

## LEGISLATIVE BILL 602

Approved by the Governor March 1, 1988

Introduced by Abboud, 12; Korshoj, 16; Elmer, 38;  
Campbell, 22

AN ACT relating to purchasing; to amend section 32-226, Reissue Revised Statutes of Nebraska, 1943, and sections 23-3104 to 23-3106, Revised Statutes Supplement, 1986; to redefine terms; to change a provision relating to the employment of a purchasing agent as prescribed; to provide for the purchase of election supplies, materials, equipment, and services as prescribed; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 23-3104, Revised Statutes Supplement, 1986, be amended to read as follows:

23-3104. As used in the County Purchasing Act, unless the context otherwise requires:

(1) Personal property shall include, but not be limited to, supplies, materials, and equipment used by or furnished to any county officer, office, department, institution, board, or other agency of the county government. Personal property shall not include election ballots;

(2) Services shall mean election contractual services and any and all telephone, telegraph, postal, and electric light and power service and other similar services, except election contractual services; and

(3) Purchasing or purchase shall mean the obtaining of personal property or services by sale, lease, or other contractual means. Purchase shall also include contracting with sheltered workshops for products or services as provided in Chapter 48, article 15.

Sec. 2. That section 23-3105, Revised Statutes Supplement, 1986, be amended to read as follows:

23-3105. Any county board may and in counties having a population of more than one hundred fifty thousand inhabitants shall The governing board of a county with a population of more than one hundred fifty thousand shall and the governing board of any other

county may employ a purchasing agent who shall not be a county officer of the county. All purchases made from appropriated funds of the county shall be made through the purchasing agent. The county board shall pay the agent for such services as shall be agreed upon at the time of employment. The person so employed and designated shall serve at the pleasure of the county board and give bond to the county in such amount as the county board shall prescribe.

Sec. 3. That section 23-3106, Revised Statutes Supplement, 1986, be amended to read as follows:

23-3106. The purchasing agent, under the supervision of the county board, or the county board if there is no purchasing agent shall purchase all personal property and services required by any office, officer, department, or agency of the county government in the county, subject to the County Purchasing Act. The purchasing agent or the county board if there is no purchasing agent shall draw up and enforce standard specifications which shall apply to all personal property purchased for the use of the county government, shall have charge of all central storerooms operated or established by the county board, shall transfer personal property to or between the several county offices, officers, and departments, and shall sell personal property which is surplus, obsolete, or unused. All purchases of election ballots and election contractual services shall be made by the election commissioner or by the county clerk in counties without an election commissioner.

Sec. 4. That section 32-226, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-226. The election commissioner shall purchase and provide all necessary ballot boxes, registration books, poll books, tally sheets, ballot blanks, stationery, and supplies of every description, and other necessary and proper equipment for the registration of voters, the conduct of elections, and for every incidental purpose connected therewith. He or she The county shall provide all necessary election supplies, materials, equipment, and services for the registration of voters, for the conduct of elections, and for every incidental purposes connected with registration or elections in accordance with the County Purchasing Act. The election commissioner shall select and appoint the places of registration and the polling place for each district and cause the same to be fitted

up, warmed, lighted, and cleaned.

The election commissioner shall take whatever action is necessary to provide that individuals with physical mobility limitations shall have unobstructed access to the polling place and to at least one polling booth in each polling place. At least one polling booth shall be accessible to a person in a wheelchair. The election commissioner shall certify the number of precincts which will be used and the number which are accessible to all voters ninety days prior to each election. ~~No and (1) by August 1, 1978, not more than thirty percent of the polling places in a county shall be inaccessible, (2) at any election to be held in 1980, not more than fifteen percent of the polling places in the county shall be inaccessible, and (3) at any election to be held in 1984 and thereafter, no polling place in the county shall be inaccessible to individuals with physical mobility limitations.~~ A waiver of the ~~percentage~~ requirements of this section may be granted upon the showing of the election official's good faith efforts to comply with ~~the provisions of~~ this section and may be granted only with the written approval of the Secretary of State. The Secretary of State shall, by rule or regulation, develop criteria or standards for good faith compliance and waivers. The Secretary of State may appoint an advisory committee of not less than three persons who shall meet at the request of the Secretary of State and provide advice in the development of waiver criteria and standards. The advisory committee shall consist of at least one architect and one disabled person and the members of the committee shall not receive any remuneration or expenses. An approved waiver shall be valid for only one election. Prior to a request for a waiver from the Secretary of State, the county clerk or election commissioner shall submit to the county board at a public meeting a list of all precincts needing a waiver. For the purposes of this section, election shall mean any primary, municipal, joint, or general election and shall include any school election.

The polling place or places shall be located in the most public, orderly, and convenient place or places available therefor, and the expense thereof shall be a county charge. The expense of holding and conducting, separately, any city, municipality, metropolitan utilities district, school district, or other political subdivision election shall be charged to and paid by the city, municipality, metropolitan utilities district, school district, or other political

subdivision holding the election. In the event that all or any two or more of the last-named elections are held jointly, then the election commissioner is hereby empowered to definitely fix and certify to each of such bodies joining in such joint election the portion of the total expense which each shall bear, and upon such certification the city, municipality, metropolitan utilities district, school district, or other political subdivision shall contribute and pay to the county treasurer the share so certified. The county board shall draw warrants in payment of the election expense.

Sec. 5. That original section 32-226, Reissue Revised Statutes of Nebraska, 1943, and sections 23-3104 to 23-3106, Revised Statutes Supplement, 1986, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.