

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 575

Introduced by Murante, 49.

Read first time January 21, 2015

Committee:

1 A BILL FOR AN ACT relating to elections; to amend sections 13-404,
2 23-148, 23-2,100, 32-330, 32-528, 32-569, 32-612, 32-1037, 32-1308,
3 and 81-2901, Reissue Revised Statutes of Nebraska, and sections
4 32-101, 32-567, 32-615, 32-941, and 32-947, Revised Statutes
5 Cumulative Supplement, 2014; to transfer and change provisions
6 relating to filling vacancies; to change a deadline for write-in
7 candidates; to authorize electronic means for requesting ballots to
8 vote early; to harmonize provisions; and to repeal the original
9 sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-404, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 13-404 Every civil office in a political subdivision filled by
4 appointment shall be vacant upon the happening of any one of the events
5 listed in section 32-560 except as provided in section 32-561. The
6 resignation of the incumbent of such a civil office may be made as
7 provided in section 32-562. Vacancies in such a civil office shall be
8 filled as provided in section 32-567 and section 8 of this act and shall
9 be subject to section 32-563.

10 Sec. 2. Section 23-148, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 23-148 The county board of commissioners in all counties having not
13 more than three hundred thousand inhabitants shall consist of three
14 persons except as follows:

15 (1) The registered voters in any county containing not more than
16 three hundred thousand inhabitants may vote at any general election as to
17 whether their county board shall consist of three or five commissioners.
18 Upon the completion of the canvass by the county canvassing board, the
19 proposition shall be decided and, if the number of commissioners is
20 increased from three to five commissioners, vacancies shall be deemed to
21 exist and the procedures set forth in section 32-567 and section 8 of
22 this act shall be instituted; and

23 (2) The registered voters of any county under township organization
24 voting to discontinue township organization may also vote as to the
25 number of county commissioners as provided in sections 23-292 to 23-299.

26 Sec. 3. Section 23-2,100, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 23-2,100 (1) If a township board has become inactive, the county
29 board of supervisors shall hold a public hearing on the issue of
30 termination of the township board. Notice of the hearing shall be
31 published for two consecutive weeks in a newspaper of general circulation

1 in the county. For purposes of this section, a township board has become
2 inactive when two or more board positions are vacant and the county board
3 has been unable to fill such positions in accordance with section 32-567
4 and section 8 of this act for six or more months.

5 (2) If no appointment to the township board has been made within
6 thirty days after the public hearing because no resident of the township
7 has provided written notice to the county board that he or she will serve
8 on the township board, the county board may adopt a resolution to
9 terminate the township board. The resolution shall state the effective
10 date of the termination.

11 (3) Between the date of the public hearing and the date of
12 termination of the township board, the business of the township shall be
13 handled according to this subsection. No tax distributions shall be made
14 to the township. Such funds shall be held by the county board in a
15 separate township fund and disbursed only to pay outstanding obligations
16 of the township board. All claims against the township board shall be
17 filed with the county clerk and heard by the county board. Upon allowance
18 of a claim, the county board shall direct the county clerk to draw a
19 warrant upon the township fund. The warrant shall be signed by the
20 chairperson of the county board and countersigned by the county clerk.

21 (4) Upon termination of a township board, the county board shall
22 settle all unfinished business of the township board and shall dispose of
23 all property under ownership of the township. Any proceeds of such sale
24 shall first be disbursed to pay any outstanding obligations of the
25 township, and remaining funds shall be credited to the road fund of the
26 county board. Any remaining township board members serving as of the date
27 of termination shall deposit with the county clerk all township records,
28 papers, and documents pertaining to the affairs of the township and shall
29 certify to the county clerk the amount of outstanding indebtedness in
30 existence on the date of termination. The county board shall levy a tax
31 upon the taxable property located within the boundaries of the township

1 to pay any outstanding indebtedness not paid for under this subsection or
2 subsection (3) of this section.

3 (5) If more than fifty percent of the township boards in a county
4 have been terminated, the county board shall file with the election
5 commissioner or county clerk a resolution supporting the discontinuance
6 of the township organization of the county pursuant to subsection (2) of
7 section 23-293.

8 Sec. 4. Section 32-101, Revised Statutes Cumulative Supplement,
9 2014, is amended to read:

10 32-101 Sections 32-101 to 32-1551 and section 8 of this act shall be
11 known and may be cited as the Election Act.

12 Sec. 5. Section 32-330, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 32-330 (1) The voter registration register shall be a public record.
15 Any person may examine the register at the office of the election
16 commissioner or county clerk but shall not be allowed to make copies of
17 the register. The electronic records of the original voter registrations
18 created pursuant to section 32-301 may constitute the voter registration
19 register. The election commissioner or county clerk shall withhold
20 information in the register designated as confidential under section
21 32-331.

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

1 purposes.

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

5 I hereby swear that I will use the list of registered voters
6 of County, Nebraska, only for the purposes prescribed in section
7 32-330 and for no other purpose and that I will not permit the use or
8 copying of such list for unauthorized purposes.

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

11 The penalty for election falsification is a Class IV felony.

12 (Signature of person acquiring list)

13 Subscribed and sworn to before me this day of 20.. .

14 (Name of officer)

15 (Official title of officer)

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

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

27 Sec. 6. Section 32-528, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 32-528 (1) In counties having a county board of three commissioners,
30 two commissioners shall be elected at the statewide general election in
31 1994 and each four years thereafter, and one commissioner shall be

1 elected at the statewide general election in 1996 and each four years
2 thereafter. In counties having a county board of five commissioners,
3 three commissioners shall be elected at the statewide general election in
4 1994 and each four years thereafter, and two commissioners shall be
5 elected at the statewide general election in 1996 and each four years
6 thereafter. In counties having a county board of seven or more
7 commissioners, one commissioner shall be elected in each odd-numbered
8 commissioner district at the statewide general election in 1994 and each
9 four years thereafter, and one commissioner shall be elected in each
10 even-numbered commissioner district at the statewide general election in
11 1996 and each four years thereafter.

12 (2) Except for commissioners first elected after the county adopts
13 the commissioner form of government or has increased the number of
14 commissioners, the term of each county commissioner shall be four years
15 or until his or her successor is elected and qualified. At the first
16 election held to choose the board of commissioners in any county having
17 three commissioners, the person having the highest number of votes shall
18 serve for four years and the two receiving the next highest number of
19 votes shall serve for two years, and if any three or more persons have
20 the same number of votes, their terms of office shall be determined by
21 the county canvassing board. The county commissioners shall meet the
22 qualifications found in section 23-150. Nothing in this section shall be
23 construed to prohibit the reelection of a commissioner holding office if
24 the commissioner is reelected to represent his or her respective
25 district. The county commissioners shall be elected on the partisan
26 ballot.

27 (3)(a) In counties having not more than one hundred fifty thousand
28 inhabitants, one commissioner shall be nominated and elected from each
29 district by the registered voters of the district.

30 (b) ~~In Until 2010, in counties having a population of more than one~~
31 ~~hundred fifty thousand but not more than three hundred thousand~~

1 ~~inhabitants, one commissioner shall be nominated from each district by~~
2 ~~the registered voters of the district and shall be elected by the~~
3 ~~registered voters of the entire county. Beginning in 2010 in counties~~
4 having a population of more than one hundred fifty thousand but not more
5 than three hundred thousand inhabitants, one commissioner shall be
6 nominated and elected from each district by the registered voters of the
7 district as provided in subsection (5) of this section.

8 (c) In counties having more than three hundred thousand inhabitants,
9 one commissioner shall be nominated and elected from each district by the
10 registered voters of the district.

11 (4) In counties in which a majority has voted to have five
12 commissioners as provided in section 23-148, the three commissioners of
13 such county whose terms of office will expire after the election shall
14 continue in office until the expiration of the terms for which they were
15 elected and until their successors are elected and qualified. Two
16 commissioners shall be appointed pursuant to section 32-567 and section 8
17 of this act to serve until the first Thursday after the first Tuesday in
18 January following the next statewide general election. At the next
19 statewide general election, commissioners shall be elected to fill the
20 positions of any commissioners appointed under this section. At the first
21 primary election after such appointments, filings shall be accepted for
22 terms of two years and for terms of four years so that two commissioners
23 will be elected to four-year terms at one election and three
24 commissioners will be elected to four-year terms at the next election.

25 (5) In counties having more than one hundred fifty thousand but not
26 more than three hundred thousand inhabitants: ~~which are changing from~~
27 ~~nominating by district and electing at large to nominating and electing~~
28 ~~by district as provided in subdivision (3)(b) of this section, the~~
29 ~~commissioners shall continue in office until the expiration of the terms~~
30 ~~for which they were elected and until their successors are elected and~~
31 ~~qualified.~~

1 (a) ~~At the primary election in 2010, one commissioner in such~~
2 ~~counties shall be nominated from each odd-numbered district, and at~~ ~~At~~
3 the ensuing general election, one commissioner shall be elected from each
4 odd-numbered district. Their successors shall be nominated and elected
5 every four years thereafter; and

6 (b) ~~At the primary election in 2012, one commissioner in such~~
7 ~~counties shall be nominated from each even-numbered district, and at~~ ~~At~~
8 the ensuing general election, one commissioner shall be elected from each
9 even-numbered district. Their successors shall be nominated and elected
10 every four years thereafter.

11 Sec. 7. Section 32-567, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 32-567 Vacancies in office shall be filled as follows:

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

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

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

20 (4) In the membership of the city council, according to section
21 32-568 or 32-569, as applicable;

22 (5) In township offices, by the township board or, if there are two
23 or more vacancies on the township board, by the county board;

24 (6) In offices in public power and irrigation districts, according
25 to section 70-615;

26 (7) In offices in natural resources districts, according to section
27 2-3215;

28 (8) In offices in community college areas, according to section
29 85-1514;

30 (9) In offices in educational service units, according to section
31 79-1217;

1 (10) In offices in hospital districts, according to section 23-3534;

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

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

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

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

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

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

15 Sec. 8. Unless otherwise provided by law, all vacancies shall be
16 filled within forty-five days after the vacancy occurs unless good cause
17 is shown that the requirement imposes an undue burden.

18 Sec. 9. Section 32-569, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 32-569 (1)(a) Except as otherwise provided in subsection (2) or (3)
21 of this section or section 32-568, vacancies in city and village elected
22 offices shall be filled by the mayor and council or board of trustees for
23 the balance of the unexpired term. Notice of a vacancy, except a vacancy
24 resulting from the death of the incumbent, shall be in writing and
25 presented to the council or board of trustees at a regular or special
26 meeting and shall appear as a part of the minutes of such meeting. The
27 council or board of trustees shall at once give public notice of the
28 vacancy by causing to be published in a newspaper of general circulation
29 within the city or village or by posting in three public places in the
30 city or village the office vacated and the length of the unexpired term.

31 (b) The mayor or chairperson of the board shall call a special

1 meeting of the council or board of trustees or place the issue of filling
2 such vacancy on the agenda at the next regular meeting at which time the
3 mayor or chairperson shall submit the name of a qualified registered
4 voter to fill the vacancy for the balance of the unexpired term. The
5 regular or special meeting shall occur upon the death of the incumbent or
6 within four weeks after the meeting at which such notice of vacancy has
7 been presented. The council or board of trustees shall vote upon such
8 nominee, and if a majority votes in favor of such nominee, the vacancy
9 shall be declared filled. If the nominee fails to receive a majority of
10 the votes, the nomination shall be rejected and the mayor or chairperson
11 shall at the next regular or special meeting submit the name of another
12 qualified registered voter to fill the vacancy. If the subsequent nominee
13 fails to receive a majority of the votes, the mayor or chairperson shall
14 continue at such meeting to submit the names of qualified registered
15 voters in nomination and the council or board of trustees shall continue
16 to vote upon such nominations at such meeting until the vacancy is
17 filled. The mayor shall cast his or her vote for or against the nominee
18 in the case of a tie vote of the council. All council members and
19 trustees present shall cast a ballot for or against the nominee. Any
20 member of the city council or board of trustees who has been appointed to
21 fill a vacancy on the council or board shall have the same rights,
22 including voting, as if such person were elected.

23 (2) The mayor and council or chairperson and board of trustees may,
24 in lieu of filling a vacancy in a city or village elected office as
25 provided in subsection (1) of this section or subsection (3) of section
26 32-568, call a special city election to fill such vacancy.

27 (3) If vacancies exist in the offices of one-half or more ~~a majority~~
28 of the members of a city council or village board, the Secretary of State
29 shall conduct a special city election to fill such vacancies.

30 Sec. 10. Section 32-612, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 32-612 (1) A change of political party affiliation by a registered
2 voter so as to affiliate with the political party named in the candidate
3 filing form or in an affidavit as a write-in candidate pursuant to
4 section 32-615 after the first Friday in December prior to the statewide
5 primary election shall not be effective to meet the requirements of
6 section 32-610 or 32-611 or subsection (4) of this section, except that
7 any person may change his or her political party affiliation after the
8 first Friday in December prior to the statewide primary election to
9 become a candidate of a new political party which has successfully
10 completed the petition process required by section 32-716.

11 (2) No registered voter, candidate, or proposed candidate shall
12 swear falsely as to political party affiliation or shall swear that he or
13 she affiliates with two or more political parties. Any candidate who
14 swears falsely as to political party affiliation or swears that he or she
15 affiliates with two or more political parties shall not be the candidate
16 of such party and shall not be entitled to assume the office for which he
17 or she filed even if he or she receives a majority or plurality of the
18 votes therefor at the following general election.

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

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

28 Sec. 11. Section 32-615, Revised Statutes Cumulative Supplement,
29 2014, is amended to read:

30 32-615 (1) Except as otherwise provided in subsection (2) of this
31 section, any candidate engaged in or pursuing a write-in campaign shall

1 file a notarized affidavit of his or her intent together with the receipt
2 for any filing fee with the filing officer as provided in section 32-608
3 no earlier than December 1 and no later than the second Friday ~~ten days~~
4 prior to the election.

5 (2) For any county office elected pursuant to sections 32-517 to
6 32-529 which is subject to subdivision (1)(b) of section 32-811, a
7 candidate may engage in or pursue a write-in campaign if he or she files
8 a notarized affidavit of his or her intent together with the receipt for
9 the filing fee with the filing officer as provided in section 32-608 on
10 or before March 3 of the year of the statewide primary election. If such
11 an affidavit is filed as prescribed, the election commissioner or county
12 clerk shall place that county office on the statewide primary election
13 ballot with the names of the candidate properly filed for the nomination
14 of the applicable political party and a line for write-in candidates.

15 (3) A candidate submitting an affidavit under this section for a
16 partisan office shall be a registered voter of the political party named
17 in the affidavit unless the political party allows candidates not
18 affiliated with the party by not adopting a rule under section 32-702.

19 (~~4~~ 3) A candidate who has been defeated as a candidate in the
20 primary election or defeated as a write-in candidate in the primary
21 election shall not be eligible as a write-in candidate for the same
22 office in the general election unless (a) a vacancy on the ballot exists
23 pursuant to section 32-625 or (b) the candidate was a candidate for an
24 office described in sections 32-512 to 32-550 and the candidate lost the
25 election as a result of a determination pursuant to section 32-1122 in
26 the case of a tie vote.

27 (5 4) A candidate who files a notarized affidavit shall be entitled
28 to all write-in votes for the candidate even if only the last name of the
29 candidate has been written if such last name is reasonably close to the
30 proper spelling.

31 Sec. 12. Section 32-941, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 32-941 Any registered voter permitted to vote early pursuant to
3 section 32-938 may, not more than one hundred twenty days before any
4 election and not later than 4 p.m. on the Wednesday preceding the
5 election, request a ballot for the election to be mailed to a specific
6 address. A registered voter shall request a ballot in writing to the
7 election commissioner or county clerk in the county where the registered
8 voter has established his or her home and shall indicate his or her
9 residence address, the address to which the ballot is to be mailed if
10 different, and his or her political party, telephone number if available,
11 and precinct if known. The registered voter may use the form published by
12 the election commissioner or county clerk pursuant to section 32-808. The
13 registered voter shall sign the request. A registered voter may use a
14 facsimile machine or electronic mail for the submission of a request for
15 a ballot. The election commissioner or county clerk shall include a
16 registration application with the ballots if the person is not
17 registered. Registration applications shall not be mailed after the third
18 Friday preceding the election. If the person is not registered to vote,
19 the registration application shall be returned not later than the closing
20 of the polls on the day of the election. No ballot issued under this
21 section shall be counted unless such registration application is properly
22 completed and processed.

23 Sec. 13. Section 32-947, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:

25 32-947 (1) Upon receipt of an application or other request for a
26 ballot to vote early, the election commissioner or county clerk shall
27 determine whether the applicant is a registered voter and is entitled to
28 vote as requested. If the election commissioner or county clerk
29 determines that the applicant is a registered voter entitled to vote
30 early and the application was received at or before 4 p.m. on the
31 Wednesday preceding the election, the election commissioner or county

1 clerk shall deliver a ballot to the applicant in person or by mail,
2 postage paid. The election commissioner or county clerk or any employee
3 of the election commissioner or county clerk shall write or cause to be
4 affixed his or her customary signature or initials on the ballot.

5 (2) An unsealed identification envelope shall be delivered with the
6 ballot, and upon the back of the envelope shall be printed a form
7 substantially as follows:

8 VOTER'S OATH

9 I, the undersigned voter, declare that the enclosed ballot or
10 ballots contained no voting marks of any kind when I received them, and I
11 caused the ballot or ballots to be marked, enclosed in the identification
12 envelope, and sealed in such envelope.

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

15 (a) I,, am a registered voter
16 in County;

17 (b) I reside in the State of Nebraska at

18 (c) I have voted the enclosed ballot and am returning it in
19 compliance with Nebraska law; and

20 (d) I have not voted and will not vote in this election except by
21 this ballot.

22 ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION
23 IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS
24 IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY
25 FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO FIVE YEARS OR A FINE
26 NOT TO EXCEED TEN THOUSAND DOLLARS, OR BOTH.

27 I also understand that failure to sign below will invalidate my
28 ballot.

29 Signature

30 ~~The primary election ballot, if any, within this envelope is a~~
31 ~~primary election ballot of the party.~~

1 Ballots contained in this envelope are for the (primary,
2 general, or special) election to be held on the day of
3 20.. .

4 (3) If the ballot and identification envelope will be returned by
5 mail or by someone other than the voter, the election commissioner or
6 county clerk shall include with the ballot an identification envelope
7 upon the face of which shall be printed the official title and post
8 office address of the election commissioner or county clerk.

9 (4) The election commissioner or county clerk shall also enclose
10 with the ballot materials:

11 (a) A registration application, if the election commissioner or
12 county clerk has determined that the applicant is not a registered voter
13 pursuant to section 32-945, with instructions that failure to return the
14 completed and signed application indicating the residence address as it
15 appears on the voter's request for a ballot to the election commissioner
16 or county clerk by the close of the polls on election day will result in
17 the ballot not being counted;

18 (b) A registration application and the oath pursuant to section
19 32-946, if the voter is without a residence address, with instructions
20 that the residence address of the voter shall be deemed that of the
21 office of the election commissioner or county clerk of the county of the
22 voter's prior residence and that failure to return the completed and
23 signed application and oath to the election commissioner or county clerk
24 by the close of the polls on election day will result in the ballot not
25 being counted; or

26 (c) Written instructions directing the voter to submit a copy of an
27 identification document pursuant to section 32-318.01 if the voter is
28 required to present identification under such section and advising the
29 voter that failure to submit identification to the election commissioner
30 or county clerk by the close of the polls on election day will result in
31 the ballot not being counted.

1 (5) The election commissioner or county clerk may enclose with the
2 ballot materials a separate return envelope for the voter's use in
3 returning his or her identification envelope containing the voted ballot,
4 registration application, and other materials that may be required.

5 Sec. 14. Section 32-1037, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-1037 There shall be a board of state canvassers consisting of the
8 Governor, Secretary of State, Auditor of Public Accounts, State
9 Treasurer, and Attorney General. The board of state canvassers shall meet
10 at the office of the Secretary of State or such other location within the
11 State Capitol as designated by the Secretary of State on the fourth
12 Monday after each statewide primary and general election for the sole
13 purpose of canvassing the votes cast for all officers and issues
14 certified to the election commissioner or county clerk by the Secretary
15 of State. The board of state canvassers may adjourn from day to day until
16 all returns are received and all votes are tabulated. The Governor on the
17 advice of the Secretary of State or the Attorney General may call an
18 extraordinary session of the board of state canvassers. The duty of the
19 board of state canvassers to canvass the votes is ministerial in nature.

20 Sec. 15. Section 32-1308, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 32-1308 (1) If a majority of the votes cast at a recall election are
23 against the removal of the official named on the ballot or the election
24 results in a tie, the official shall continue in office for the remainder
25 of his or her term but may be subject to further recall attempts as
26 provided in section 32-1309.

27 (2) If a majority of the votes cast at a recall election are for the
28 removal of the official named on the ballot, he or she shall, regardless
29 of any technical defects in the recall petition, be deemed removed from
30 office unless a recount is ordered. If the official is deemed removed,
31 the removal shall result in a vacancy in the office which shall be filled

1 as provided in this section and sections 32-567 to 32-570 and section 8
2 of this act.

3 (3) If the election results show a margin of votes equal to one
4 percent or less between the removal or retention of the official in
5 question, the Secretary of State, election commissioner, or county clerk
6 shall order a recount of the votes cast unless the official named on the
7 ballot files a written statement with the filing clerk that he or she
8 does not want a recount.

9 (4) If there are vacancies in the offices of one-half ~~a majority~~ or
10 more of the members of any governing body at one time due to the recall
11 of such members, a special election to fill such vacancies shall be
12 conducted as expeditiously as possible by the Secretary of State,
13 election commissioner, or county clerk.

14 (5) No official who is removed at a recall election or who resigns
15 after the initiation of the recall process shall be appointed to fill the
16 vacancy resulting from his or her removal or the removal of any other
17 member of the same governing body during the remainder of his or her term
18 of office.

19 Sec. 16. Section 81-2901, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 81-2901 Every state civil office filled by appointment shall be
22 vacant upon the happening of any one of the events listed in section
23 32-560 except as provided in section 32-561. The resignation of the
24 incumbent of such a civil office may be made as provided in section
25 32-562. Vacancies in such a civil office shall be filled as provided in
26 section 32-567 and section 8 of this act and shall be subject to section
27 32-563.

28 Sec. 17. Original sections 13-404, 23-148, 23-2,100, 32-330,
29 32-528, 32-569, 32-612, 32-1037, 32-1308, and 81-2901, Reissue Revised
30 Statutes of Nebraska, and sections 32-101, 32-567, 32-615, 32-941, and
31 32-947, Revised Statutes Cumulative Supplement, 2014, are repealed.