

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1121

Introduced by La Grone, 49.

Read first time January 22, 2020

Committee:

1 A BILL FOR AN ACT relating to elections; to amend sections 32-545 and
2 79-552, Reissue Revised Statutes of Nebraska, section 32-606,
3 Revised Statutes Cumulative Supplement, 2018, and section 32-552,
4 Revised Statutes Supplement, 2019; to change certain incumbent
5 filing deadlines; to eliminate obsolete provisions; and to repeal
6 the original sections.

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

1 Section 1. Section 32-545, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-545 (1) A member of the board of education of a Class V school
4 district shall be elected from each district provided for in section
5 32-552. Such election shall be held on the date provided in subsection
6 ~~(2) (3) or (4)~~ of this section. The members of such board of education
7 shall meet the qualifications found in sections 79-543 and 79-552.

8 ~~(2) The term of office of each member serving on February 12, 2013,~~
9 ~~expires on the fourth Monday after such election in 2013.~~

10 ~~(3) At the election on the date provided in section 14-201 for the~~
11 ~~election of elective officers of a city of the metropolitan class for~~
12 ~~2013, members of the board shall be elected to serve for terms as~~
13 ~~provided in subsection (4) of this section, from and including the fourth~~
14 ~~Monday after their election or until their successors are elected and~~
15 ~~qualified.~~

16 ~~(4)(a) In 2013, candidates from all districts for election to such~~
17 ~~board of education shall be nominated at the primary election held for~~
18 ~~nomination of candidates for city council pursuant to section 14-204.~~
19 ~~Candidates for election to such board of education shall be nominated~~
20 ~~upon a nonpartisan ballot.~~

21 ~~(2) (b)~~ In 2014, candidates for election to such board of education
22 from even-numbered districts shall be nominated at the statewide primary
23 election and elected at the statewide general election and shall take
24 office on the first Monday in January 2015. ~~Terms of the members elected~~
25 ~~from such even-numbered districts in 2013 shall expire on such date.~~ In
26 2016, candidates for election to such board of education from odd-
27 numbered districts shall be nominated at the statewide primary election
28 and elected at the statewide general election and shall take office on
29 the first Monday in January 2017. ~~Terms of the members elected from odd-~~
30 ~~numbered districts in 2013 shall expire on such date.~~ Thereafter, all
31 members shall be nominated at the statewide primary election and elected

1 at the statewide general election, shall take office on the first Monday
2 in January following their election, and shall serve terms of four years
3 or until their successors are elected and qualified. Candidates for
4 election to such board of education shall be nominated upon the
5 nonpartisan ballot.

6 Sec. 2. Section 32-552, Revised Statutes Supplement, 2019, is
7 amended to read:

8 32-552 (1) At least five months prior to an election, the governing
9 board of any political subdivision requesting the adjustment of the
10 boundaries of election districts shall provide to the election
11 commissioner or county clerk (a) written notice of the need and necessity
12 of his or her office to perform such adjustments and (b) a revised
13 election district boundary map that has been approved by the requesting
14 political subdivision's governing board and subjected to all public
15 review and challenge ordinances of the political subdivision.

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

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

30 (a)(i) The Legislature hereby divides such school district into nine
31 numbered election districts of compact and contiguous territory and of as

1 nearly equal population as may be practical. Each election district shall
2 be entitled to one member on the board of education of such Class V
3 school district. The Legislature adopts the official population figures
4 and maps from the 2010 Census Redistricting (Public Law 94-171) TIGER/
5 Line Shapefiles published by the United States Department of Commerce,
6 Bureau of the Census. The numbers and boundaries of the election
7 districts are designated and established by a map identified and labeled
8 as OPS-13-002, filed with the Clerk of the Legislature, and incorporated
9 by reference as part of Laws 2013, LB125. Such districts are drawn using
10 the boundaries of the Class V school district as they existed on February
11 12, 2013; (ii) the Clerk of the Legislature shall transfer possession of
12 the map referred to in subdivision (a)(i) of this subsection to the
13 Secretary of State and the election commissioner of the county in which
14 the greater part of the school district is situated on February 12, 2013;
15 (iii) when questions of interpretation of such election district
16 boundaries arise, the map referred to in subdivision (a)(i) of this
17 subsection in possession of such election commissioner shall serve as the
18 indication of the legislative intent in drawing the election district
19 boundaries; and (iv) the Secretary of State and such election
20 commissioner shall also have available for viewing on his or her web site
21 the map referred to in subdivision (a)(i) of this subsection identifying
22 the boundaries for such election districts; and ~~(v) the twelve numbered~~
23 ~~districts in existence on January 1, 2013, shall remain unchanged until~~
24 ~~the terms of members elected at the election in May 2013 begin; and~~

25 (b) After the next federal decennial census ~~after February 12, 2013,~~
26 the election commissioner of the county in which the greater part of a
27 Class V school district is situated shall divide the school district into
28 nine numbered districts of compact and contiguous territory and of as
29 nearly equal population as may be practical. The election commissioner
30 shall adjust the boundaries of such districts, subject to final review
31 and adjustment by the school board, to conform to changes in the

1 territory of the school district and also following each federal
2 decennial census.

3 Sec. 3. Section 32-606, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 32-606 (1) Any candidate may place his or her name on the primary
6 election ballot by filing a candidate filing form prescribed by the
7 Secretary of State as provided in section 32-607. Except as otherwise
8 provided in subsection (4) of this section, if ~~If~~ a candidate for an
9 elective office is an incumbent of any elective office, the filing period
10 for filing the candidate filing form shall be between December 1 and
11 February 15 prior to the date of the primary election, ~~except for~~
12 ~~candidates for election in 2013 to the board of education of a Class V~~
13 ~~school district.~~ No incumbent who resigns from elective office prior to
14 the expiration of his or her term shall file for any office after
15 February 15 of that election year. All ~~Incumbent and nonincumbent~~
16 ~~candidates for election in 2013 to the board of education of a Class V~~
17 ~~school district and all~~ other candidates shall file for office between
18 December 1 and March 1 prior to the date of the primary election. A
19 candidate filing form may be transmitted by facsimile for the offices
20 listed in subdivision (1) of section 32-607 if (a) the transmission is
21 received in the office of the filing officer by the filing deadline and
22 (b) the original filing form is mailed to the filing officer with a
23 legible postmark bearing a date on or prior to the filing deadline and is
24 in the office of the filing officer no later than seven days after the
25 filing deadline.

26 (2) Any candidate for a township office in a county under township
27 organization, the board of trustees of a village, the board of directors
28 of a reclamation district, the county weed district board, the board of
29 directors of a public power district receiving annual gross revenue of
30 less than forty million dollars, or the board of an educational service
31 unit may place his or her name on the general election ballot by filing a

1 candidate filing form prescribed by the Secretary of State as provided in
2 section 32-607. Except as otherwise provided in subsection (4) of this
3 section, if ~~If~~ a candidate for an elective office is an incumbent of any
4 elective office, the filing period for filing the candidate filing form
5 shall be between December 1 and July 15 prior to the date of the general
6 election. No incumbent who resigns from elective office prior to the
7 expiration of his or her term shall file for any office after July 15 of
8 that election year. All other candidates shall file for office between
9 December 1 and August 1 prior to the date of the general election. A
10 candidate filing form may be transmitted by facsimile for the offices
11 listed in subdivision (1) of section 32-607 if (a) the transmission is
12 received in the office of the filing officer by the filing deadline and
13 (b) the original filing form is mailed to the filing officer with a
14 legible postmark bearing a date on or prior to the filing deadline and is
15 in the office of the filing officer no later than seven days after the
16 filing deadline.

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

20 (4) If a candidate for an elective office was appointed to an
21 elective office to fill a vacancy after the deadline for an incumbent to
22 file a candidate filing form in subsection (1) or (2) of this section but
23 before the deadline for all other candidates, the candidate may file a
24 candidate filing form for any office on or before the deadline for all
25 other candidates.

26 Sec. 4. Section 79-552, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 79-552 The board of education of a Class V school district ~~shall~~
29 ~~consist of twelve members until the fourth Monday after the date in 2013~~
30 ~~of the election held pursuant to section 14-201 and shall consist of nine~~
31 ~~members thereafter.~~ One member shall be elected from each district

1 pursuant to section 32-545. Each elected member shall be a resident of
2 the district for at least six months prior to the election. Each
3 candidate for election to and each member of the board of education shall
4 be a taxpayer in and a resident of the district of such school district
5 as designated pursuant to section 32-552.

6 Sec. 5. Original sections 32-545 and 79-552, Reissue Revised
7 Statutes of Nebraska, section 32-606, Revised Statutes Cumulative
8 Supplement, 2018, and section 32-552, Revised Statutes Supplement, 2019,
9 are repealed.