

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 822**

Introduced by Brewer, 43.

Read first time January 08, 2020

Committee:

- 1 A BILL FOR AN ACT relating to recall elections; to amend section 32-1305,
- 2 Reissue Revised Statutes of Nebraska, and section 32-1306, Revised
- 3 Statutes Supplement, 2019; to change provisions regarding counting
- 4 petition signatures and ordering and holding a recall election; and
- 5 to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-1305, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 32-1305 (1) The principal circulator or circulators shall file, as  
4 one instrument, all petition papers comprising a recall petition for  
5 signature verification with the filing clerk within thirty days after the  
6 filing clerk issues the initial petition papers to the principal  
7 circulator or circulators as provided in section 32-1303.

8 (2) If the filing clerk is the subject of a recall petition, the  
9 signature verification process shall be conducted by two election  
10 commissioners or county clerks appointed by the Secretary of State.  
11 Mileage and expenses incurred by officials appointed pursuant to this  
12 subsection shall be reimbursed by the political subdivision involved in  
13 the recall.

14 (3) Within fifteen business days after the filing of the petition,  
15 the filing clerk shall ascertain whether or not the petition is signed by  
16 the requisite number of registered voters. No new signatures may be added  
17 after the initial filing of the petition papers. No signatures may be  
18 removed unless the filing clerk receives an affidavit signed by the  
19 person requesting his or her signature be removed before the petitions  
20 are filed with the filing clerk for signature verification. If the  
21 petition is found to be sufficient, the filing clerk shall attach to the  
22 petition a certificate showing the result of such examination. If the  
23 requisite number of signatures has not been gathered, the filing clerk  
24 shall file the petition in his or her office without prejudice to the  
25 filing of a new petition for the same purpose.

26 Sec. 2. Section 32-1306, Revised Statutes Supplement, 2019, is  
27 amended to read:

28 32-1306 (1) If the recall petition is found to be sufficient, the  
29 filing clerk shall notify the official whose removal is sought and the  
30 governing body of the affected political subdivision that sufficient  
31 signatures have been gathered. Notification of the official sought to be

1 removed may be by any method specified in section 25-505.01 or, if  
2 notification cannot be made with reasonable diligence by any of the  
3 methods specified in section 25-505.01, by leaving such notice at the  
4 official's usual place of residence and mailing a copy by first-class  
5 mail to the official's last-known address.

6 (2) The governing body of the political subdivision shall, within  
7 twenty-one days after receipt of the notification from the filing clerk  
8 pursuant to subsection (1) of this section, order an election. The date  
9 of the election shall be the first available date that complies with  
10 section 32-405 and that can be certified to the election commissioner or  
11 county clerk at least fifty days prior to the election to be held not  
12 less than fifty nor more than eighty days after the notification of the  
13 official whose removal is sought under subsection (1) of this section,  
14 except that if any other election is to be held in that political  
15 subdivision within ninety days after such notification, the governing  
16 body of the political subdivision shall provide for the holding of the  
17 recall election on the same day.

18 (3) All resignations shall be tendered as provided in section  
19 32-562. If the official whose removal is sought resigns before the recall  
20 election is held, the governing body may cancel the recall election if  
21 the governing body notifies the election commissioner or county clerk of  
22 the cancellation at least twenty-four days prior to the election,  
23 otherwise the recall election shall be held as scheduled.

24 (4) ~~(3)~~ If the governing body of the political subdivision fails or  
25 refuses to order a recall election within the time required, the election  
26 may be ordered by the district court having jurisdiction over a county in  
27 which the elected official serves. If a filing clerk is subject to a  
28 recall election, the Secretary of State shall conduct the recall  
29 election.

30 Sec. 3. Original section 32-1305, Reissue Revised Statutes of  
31 Nebraska, and section 32-1306, Revised Statutes Supplement, 2019, are

1 repealed.