name on the general election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in section 32-607 by August 1 prior to the date of the general election. All candidate filing forms which are mailed shall be in the office of the filing officer no later than the day of the filing deadline. A candidate filing form may be transmitted by facsimile for the offices listed in subdivision (1) of section 32-607 if (a) the transmission is received in the office of the filing officer by the filing deadline and (b) the original filing form is mailed to the filing officer with a legible postmark bearing a date on or prior to the filing deadline and is in the office of the filing officer no later than seven days after the filing deadline.

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

Sec. 55. Section 32-607, Revised Statutes Supplement, 1996, is amended to read:

32-607. All candidate filing forms shall contain the following statement: I hereby swear that I will abide by the laws of the State of Nebraska regarding the results of the primary election and general elections, that I am a registered voter and qualified to be elected, and that I will serve if elected. Candidate filing forms shall be filed with the following filing officers:

(1) For officers elected in more than one county such as candidates for national, state, or congressional office, directors of public power and irrigation districts, directors of reclamation districts, directors of natural resources districts, members at large of the boards of educational service units, members of governing boards of community colleges, delegates to national conventions, and other offices filled by election held in more than one county and judges desiring retention, in the office of the Secretary of State. Candidate filing forms for such officers shall be accompanied by a certificate of registration obtained by the candidate under section 32-316;

(2) For officers elected within a county, in the office of the election commissioner or county clerk. If the candidate is not a resident of the county, he or she shall submit a certificate of registration obtained under section 32-316 with the candidate filing form;

(3) For representatives from the county in which they reside on the boards of educational service units, in the office of the election commissioner or county clerk;

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

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

Sec. 56. Section 32-608, Revised Statutes Supplement, 1996, is amended to read:

32-608. (1) Except as provided in subsection (4) or (5) of this section, a filing fee shall be paid by or on behalf of each candidate prior to filing for office. The filing fee shall be paid to the county treasurer or, in the case of a city or village office, the city or village treasurer of the county, city, or village in which the candidate resides or, if the candidate does not reside at the time of filing in the county in which such candidate is seeking office, in the county where the office is sought. The fee shall be placed in the general fund of the county, city, or village. No candidate filing forms shall be filed until the proper treasurer's receipt showing the payment of such filing fee is presented to the filing officer. On the day of the filing deadline, the county, city, or village treasurer's office shall remain open to receive filing fees until the hour of the filing deadline.

(2) The Notwithstanding the provisions of subsection (4) of this section, the filing fees shall be as follows:

(a) For the office of United States Senator, state officers, including members of the Legislature, Representatives in Congress, county

officers including county superintendents of schools, and city or village officers, except the mayor or council members of cities having a home rule charter, a sum equal to one percent of the annual salary such candidate will receive if he or she is elected and qualifies for the office for which he or she files as a candidate;

(b) For directors of public power and irrigation districts in districts receiving annual gross revenue of forty million dollars or more, twenty-five dollars, and in districts receiving annual gross revenue of less than forty million dollars, ten dollars;

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

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

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

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

(5) No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office in forma pauperis. A pauper shall mean a person whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own. Available resources shall include every type of property or interest in property that an individual owns and may convert into cash except:

(a) Real property used as a home;

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

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

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

Sec. 57. Section 32-609, Revised Statutes Supplement, 1996, is amended to read:

32-609. The candidate filing form filed pursuant to sections 32-606 and 32-607 by each candidate for the State Board of Education, county superintendent of schools, member of the Legislature, Regent of the University of Nebraska, director of a public power and irrigation district, reclamation district, or natural resources district, every other nonpartisan office created by law, member of a board of education of a Class IV or V school district, and candidate for elective office of a city of the first or second class or a village shall not in any way refer to or designate the political affiliation of the candidate except as otherwise provided pursuant to section 32-557.

Sec. 58. Section 32-612, Revised Statutes Supplement, 1996, is amended to read:

32-612. (1) A change of political party affiliation by a registered voter so as to affiliate with the political party named in the candidate filing form after the first Friday in December prior to the statewide primary election shall not be effective to meet the requirements of section 32-610 or 32-611, except that any person may change his or her political party affiliation after the first Friday in December prior to the statewide primary election to become a candidate of a new political party which has successfully completed the petition process required by section 32-716.

(2) No registered voter, candidate, or proposed candidate shall swear falsely as to political party affiliation or shall swear that he or she affiliates with two or more political parties. Any candidate who swears falsely as to political party affiliation or swears that he or she affiliates with two or more political parties shall not be the candidate of such party

and shall not be entitled to assume the office for which he or she filed even if he or she receives a majority or plurality of the votes therefor at the following general election.

(3) The name of a candidate shall not appear printed on more than one political party ballot. A candidate who is a registered voter of one political party shall not accept the nomination of another political party.

(4) In order to count write-in votes on a political party ballot in the primary election, the candidate who receives the votes must be a registered voter of that political party unless the political party allows candidates not affiliated with the party by not adopting a rule under section 32-702.

Sec. 59. Section 32-613, Revised Statutes Supplement, 1996, is amended to read:

32-613. Any petition to place a person's name on the primary election ballot for President of the United States shall contain the names of not less than one hundred registered voters of registered with the appropriate political party from each congressional district of the state. The name of the candidate for President shall be placed upon the ballot only when written consent of such person has been filed with the Secretary of State not less than sixty days before the primary election. The form of the petition shall comply with the requirements of section 32-628 and shall as nearly as possible conform to the form prescribed by the Secretary of State.

Sec. 60. Section 32-614, Revised Statutes Supplement, 1996, is amended to read:

32-614. The names of persons in the political party (1) who are presented by petition of their supporters to be party candidates for President of the United States or (2) who have been determined by the Secretary of State to be generally advocated or recognized as candidates in national news media throughout the United States shall be printed on the primary election ballot for the office of President of the United States. If a person does not want his or her name on the Nebraska primary election ballot, he or she shall by March 10 of the presidential election year, execute and file an affidavit with the Secretary of State stating without qualification that he or she is not now and does not intend to become a candidate for office of President of the United States at the next presidential election in Nebraska or any other state. If a presidential candidate files such affidavit removing his or her name and subsequently becomes a presidential candidate in another state, the candidate's affidavit in Nebraska shall be purged and shall have no force and effect. The Secretary of State shall then place such candidate's name on the primary election ballot.

Sec. 61. Section 32-616, Revised Statutes Supplement, 1996, is amended to read:

32-616. Any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in sections 32-617 to 32-621 or by nomination by political party convention or committee.

Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under subsection (1) of section 32-626 and the candidate files for the office by petition as prescribed in sections 32-617 and 32-618.

Sec. 62. Section 32-618, Revised Statutes Supplement, 1996, is amended to read:

32-618. (1) The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be as follows:

(a) For each nonpartisan office other than board members of a Class III school district, at least ten percent of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the district or political subdivision in which the officer is to be elected. If the district in which the petitions are circulated comprises more than two counties, at least twenty-five signatures shall be obtained in each county comprising the district; and

(b) For board members of a Class III school district, at least twenty percent of the total number of votes cast for the board member receiving the highest number of votes at the immediately preceding general election in the school district.

(2) The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be as follows:

(a) For each partisan office to be filled by the majority vote of

the registered voters of the entire state, at least two thousand;

(b) For each partisan office to be filled by the majority vote of the registered voters of a county or political subdivision other than a township or precinct, at least twenty percent of the total vote for Governor or President of the United States at the immediately preceding general election within the county or political subdivision, not to exceed two thousand; and

(c) For each partisan office to be filled by the majority vote of the registered voters of a township or precinct, fifty.

The number of signatures shall not be required to exceed one-fourth of the total number of registered voters voting for the office at the immediately preceding general election when the nomination is for a partisan office to be filled by the registered voters of a county, township, or precinct.

Sec. 63. Section 32-619, Revised Statutes Supplement, 1996, is amended to read:

32-619. Any candidate for the office of Governor or Lieutenant Governor circulating petitions or having petitions circulated in his or her behalf after the primary election and prior to the general election shall, prior to the circulation of such petitions, select the person whom he or she wishes to be his or her team member for ballot purposes and have such person's name placed on the petitions.

Sec. 64. Section 32-620, Revised Statutes Supplement, 1996, is amended to read:

32-620. Partisan candidates for the offices of President and Vice President of the United States on the general election ballot shall be certified to the Governor and Secretary of State by the national nominating convention as provided by law. Candidates for the offices of President and Vice President of the United States of newly established political parties or of an independent nonpartisan status may obtain general election ballot position by filing with the Secretary of State:

(1) An application containing:

(a) The name or names to be printed on the ballot;

(b) The status of the candidacy, whether independent nonpartisan or partisan;

(c) The written consent of the designated vice-presidential candidate to have his or her name printed on the ballot; and

(d) The names and addresses of the persons who will represent the applicant as presidential elector candidates together with the written consent of such persons to become candidates; and

(2) A petition signed by not less than two thousand five hundred registered voters. Such petitions shall conform to the requirements of section 32-628 and shall not be circulated until after the date of the primary election in that election year. Registered voters who voted in the primary election of any political party that held a presidential preference primary election that year shall be ineligible to sign the petitions of an independent any other candidate for president.

Sec. 65. Section 32-621, Revised Statutes Supplement, 1996, is amended to read:

32-621. (1) When a new political party has been properly established under section 32-716 prior to the general election and after the primary election of the same year, all candidates except candidates for President or Vice President of the United States shall pay the filing fee as provided in section 32-608, file an affidavit of personal nomination a candidate filing form with the filing officer as provided in section 32-607 no later than September 1 prior to the general election accompanied by a petition of nomination containing the names of not less than twenty-five registered voters of the political party obtained from the appropriate jurisdiction, and comply with the Nebraska Political Accountability and Disclosure Act.

(2) Within twenty-four hours after a petition of nomination has been filed pursuant to this section, the filing officer shall notify, by either registered or certified mail, the candidate so nominated, and the candidate shall, within five days from the date of filing of such petition, file with such officer his or her acceptance of the nomination or his or her name will not be printed on the ballot.

Sec. 66. Section 32-631, Revised Statutes Supplement, 1996, is amended to read:

32-631. (1) All petitions that are presented to the election commissioner or county clerk for signature verification shall be retained in the election office and shall be open to public inspection. Upon receipt of the pages of a petition, the election commissioner or county clerk shall issue a written receipt indicating the number of pages of the petition in his or her

custody to the person presenting the petition for signature verification. Petitions shall may be destroyed twenty-two months after they are filed the election to which they apply.

(2) The election commissioner or county clerk shall determine the validity and sufficiency of such petition by comparing the names and addresses of the signers and circulators with the voter registration records to determine if the signers and circulators were registered voters on the date of signing the petition. If it is determined that a signer has affixed his or her signature more than once to any petition and that only one person is registered by that name, the election commissioner or county clerk shall strike from the pages of the petition all but one such signature. Only one of the duplicate signatures shall be added to the total number of valid signatures. All signatures and addresses shall be presumed to be valid if the election commissioner or county clerk has found the signers to be registered voters on or before the date on which the petition was signed. This presumption shall not be conclusive and may be rebutted by any credible evidence which the election commissioner or county clerk finds sufficient.

(3) If the election commissioner or county clerk verifies signatures in excess of one hundred ten percent of the number necessary for the issue to be placed on the ballot, the election commissioner or county clerk may cease verifying signatures and certify the number of signatures verified to the person who delivered the petitions for verification.

(4) If the number of signatures verified does not equal or exceed the number necessary to place the issue on the ballot upon completion of the comparison of names and addresses with the voter registration records, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name and address of each signer or circulator found not to be a registered voter and the petition page number and line number where the signature is found. If the signature or address is challenged for a reason other than the nonregistration of the signer, the election commissioner or county clerk shall set forth the reasons for the challenge of the signature.

Sec. 67. Section 32-632, Revised Statutes Supplement, 1996, is amended to read:

32-632. Any person may remove his or her name from a petition by an affidavit signed and sworn to by such person before the election commissioner, the county clerk, or a notary public. The affidavit shall be presented to the Secretary of State, election commissioner, or county clerk prior to or on the day of the petition ~~is submitted for signature verification filing deadline.~~

Sec. 68. Section 32-703, Revised Statutes Supplement, 1996, is amended to read:

32-703. In each presidential election year, the total number of delegates and alternate delegates representing this state at the national conventions of the political parties and their method of selection or election shall be determined by the rules of the national political party holding the convention. The Secretary of State in consultation with the Attorney General shall have the authority to do all things necessary in the administration of the Election Act, including ballot preparation, separation of ballots, and ballot instructions, to comply with and carry out the intent of national political party rules and court decisions. Whenever the act is in conformity with national political party rules as to the election of delegates, the election procedures found in the act shall be followed. The state political party shall furnish a copy of the national political party rules regarding selection of delegates to the Secretary of State no later than February 1 of each presidential election year.

Sec. 69. Section 32-707, Revised Statutes Supplement, 1996, is amended to read:

32-707. (1) The county postprimary convention of a political party shall be held in the courthouse or other suitable place at the county seat anytime during the first seven ~~ten~~ days in June following the statewide primary election at an hour and place to be designated by the chairperson of the county central committee of a political party. The county central committee chairperson shall, after appropriate consultation with the central committee, certify the date, time, and location of the convention to the election commissioner or county clerk not later than the first Tuesday in May preceding the primary election. The election commissioner or county clerk shall issue certificates of election to each person elected delegate to the county postprimary convention of a political party and shall notify each person elected of the time and place of the holding of such county postprimary convention. The county central committee chairperson shall cause to be published, at least fifteen days prior to the date of the county postprimary convention, an official notice of the date, time, and place of the convention

in at least one newspaper of general circulation within the county.

(2) The election commissioner or county clerk shall deliver to the temporary secretary of each county postprimary convention of a political party the roll, properly certified, showing the name and address of each delegate elected to such convention. Upon receipt of such roll, the convention shall organize and proceed with the transaction of business which is properly before it. A county chairperson, secretary, treasurer, and other officials may be elected. The authority reposed in delegates to the county postprimary convention by reason of their election shall be deemed personal in its nature, and no such delegate may, by power of attorney, by proxy, or in any other way, authorize any person in such delegate's name or on such delegate's behalf to appear at such county postprimary convention, cast ballots at the convention, or participate in the organization or transaction of any business of the convention. In case of a vacancy in the elected delegates, such elected delegates present shall have the power to fill any vacancy from the qualified registered voters of the precinct in which the vacancy exists.

Sec. 70. Section 32-710, Revised Statutes Supplement, 1996, is amended to read:

32-710. Each political party shall hold a state postprimary convention biennially on a date to be fixed by the state central committee but not later than ~~October~~ September 1. Candidates for elective offices may be nominated at such conventions. Such nominations shall be certified to the Secretary of State by the chairperson and secretary of the convention. The certificates shall have the same force and effect as nominations in primary elections. The convention shall formulate and promulgate a state platform, select a state central committee, select electors for President and Vice President of the United States, and transact the business which is properly before it. One presidential elector shall be chosen from each congressional district, and two presidential electors shall be chosen at large. The officers of the convention shall certify the names of the electors to the Governor and Secretary of State.

Sec. 71. Section 32-715, Revised Statutes Supplement, 1996, is amended to read:

32-715. The Secretary of State shall incorporate in his or her budget the sum of five hundred dollars for the payment of requests for payment or reimbursement presented by the presidential electors of the electoral college. The electors shall receive compensation of five dollars for each day of attendance and shall be reimbursed for mileage ~~at the rate as~~ provided in section 81-1176.

Sec. 72. Section 32-801, Revised Statutes Supplement, 1996, is amended to read:

32-801. At least fifty days before any statewide primary or general election, the Secretary of State shall transmit in ballot form to each election commissioner or county clerk a certification of the candidates, offices, and issues that appear on the state ballot. The certification prior to the primary election shall name the office to be filled, the length of the term, the number of candidates to be voted for, the name of each candidate for whom candidate filing forms or petitions have been filed in the office of the Secretary of State and who is entitled to be voted for at such primary election, and the party affiliation or independent nonpartisan status of each candidate. ~~A separate statement of~~ and the city or village of residence of each candidate. ~~The shall be included with the certification, but the city or village of residence of each candidate shall not appear on the official ballot.~~ The certification prior to the general election shall name the office to be filled, the length of the term, the number of candidates to be voted for, the name of each candidate who was nominated at the primary election or who filed by petition as shown by the records in the office of the Secretary of State and who is entitled to be voted for at the general election, and the party affiliation or independent nonpartisan status of each candidate for partisan offices.

Sec. 73. Section 32-803, Revised Statutes Supplement, 1996, is amended to read:

32-803. A copy sample of the official ballot shall be printed in one or more newspapers of general circulation in the county, city, or village as designated by the election commissioner, county clerk, city council, or village board. The copy sample shall be printed in English and in any other language required pursuant to the Voting Rights Act Language Assistance Amendments of 1992. Such publication shall be made not more than fifteen nor less than two days before the day of election, and the same shall appear in only one regular issue of each paper. The form of the ballot so published shall conform in all respects to the form prescribed for official ballots as set forth in sections 32-806, 32-809, and 32-812, but larger or smaller type

may be used. When voting machines or punch card voting systems are used, a reduced-size facsimile of the official ballot shall be published as it appears on the voting machine or punch card voting device. Such publication shall include suitable instructions to the voters for operation of the voting machine or punch card voting device. The rate charged by the newspapers and paid by the county board for the publication of such sample ballot shall not exceed the rate regularly charged for display advertising in such newspaper in which the publication is made.

Sec. 74. Section 32-808, Revised Statutes Supplement, 1996, is amended to read:

32-808. (1) Absentee ballots and applications shall be ready for delivery to registered voters at least thirty-five days prior to each statewide primary or general election and at least fifteen days prior to all other elections.

(2) Notwithstanding subsection (1) of this section, upon request for a ballot, an absentee ballot shall be forwarded to each voter meeting the criteria of section 32-939 at least forty-five days prior to any election. The election commissioner or county clerk shall not forward any absentee ballot or special absentee ballot if the election to which such ballot pertains has already been held. If the absentee ballot has not been printed in sufficient time to meet the requirements of this subsection, the election commissioner or county clerk shall issue a special absentee ballot to each voter meeting the criteria of such section at least fifty-seven days prior to an election to each voter meeting the criteria of section 32-939 upon the written request by such voter requesting the special absentee ballot. A complete list of the nominated candidates and issues to be voted upon by a voter meeting the criteria of such section shall be included with the special absentee ballot by the election commissioner or county clerk. A notice shall be sent with the primary election ballot stating that the absentee voter must request a general election ballot unless such voter has requested both the primary and general election ballots. If the voter has requested both ballots, a notice shall be sent with the primary election ballot stating that the general election ballot will be sent to the same address unless otherwise notified.

(3) For purposes of this section, a special absentee ballot shall mean a ballot prescribed by the Secretary of State which contains the titles of all offices being contested at such election and shall permit the voter to vote by writing in the names of the specific candidates or the decision on any issue.

(4) The election commissioner or county clerk shall publish in a newspaper of general circulation in the county an application form to be used by registered voters in making an application for an absentee ballot after the ballots become available. The application form shall be prescribed by the Secretary of State and shall include the reasons a registered voter is permitted to vote absentee as enumerated in section 32-938. The publication of the application for an absentee ballot shall not be required if the election is held by mail pursuant to sections 32-952 to 32-959.

Sec. 75. Section 32-810, Revised Statutes Supplement, 1996, is amended to read:

32-810. (1) The election commissioner or county clerk shall place the names of all partisan candidates certified to him or her by the Secretary of State and of those partisan candidates filing in his or her office on a primary election ballot headed with the political party designation. The names of each nonpartisan candidate certified by the Secretary of State and of each nonpartisan candidate filing in the office of the election commissioner or county clerk shall be placed on the primary election ballot headed by the words Nonpartisan Ticket.

(2) If any office is not subject to the upcoming election, the office shall be omitted from the ballot and the remaining offices shall move up so that the same relative order is preserved. The order of any offices may be altered to allow for the best utilization of ballot space in order to avoid printing a second ballot when one ballot would be sufficient if a punch card or optical-scan ballot is used.

(3) The election commissioner or county clerk shall follow the order of precincts or wards as set out in the official abstract book on file in his or her office in preparing the official ballots. At the primary election, on the first set of ballots for the first precinct or ward shall be the names of candidates filing by date and hour as certified by the Secretary of State and for local candidates the names of candidates shall be listed in the order of filing by date and hour with the election commissioner or county clerk. When there is more than one candidate are more candidates than vacancies for the same office, the names of all partisan and nonpartisan candidates at a primary

election shall be rotated precinct by precinct in each office division in the order in which the precincts are set out in the official abstract book. In making the changes of position, the printer shall take the line of type at the head of each office division and place it at the bottom of that division, shoving up the column so that the name that was second shall be first after the change.

Sec. 76. Section 32-811, Revised Statutes Supplement, 1996, is amended to read:

32-811. (1) If the names of candidates properly filed for nomination at the primary election for directors of natural resources districts, directors of public power districts, directors of reclamation districts, ~~members of the boards of educational service units~~, members of the boards of Class III school districts which nominate candidates at a primary election, and officers of cities of the first or second class and cities having a city manager plan of government do not exceed two candidates for each position to be filled, any such candidates shall be declared nominated and their names shall not appear on any primary election ballots. The official abstract of votes kept by the county or state shall show the names of such candidates with the statement Nominated Without Opposition. The election commissioner or county clerk shall place the names of such automatically nominated candidates on the general election ballot as provided in section 32-814.

(2) Candidates shall not appear on the ballot in the primary election for the board of directors in public power districts receiving annual gross revenue of less than forty million dollars, for county weed district boards, and for the board of trustees in villages.

(3) If the number of candidates for delegates to a county or national political party convention are the same in number or less than the number of candidates to be elected, the names shall not appear on the primary election ballot and those so filed shall receive a certificate of election.

Sec. 77. Section 32-814, Revised Statutes Supplement, 1996, is amended to read:

32-814. (1) The election commissioner or county clerk shall place the names of all nonpartisan candidates upon the same official general election ballot as the partisan candidates. The names placed on the official and sample general election ballots shall be the names of candidates nominated in the primary election, the names of petition candidates if any, the names of automatically nominated candidates as provided in section 32-811, and the names of candidates filing as provided in subsection (2) of section 32-606. The names of the candidates shall be placed under the proper titles.

(2) The election commissioner or county clerk shall place on the official general election ballot in each office division no more than twice as many names as there are places to be filled at the general election unless more than one candidate has successfully petitioned on the ballot to fill a vacancy after the primary election. The names of the nonpartisan candidates who received the highest number of votes for the office for which they were candidates in the primary election shall be placed on the official ballot. If more than one person was a candidate for the same position in the primary election, the election commissioner or county clerk shall place on the official ballot the names of the two persons who received the highest number of votes in the primary election for the position for which they were candidates.

(3) When the name of a person is written in and voted for as a candidate for an office for which he or she did not file in the primary election, such person shall not be entitled to a certificate of nomination at the primary election and shall not have his or her name placed on the general election ballot unless he or she (a) receives at least five percent of the total vote cast for Governor or for President of the United States at the immediately preceding general election in the political subdivision from which nominees for such position are to be chosen, (b) is one of the candidates receiving the number of votes qualifying him or her for nomination, and (c) meets the requirements for the office.

(4) The if there are more candidates than vacancies for the same office, the election commissioner or county clerk shall rotate the names of the nonpartisan candidates on the official general election ballot. The election commissioner or county clerk shall follow the order of precincts or wards as set out in the official abstract book on file in his or her office in preparing the official ballots. The first set of ballots for the first precinct or ward shall be the names of candidates filing by date and hour or of those candidates filing petitions, and for local candidates the names of candidates shall be listed in the order of filing by date and hour with the election commissioner or county clerk or of those candidates filing petitions.

Thereafter the names shall be rotated precinct by precinct in each office division in the order in which the precincts are set out in the official abstract book. In making the change of position, the printer shall take the line of type at the head of each division and place it at the bottom of that division, shoving up the column so that the name that was second shall be first after the change.

Sec. 78. Section 32-815, Revised Statutes Supplement, 1996, is amended to read:

32-815. (1) The names of candidates for each partisan elective office shall be arranged on the ballot of the general election so that the political party polling the highest number of votes at the last general election for Governor will have the name of its nominee immediately beneath the name of the office for which the candidate was nominated, the political party polling the second highest number of votes will have the second place, the political party having the third highest number of votes will have the third place, and continuing with the political parties in descending order of number of votes, leaving those candidates whose names appear upon the ballot by petition to appear beneath all other candidates placed there by nomination. For each office for which there are more candidates than vacancies and there are two or more nominees of the same political party, the election commissioner or county clerk shall rotate the names of such candidates on the official ballot. In printing the ballots for the various election districts, the positions of the names shall be changed in each office division for each election district. In making the change of position, the printer shall take the line of type at the head of each division and place it at the bottom of that division, shoving up the column so that the name that was second shall be first after the change.

(2) The name of the person receiving the highest number of votes at a primary election as the candidate of a political party for an office shall be placed on the official ballot except as otherwise provided in the Election Act. No person shall be certified as a candidate of any political party for such office by the election commissioner or county clerk unless the person receives at least five percent of the total vote cast for such office at the primary election for that political party and meets the requirements for the office.

Sec. 79. Section 32-816, Revised Statutes Supplement, 1996, is amended to read:

32-816. (1) A blank space shall be provided at the end of each office division on the ballot for registered voters to write in the name of any person for whom they wish to vote and whose name is not printed upon the ballot, except that (a) at the primary election there shall be no write-in space for delegates to the county political party convention, delegates to the national political party convention, directors of natural resources districts, or directors of public power districts and (b) at the general election there shall be no write-in space for President and Vice President of the United States, directors of reclamation districts, members of the board of educational service units, directors of natural resources districts, or directors of public power districts, or members of county weed district boards. A square or oval shall be printed to the left of each write-in space similar to the square or oval placed before other candidates and issues on the ballot. The square or oval shall be marked to vote for a write-in candidate whose name appears in the write-in space provided.

(2) The Secretary of State shall approve write-in space for voting machines and punch card and optical-scan ballots. Adequate provision shall be made for write-in votes sufficient to allow one write-in space for each office to be elected at any election except offices for which write-in votes are specifically prohibited. The write-in ballot shall clearly identify the office for which such write-in vote is cast. The write-in space shall be a part of the official ballot, may be on the envelope or a separate piece of paper from the printed portion of the ballot, and shall allow the voter adequate space to write in the name of the candidate for whom he or she desires to cast his or her ballot.

Sec. 80. Section 32-903, Revised Statutes Supplement, 1996, is amended to read:

32-903. (1) The election commissioner or county clerk shall create precincts composed of compact and contiguous territory within the boundary lines of legislative districts. The precincts shall contain not less than seventy-five nor more than one thousand registered voters based on the number of voters voting at the last statewide general election, except that a precinct may contain less than seventy-five registered voters if in the judgment of the election commissioner or county clerk it is necessary to avoid creating an undue hardship on the registered voters in the precinct. The

election commissioner or county clerk shall create precincts based on the ~~poll book number~~ of votes cast at the immediately preceding presidential election or the current list of registered voters for the precinct. The election commissioner or county clerk shall revise and rearrange the precincts and increase or decrease them at such times as may be necessary to make the precincts contain as nearly as practicable not less than seventy-five nor more than one thousand registered voters voting at the last statewide general election. The election commissioner or county clerk shall, when necessary and possible, readjust precinct boundaries to coincide with the boundaries of cities, villages, and school districts which are divided into districts or wards for election purposes. The election commissioner or county clerk shall not make any precinct changes in precinct boundaries between the statewide primary and general elections unless he or she has been authorized to do so by the Secretary of State. If changes are authorized, the election commissioner or county clerk shall notify each state and local candidate affected by the change.

(2) The election commissioner or county clerk may alter and divide the existing precincts, except that when any city of the first class by ordinance divides any ward of such city into two or more voting districts or polling places, the election commissioner or county clerk shall establish precincts or polling places in conformity with such ordinance.

(3) All precincts and polling places may be consolidated for the use of voting machines or punch card voting devices into fewer and larger precincts as deemed necessary and advisable by the election commissioner or county clerk. Such precincts, consolidated for voting machines or punch card voting devices only, may have as many registered voters therein as deemed advisable in the interest of economy and efficiency. At least one voting machine shall be provided for every five hundred registered voters voting in the consolidated precinct or polling place at the immediately preceding general election. At least one punch card voting device shall be provided for every one hundred registered voters voting in the consolidated precinct or polling place at the immediately preceding general election.

Sec. 81. Section 32-904, Revised Statutes Supplement, 1996, is amended to read:

32-904. The election commissioner or county clerk shall designate the polling places for each precinct at which the registered voters of the precinct will cast their votes. Polling places representing different precincts may be combined at a single location when potential sites cannot be found, contracts for utilizing polling sites cannot be obtained, or a potential site is not accessible to handicapped persons. When combining polling places at a single site for an election other than a special election, the election commissioner or county clerk shall clearly separate the polling places from each other and maintain separate receiving and counting boards. When combining polling places at a single site for a special election, the election commissioner or county clerk may combine the polling places and receiving and counting boards. Polling places shall not be changed between the statewide primary and general elections unless the election commissioner or county clerk has been authorized to make such change by the Secretary of State. If changes are authorized, the election commissioner or county clerk shall notify each state and local candidate affected by the change.

Sec. 82. Section 32-910, Revised Statutes Supplement, 1996, is amended to read:

32-910. Any judge or clerk of election, precinct or district inspector, sheriff, or other peace officer shall clear the passageways and prevent obstruction of the doors or entries and provide free ingress to and egress from the polling place or building and shall arrest any person obstructing such passageways. Other than a registered voter engaged in receiving, preparing, or marking a ballot, an election commissioner, a county clerk, a precinct inspector, a district inspector, a judge of election, a clerk of election, or a member of a counting board, no person shall be permitted to be within eight feet of the ballot boxes or within eight feet of any enclosed area used ballots being counted by a counting board.

Sec. 83. Section 32-913, Revised Statutes Supplement, 1996, is amended to read:

32-913. (1) The clerks of election shall have a list of registered voters of the precinct and a sign-in register at the polling place on election day. The list of registered voters shall be used for guidance on election day and may be in the form of a computerized, typed, or handwritten list or precinct registration cards. Registered voters of the precinct shall place and record their signature in the sign-in register before receiving any ballot. The list of registered voters and the sign-in register may be combined into one document.

(2) When voting machines are used, the registered voter's consecutive number shall be inserted opposite his or her name on the registration list and he or she shall be issued a slip with his or her number on it. The slip shall be turned in to the judge or clerk of election at the voting machine before the registered voter is permitted to vote.

(3) Within twenty-four hours after the polls close in the precinct, the precinct inspector or one of the judges of election shall deliver the precinct list of registered voters and the precinct sign-in register to the election commissioner or county clerk. The election commissioner or county clerk shall file and preserve the list and register. No clerk of election who has custody or charge of the precinct list of registered voters and the precinct sign-in register shall permit the list or register to leave his or her possession from the time of receipt until he or she delivers them to the precinct inspector or judge of election for delivery to the election commissioner or county clerk.

Sec. 84. Section 32-914, Revised Statutes Supplement, 1996, is amended to read:

32-914. Official ballots shall be used at all elections. No person shall receive a ballot or be entitled to vote unless and until he or she is registered as a voter except as provided in section 32-915 or 32-936 or section 85 or 86 of this act. Except as otherwise specifically provided, no ballot shall be handed to any registered voter at any election until (1) he or she announces his or her name and address to the clerk of election, (2) the clerk has found that he or she is a registered voter at the address as shown by the precinct list of registered voters unless otherwise entitled to vote in the precinct under section 32-328 or 32-915 or section 85 or 86 of this act, (3) the clerk has instructed the registered voter to personally write his or her name and address in the precinct sign-in register on the appropriate line which follows the last signature of any previous voter, and (4) the clerk has listed on the precinct list of registered voters the corresponding line number and name of the registered voter.

Sec. 85. If a person who is registered to vote changes his or her name but the permanent registration register has not been changed to reflect the change of name, the person shall be entitled to vote at the polling place upon completing a change of name form at the polling place. The election commissioner or county clerk shall update the permanent registration register to reflect the change of name.

Sec. 86. If a person who is registered to vote moves to a new residence within the same county and has continuously resided in such county since registering to vote but the permanent registration register has not been changed to reflect the move, the person shall be entitled to vote at the polling place for the new residence upon completing a change of address form at the polling place. The election commissioner or county clerk shall update the permanent registration register to reflect the change of address.

Sec. 87. Section 32-915, Revised Statutes Supplement, 1996, is amended to read:

32-915. If a person who is registered to vote moves to a new residence within the same county and has continuously resided in such county since registering to vote but his or her new residence is in a different precinct and the permanent registration register has not been changed to reflect the move, the person shall be entitled to vote at the polling place for the new residence upon completing an abbreviated transfer of registration a change of address form at the polling place. The person shall enclose his or her ballot in an envelope marked Conditional Ballot and shall, by signing the front of the envelope or a separate form attached to the envelope, certify to the following facts:

- (1) I am a registered voter in County;
- (2) I have not resided outside of the county since registering to vote in this county;
- (3) My current address is shown on the abbreviated transfer of registration change of address form; and
- (4) I have not voted and will not vote in this election except by this ballot.

The certification shall be signed under penalty of election falsification. The following statements shall be on the front of the envelope or on the attached form: By signing the front of this envelope or the attached form you are certifying to the information contained on this envelope or the attached form under penalty of election falsification. Election falsification is a Class IV felony and may be punished by up to five years imprisonment, a fine of up to ten thousand dollars, or both.

Sec. 88. Section 32-916, Revised Statutes Supplement, 1996, is amended to read:

32-916. (1) Two judges of election or a precinct or district inspector and a judge of election shall affix their initials to the official ballots and ballot jackets if any. Before issuing any punch card ballot, the card shall be stamped with a rubber stamp designating that the ballot card is an official ballot and the county in which the card is to be used. The stamp shall be placed on the portion of the ballot card which carries the ballot position numbers and on the stub which is to be reviewed by a judge of election. The stamp shall be furnished to each receiving board by the election commissioner or county clerk. The judge of election shall deliver a ballot to each registered voter after complying with section 32-914.

(2) After voting the ballot, the registered voter shall, as directed by the judge of election, fold his or her ballot or place the ballot in the ballot envelope, jacket, or sleeve so as to conceal the voting marks and to expose the initials of the judges of election affixed on the ballot. The registered voter shall, without delay and without exposing the voting marks upon the ballot, deliver the ballot to the judge of election before leaving the enclosure in which the voting booths or compartments are placed.

(3) The judge of election shall, without exposing the voting marks on the ballot, approve the exposed initials of the two judges of election or the precinct or district inspector and judge of election upon the ballot and deposit the ballot in the ballot box in the presence of the registered voter. When punch card ballots are used, the judge of election shall inspect the official initials on the ballot jacket and the official stamp on the stub of the official ballot card which is inside the ballot jacket and shall remove the stub before depositing the ballot in the ballot box. No judge of election shall deposit any ballot in a ballot box unless the ballot has been identified as having the initials of two of the judges of election or a precinct or district inspector and judge of election. No judge of election shall deposit any ballot jacket in any ballot box unless the ballot jacket is properly identified. Any ballot or ballot jacket not properly identified shall be rejected in the presence of the voter, the judge of election shall make a notation on the ballot and the ballot jacket Rejected, not properly identified, and another ballot shall be issued to the voter and the voter shall then be permitted to cast his or her ballot. If the ballot and ballot jacket are in order, the judge shall deposit the ballot and ballot jacket in the ballot box in the presence of the voter and the voter shall promptly leave the polling place. The judges of election shall maintain the secrecy of the rejected ballots and shall cause the rejected ballots to be made up in a sealed packet. The judges of election shall endorse the packet with the words Rejected Ballots and the designation of the precinct. The judges of election shall sign the endorsement label and shall return the packet to the election commissioner or county clerk with a statement by the judges of election showing the number of ballots rejected.

(4) Upon receiving a conditional ballot as provided in section 32-915, the judge of election shall copy the information from the abbreviated transfer of registration change of address form onto the envelope in which the ballot is enclosed or attach the form to the envelope, attach the statement required by section 32-915 if not contained on the envelope, and place the entire envelope into the ballot box.

Sec. 89. Section 32-929, Revised Statutes Supplement, 1996, is amended to read:

32-929. If a person is challenged on the ground that he or she is not a resident of this state, the county, or the precinct, the person shall answer the following questions on the form provided by the election commissioner or county clerk:

Do you have a residence in this state: Yes or No?

Do you have a residence in this county: Yes or No?

Do you have a residence in this precinct: Yes or No?

If a person has moved from one residence to another within the precinct in which he or she is registered to vote, such voter shall be entitled to vote as provided in section 86 of this act. If a person has moved from one residence to another within the county in which he or she is registered to vote, such voter shall be entitled to vote a conditional ballot as provided in section 32-915.

Sec. 90. Section 32-933, Revised Statutes Supplement, 1996, is amended to read:

32-933. (1) Any person listed in this subsection shall be eligible as a new resident to vote for President and Vice President of the United States at the statewide general election but for no other offices:

(a) Any citizen of the United States who is at least the constitutionally prescribed age of a voter and who comes into Nebraska after the voter registration period is closed pursuant to section 32-302 for the

purpose of making Nebraska his or her place of residence; and

(b) Any registered voter who moves from one county to another county within Nebraska after the close of the voter registration period.

(2) Any registered voter who moves from Nebraska to another state or to the District of Columbia for the purpose of making such new location his or her place of residence after the close of the voter registration period for such location shall be eligible as a former resident to vote for President and Vice President of the United States at the statewide general election but for no other offices.

(3) Any person described in subsection (1) of this section shall cast his or her ballot in the office of the election commissioner or county clerk at any time between the close of the voter registration period and the close of the polls on election day. Such ballots shall be available after the close of the voter registration period. Ballots for former residents under subsection (2) of this section shall be available thirty-five days prior to the election and may be mailed to or voted in the office of the election commissioner or county clerk at any time between thirty-five days prior to the election and the close of the polls on election day.

Sec. 91. Section 32-934, Revised Statutes Supplement, 1996, is amended to read:

32-934. Any person who desires to vote pursuant to section 32-933 shall execute an affidavit in duplicate substantially as follows:

I,, do solemnly swear that:

1. I am a citizen of the United States.

2. Before becoming a resident of this county moving, I resided at the following address (describing it by street and number if in a city or village and by section, township, and range if outside of a city or village, and the precinct, city, county, and state in which such residence is located):
.....

3. On the day of the next presidential election, I will be at least the constitutionally prescribed age of a voter and I reside at the following address:
.....

4. I am unable to vote for all offices because the voter registration deadline has passed and, under the Election Act, I believe I am entitled to vote for the candidates for President and Vice President of the United States at the election to be held November, 19....

5. I hereby make application for a presidential and vice-presidential ballot. I have not voted and will not vote otherwise than by this ballot for President and Vice President.

Sec. 92. Section 32-935, Revised Statutes Supplement, 1996, is amended to read:

32-935. The election commissioner or county clerk shall immediately mail the duplicate of the affidavit described in section 32-934 to the appropriate official of the state or county in Nebraska in which the applicant last resided. Upon receipt, the election commissioner or county clerk shall file each duplicate application or other official information from another state or county in Nebraska or the District of Columbia indicating that a former resident of this state or county in Nebraska has made application to vote at a presidential election in another state or county in Nebraska or the District of Columbia and shall maintain an alphabetical index of such information for a period of twenty-two months after the election.

Sec. 93. Section 32-941, Revised Statutes Supplement, 1996, is amended to read:

32-941. Any registered voter permitted to vote absentee pursuant to section 32-938 may, not more than one hundred twenty days before any election and not later than 4 p.m. on the Friday preceding the election, request an absentee ballot for the election to be mailed to a specific address. A registered voter shall request an absentee ballot in writing to the election commissioner or county clerk in the county where the registered voter has established his or her home and shall indicate his or her address, political party, telephone number if available, and precinct if known. The registered voter may use the form published by the election commissioner or county clerk pursuant to section 32-808. The registered voter or his or her agent shall sign the request. A registered voter may use a facsimile machine for the submission of a request for an absentee ballot. The election commissioner or county clerk shall include registration forms with the ballots if the person is not registered. Registration forms shall not be issued or mailed after the second Friday preceding the election. If the person is not registered to vote, the registration forms shall be returned not later than the closing of

the polls on the day of the election, or if the registered voter chooses to return the registration forms by mail, the registration forms shall be received by the election office no later than 10 a.m. on the second day following the election. No ballot issued under this section shall be counted unless such registration forms are properly completed and processed.

Sec. 94. Section 32-943, Revised Statutes Supplement, 1996, is amended to read:

32-943. Any registered voter who is permitted to vote absentee pursuant to section 32-938 may request an absentee ballot by appointing an agent to personally pick up an absentee ballot for such registered voter from the office of the election commissioner or county clerk. A registered voter shall request an absentee ballot in writing to the election commissioner or county clerk in the county where the registered voter has established his or her home and shall indicate his or her address, telephone number if available, and precinct if known. The registered voter may use the form published by the election commissioner or county clerk pursuant to section 32-808. The registered voter or his or her agent shall sign the request. A candidate for office at such election and any person serving on a campaign committee for such a candidate shall not act as an agent for any registered voter requesting a ballot pursuant to this section unless such person is a member of the registered voter's family. No person shall act as agent for more than two registered voters in any election. The agent shall pick up the ballot before 7 p.m. on election day and deliver the ballot to the registered voter. The ballot shall be returned not later than the closing of the polls on the day of the election, or if the registered voter chooses to return the ballot by mail, the ballot shall be received by the election office no later than 10 a.m. on the second day following the election. The election commissioner or county clerk shall adopt procedures for the distribution of absentee ballots under this section.

Sec. 95. Section 32-945, Revised Statutes Supplement, 1996, is amended to read:

32-945. When a request for an absentee ballot from a person who is not registered to vote in the county reaches the election commissioner or county clerk by mail, by facsimile transmission, or by means other than by application in person on or prior to the second Friday preceding the election, the election commissioner or county clerk shall mail to the applicant the registration form with the absentee ballot. No absentee ballot shall be sent by mail to any person after the second Friday preceding the election if such person is not a registered voter. When an application for an absentee ballot from a person who is registered in the county reaches the county clerk or election commissioner by mail, facsimile transmission, or other means than by application in person and the application indicates that the applicant has changed his or her residence within the county, the county clerk or election commissioner shall change the address on the applicant's voter registration and mail to such applicant an acknowledgment of change of registration and the absentee ballot as provided by section 32-947.

Sec. 96. Section 32-946, Revised Statutes Supplement, 1996, is amended to read:

32-946. When a registered voter applying for an absentee ballot has no residence address within the county, the election commissioner or county clerk shall mail to the registered voter at the address designated by the voter the requested ballot materials, including a set of registration forms, no later than the voter registration deadline and shall enclose with the material the following oath which the voter must swear to before his or her ballot will be counted:

I,, do hereby swear that prior to my current absence from County, Nebraska, I resided within the State of Nebraska, that during such residency it was my intention to make my permanent residence in such county, that during my current absence from such county I have not voted in any other county or state election an election in any other jurisdiction as a resident of such other county or state jurisdiction, that I do not intend to make my present residence my permanent residence, that my current absence from such county is temporary and for a definite period of time, and that at the termination of that period I intend to return to County, Nebraska, and make it my permanent residence.

The election commissioner or county clerk shall make a good faith effort to maintain the secrecy of the ballot upon receiving the materials. If the registered voter fails to complete the oath and return it to the election commissioner or county clerk by 10 a.m. on the second day following the election, his or her ballot shall not be counted. The residence address of the registered voter shall be deemed to be the office of the election commissioner or county clerk of the county of such voter's prior residence for

purposes of the Election Act.

Sec. 97. Section 32-950, Revised Statutes Supplement, 1996, is amended to read:

32-950. Absentee ballots which are returned not later than the hour established for the closing of the polls shall be accepted for approval by the absentee ballots counting board. Absentee ballots which are returned by mail shall be accepted for approval by the absentee ballots counting board if they are in the physical possession of the election commissioner or county clerk not later than 10 a.m. on the second day following election day. The election commissioner or county clerk shall keep the return envelopes received from registered voters after the closing of the polls unopened in a fireproof safe or other suitable location which is locked until delivered to the absentee ballots counting board.

Sec. 98. Section 32-1016, Revised Statutes Supplement, 1996, is amended to read:

32-1016. If any ballot is damaged or defective so that it cannot properly be counted by the vote counting device, the resolution board shall make a true duplicate copy and substitute the copy for the damaged or defective ballot. All duplicate ballots shall be clearly labeled duplicate, and all damaged or defective ballots shall be clearly labeled damaged or defective. Each pair of duplicate and damaged or defective ballots shall bear a similar serial number or some form of identification so that both the damaged or defective and duplicate ballots can be matched to facilitate recounts or any inspection of the ballots. The resolution board shall maintain the secrecy of the damaged or defective ballots as much as possible and shall cause the damaged or defective ballots to be made up in a sealed packet. The resolution board shall endorse the packet with the words Damaged or Defective Ballots and the designation of the precinct. The resolution board shall sign the endorsement label and place the sealed packet in the ballots-cast container with the voted ballots as provided in section 32-1017.

Sec. 99. Section 32-1029, Revised Statutes Supplement, 1996, is amended to read:

32-1029. Prior to 1 p.m. on election day, the election commissioner or county clerk shall post in a conspicuous place in his or her office a notice stating the day and hour when the county canvassing board will sit as an absentee ballots counting board. At any time not earlier than 10 a.m. and not later than 1 p.m. on the second day after any election as posted by the election commissioner or county clerk, the county canvassing board shall begin to sit as an absentee ballots counting board to count the remaining absentee ballots received in the office of the election commissioner or county clerk not later than 10 a.m. on the second day after the election. The ballots shall be counted in the same manner as provided in sections 32-1001 to 32-1026. The election commissioner or county clerk shall release the returns upon the completion of counting the absentee ballots.

Sec. 100. Section 32-1032, Revised Statutes Supplement, 1996, is amended to read:

32-1032. Upon the completion of the canvass by the county canvassing board, all books shall again be sealed, and the election commissioner or county clerk shall keep all election materials, including the ballots-cast containers from each precinct, the sealed envelopes containing the precinct list of registered voters, the precinct sign-in register, the official summary or summaries of votes cast, and the absentee voters ballots-cast container, for not less than twenty-two months when statewide primary, general, or special elections involve federal offices, candidates, and issues and not less than fifty days for local elections not held in conjunction with a statewide primary, general, or special election. The election commissioner or county clerk shall keep on file one copy of each ballot face used in each precinct of the official partisan, nonpartisan, constitutional amendment, and initiative and referendum ballots, as used for absentee voting, and all election notices used at each primary and general election for twenty-two months. The precinct sign-in register, including poll books for absentee ballots the absentee voters book, and the official summary of votes cast shall be subject to the inspection of any person who may wish to examine the same after the primary, general, or special election. The election commissioner or county clerk shall not allow any other election materials to be inspected except when an election is contested or the materials become necessary to be used in evidence in the courts. The election commissioner or county clerk shall direct the destruction of such materials after such time, except that the election commissioner or county clerk may retain materials for the purposes of establishing voter histories.

Sec. 101. Section 32-1033, Revised Statutes Supplement, 1996, is amended to read:

32-1033. The election commissioner or county clerk shall, within forty days after the election, prepare, sign, and deliver a certificate of nomination or a certificate of election to each person whom the county canvassing board has declared to have received the highest vote for county, city, or village offices. No person shall be issued a certificate of nomination as a candidate of a political party unless such person has received at least five percent of the total vote cast for the office at the primary election for that party. The certificate shall be substantially as follows:

State of Nebraska. At an election held on the day of 19.., was elected to the office of for the term of years from the day of 19.. (or when filling a vacancy, for the residue of the term ending on the ... day of 19..) Given at this day of 19..

Sec. 102. Section 32-1044, Revised Statutes Supplement, 1996, is amended to read:

32-1044. (1) The election commissioner or county clerk shall designate an individual to be trained in the method of preparation of the voting machines, vote counting devices, or punch card voting systems for correct use in the elections, and such person shall be called the custodian of the voting machines, vote counting devices, or punch card voting systems. The custodian shall conduct an instructional meeting for the members of the counting board. The custodian shall prepare all voting machines, vote counting devices, or punch card voting systems for proper use in all elections.

(2) The custodian shall take the same oath prescribed for judges and clerks of election pursuant to section 32-222 or 32-238.

Sec. 103. Section 32-1201, Revised Statutes Supplement, 1996, is amended to read:

32-1201. The county board shall draw warrants in payment of all bills submitted by the election commissioner or county clerk related to the cost of any election conducted by the office of the election commissioner or county clerk. The Except as otherwise provided in subsection (4) of section 32-1203, the initial payment for bills submitted to the election commissioner or county clerk for the cost of preparing for and conducting elections shall be a county expense. The compensation of the election commissioner or county clerk, the deputy election commissioner or deputy county clerk for elections, and all permanent employees of the election commissioner or county clerk, the expenditures for the rental, furnishing, and equipping of the office of the election commissioner or county clerk, the expenditures for necessary office supplies, books, documents, and appurtenances relating to or used in performing the duties of the election commissioner or county clerk in relation to elections, and the cost of elections for county, state, and federal governments shall be an apportioned county expense and shall not be chargeable to other political subdivisions.

Sec. 104. Section 32-1203, Revised Statutes Supplement, 1996, is amended to read:

32-1203. (1) Each city, village, school district, public power district, sanitary and improvement district, metropolitan utilities district, fire district, natural resources district, community college area, educational service unit, hospital district, reclamation district, and library board ~~or district~~ shall pay for the costs of nominating and electing its officers as provided in subsection (2), or (3), or (4) of this section. If a special issue is placed on the ballot at the time of the statewide primary or general election by any political subdivision, the political subdivision shall pay for the costs of the election as provided in subsection (2), or (3), or (4) of this section. The districts listed in this subsection shall furnish to the Secretary of State and election commissioner or county clerk any maps and additional information which the election commissioner or county clerk may require in the proper performance of their duties in the conduct of elections and certification of results.

(2) The charge for each primary and general election shall be determined by (a) ascertaining the total cost of all chargeable costs as described in section 32-1202, (b) dividing the total cost by the number of precincts participating in the election to fix the cost per precinct, (c) prorating the cost per precinct by the inked ballot inch in each precinct for each political subdivision, and (d) totaling the cost for each precinct for each political subdivision.

(3) In lieu of the charge determined pursuant to subsection (2) of this section, the election commissioner or county clerk may charge public power districts the fee for election costs set by section 70-610.

(4) In lieu of the charge determined pursuant to subsection (2) of this section, the election commissioner or county clerk may bill school

districts directly for the costs of an election held under section 10-703.01.

Sec. 105. Section 32-1208, Revised Statutes Supplement, 1996, is amended to read:

32-1208. The election commissioner or county clerk shall provide polling booths, ballot boxes, secrecy sleeves, and other ballot supply kits to political subdivisions upon request. The cost of such equipment and materials shall be amortized over a period of ten to twenty years and ~~paid for as provided in subsection (2) of section 32-1203 shall be chargeable to the political subdivision under section 32-1202.~~

Sec. 106. Section 32-1303, Revised Statutes Supplement, 1996, is amended to read:

32-1303. (1) A petition demanding that the question of removing an elected official or member of a governing body listed in section 32-1302 be submitted to the registered voters shall be signed by registered voters equal in number to at least thirty-five percent of the total vote cast for that office in the last general election, except that (a) for an office for which more than one candidate is chosen, the petition shall be signed by registered voters equal in number to at least thirty-five percent of the number of votes cast for the person receiving the most votes for such office in the last general election, (b) for a member of a board of a Class I school district, the petition shall be signed by registered voters of the school district equal in number to at least twenty-five percent of the total number of registered voters residing in the district on the date that the recall petitions are first checked out from the filing clerk by the principal circulator, and (c) for a member of a governing body of a village, the petition shall be signed by registered voters equal in number to at least forty-five percent of the total vote cast for the person receiving the most votes for that office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

(2) Petition circulators shall conform to the requirements of sections 32-629 and 32-630. Each circulator of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question on the date of the issuance of the initial petition papers.

(3) The petition papers shall be procured from the filing clerk. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the filing clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The affidavit shall state the name and office of the official sought to be removed and shall request that the filing clerk issue initial petition papers to the principal circulator for circulation. The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within thirty days from the date of issuing the petitions.

(4) The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the filing clerk may distribute such petitions to registered voters residing in the district who may act as circulators of such petitions.

(5) Petition signers shall conform to the requirements of sections 32-629 and 32-630. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question on the date of the issuance of the initial petition papers.

Sec. 107. Section 32-1516, Revised Statutes Supplement, 1996, is amended to read:

32-1516. Any person who falsely makes or falsely swears to any candidate filing form or any part thereof, fraudulently defaces or destroys any candidate filing form or any part thereof, files or receives for filing any candidate filing form knowing that the form or any part thereof is falsely made, suppresses any duly filed candidate filing form or any part thereof, or forges or falsely makes the official endorsement places any initials or signatures on any ballot under section 32-916 or 32-947 shall be guilty of a Class III felony.

Sec. 108. Section 32-1544, Revised Statutes Supplement, 1996, is amended to read:

32-1544. Any person who, from the time any ballots are cast or

voted until the time has expired for using the same as evidence in any contest of an election, unlawfully destroys or attempts to destroy or incites or requests another to destroy any ballot box, list of registered voters, sign-in register, or absentee voters book or poll book used at any election, unlawfully destroys, falsifies, marks, or writes on any ballot cast or voted, or changes, alters, erases, or tampers with any name contained on any ballot cast or voted shall be guilty of a Class IV felony.

Sec. 109. Section 49-209, Revised Statutes Supplement, 1996, is amended to read:

49-209. The form of the ballots prepared in conformity with sections 49-202.01, 49-207, and 49-208 shall be furnished transmitted to the county clerks and election commissioners of the several counties of this state at least fifty days before the election at which such proposition or amendments are to be voted upon.

Sec. 110. Section 70-611, Reissue Revised Statutes of Nebraska, is amended to read:

70-611. (1) Not later than February 1 January 5 in each even-numbered year, the secretary of the district in districts grossing forty million dollars or more annually shall certify to the Secretary of State on forms prescribed by the Secretary of State the names of the counties in which all registered voters are eligible to vote for public power district candidates and for other counties the names of the election precincts within each county excluding the municipalities in which voters are not eligible to vote on public power district candidates. The secretary shall also certify the number of directors to be elected and the length of terms for which each is to be elected.

(2) Districts grossing less than forty million dollars annually shall prepare the same type of certification as districts grossing over forty million dollars annually and file such certification with the Secretary of State not later than July 1 of each even-numbered year.

(3) The secretary of each district shall, at the time of filing the certification, cause to be published once in a newspaper or newspapers of general circulation within the district a list of the incumbent directors and naming the counties or election precincts excluding those municipalities in which voters are not eligible to vote for public power district candidates in the same general form as the certification filed with the Secretary of State. A certified copy of the published notice shall be filed with the Secretary of State within ten days after such publication.

Sec. 111. Section 79-549, Reissue Revised Statutes of Nebraska, is amended to read:

79-549. (1) The board of education of a Class III school district of which more than seventy-five percent of the geographical area lies within a city of the metropolitan class shall consist of six members to be elected as provided in section 32-543 and also may include one or more nonvoting student members selected pursuant to section 79-559. Until the registered voters of the district vote not to continue to have a caucus for nominations pursuant to subsection (2) of this section, a caucus shall be held pursuant to subsection ~~(3)~~ (4) of this section not less than seventy days prior to the holding of the election to nominate two or more candidates for each vacancy to be voted upon at the election to be held in conjunction with the statewide primary election pursuant to subsection (1) of section 32-543. ~~If the registered voters vote not to continue to have a caucus, candidates shall be nominated at a primary election held in conjunction with the primary election for the city of the metropolitan class.~~ No candidate nominated shall have his or her name placed upon the ballot for the general election unless, not more than ten days after his or her nomination, he or she files with the secretary of the board of education a written statement accepting the nomination. The secretary of the board of education shall certify the names of the candidates to the election commissioner or county clerk who shall prepare the official ballot listing the names as certified and without any area designation. All registered voters residing within the school district shall be permitted to vote at such election.

(2) The board of education may place before the registered voters of the school district the issue of whether to continue to have a caucus for nominations by adopting a resolution to do so and certifying the issue to the election commissioner or county clerk prior to September 1 for placement on the ballot at the next statewide general election. The registered voters of the school district may also have the issue placed on the ballot at the statewide general election by circulating a petition and gathering the signatures of the registered voters residing within the school district at least equal to seven percent of the number of persons registered to vote in the school district at the last statewide primary election. The petitions

shall be filed with the election commissioner or county clerk for signature verification on or before August 15 prior to a statewide general election. If the election commissioner or county clerk determines that the appropriate number of registered voters signed the petition, he or she shall place the issue on the ballot for the next statewide general election. The issue shall not be placed on the ballot again within four years after voting on the issue at a statewide general election.

(3) If the legal voters vote not to continue to have a caucus, candidates shall be nominated and elected as provided in subsection (2) of section 32-543. The terms of the members in office at the time of the vote shall be extended to the first Thursday after the first Tuesday in January after the expiration of their terms. At the first general election following the vote, the member receiving the greatest number of votes shall be elected for a term of four years and the member receiving the next greatest number of votes shall be elected for a term of two years.

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

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

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

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

(d) Equal access to all registered voters of the school district, including the presence of an interpreter at the caucus at the expense of the school district and ballots for the visually impaired to provide access to the process by all registered voters of the school district;

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

(f) Notification of nomination to the candidates and to the secretary of the board of education.

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

Sec. 112. Original sections 2-233, 19-2202, 19-3015, 19-3032, 70-611, and 79-549, Reissue Revised Statutes of Nebraska, and sections 10-703.01, 23-222, 23-501, 32-101, 32-103, 32-107, 32-115, 32-204, 32-208, 32-210, 32-211, 32-214, 32-215, 32-221, 32-222, 32-228, 32-230, 32-235 to 32-238, 32-240 to 32-242, 32-305, 32-306, 32-308, 32-310, 32-312, 32-314 to 32-316, 32-319, 32-321 to 32-325, 32-329, 32-330, 32-404, 32-530, 32-543, 32-552, 32-554, 32-560, 32-565, 32-568, 32-606 to 32-609, 32-612 to 32-614, 32-616, 32-618 to 32-621, 32-631, 32-632, 32-703, 32-707, 32-710, 32-715, 32-801, 32-803, 32-808, 32-810, 32-811, 32-814 to 32-816, 32-903, 32-904, 32-910, 32-913 to 32-916, 32-929, 32-933 to 32-935, 32-941, 32-943, 32-945, 32-946, 32-950, 32-1016, 32-1029, 32-1032, 32-1033, 32-1044, 32-1201, 32-1203, 32-1208, 32-1303, 32-1516, 32-1544, and 49-209, Revised Statutes Supplement, 1996, are repealed.

Sec. 113. The following sections are outright repealed: Sections 70-642.03 and 70-642.04, Reissue Revised Statutes of Nebraska, and sections 32-1014 and 32-1509, Revised Statutes Supplement, 1996.

Sec. 114. Since an emergency exists, this act takes effect when passed and approved according to law.