

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 140**

Introduced by Davis, 43.

Read first time January 09, 2015

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 22-412,  
2 32-517, 32-518, 32-520, 32-521, 32-522, 32-523, 32-526, 32-528,  
3 32-529, 32-611, 32-612, 32-721, 32-810, 32-813, 32-814, 32-912, and  
4 32-1033, Reissue Revised Statutes of Nebraska, and sections 32-312,  
5 32-519, 32-524, 32-525, 32-602, 32-610, 32-615, 32-616, 32-623,  
6 32-627, 32-702, 32-809, and 32-811, Revised Statutes Cumulative  
7 Supplement, 2014; to change provisions for voting for partisan  
8 county offices in primary elections in certain counties; to  
9 harmonize provisions; and to repeal the original sections.  
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 22-412, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 22-412 Candidates for the consolidated office shall file with the  
4 county clerk or election commissioner of their county of residence. The  
5 names of such candidates shall be certified to the appropriate office of  
6 each of the other counties to be placed on the primary ballot. At the  
7 primary election following the approval of the consolidation of county or  
8 township offices, and in the year prior to the expiration of the office  
9 or offices consolidated, the two candidates receiving the greater number  
10 of votes for the position of consolidated nonpartisan office shall be  
11 nominated. If the consolidated office is under the laws of this state a  
12 partisan office and any one of the counties involved in the consolidation  
13 has a population of ten thousand or more inhabitants as determined by the  
14 most recent federal decennial census, the candidate receiving the  
15 greatest number of votes for each political party shall be nominated. If  
16 the consolidated office is under the laws of this state a partisan office  
17 and each of the counties involved in the consolidation has a population  
18 of less than ten thousand inhabitants as determined by the most recent  
19 federal decennial census, the two candidates receiving the greater number  
20 of votes for the position of consolidated nonpartisan office shall be  
21 nominated. The election commissioner or county clerk shall certify the  
22 results of the primary election, as well as of the ensuing general  
23 election, from his or her county to the election commissioner or county  
24 clerk of the county having the largest population involved in the  
25 consolidation who shall certify the winner to each of the other counties.

26 Sec. 2. Section 32-312, Revised Statutes Cumulative Supplement,  
27 2014, is amended to read:

28 32-312 The registration application prescribed by the Secretary of  
29 State pursuant to section 32-304 or 32-311.01 shall provide the  
30 instructional statements and request the information from the applicant  
31 as provided in this section.

1 CITIZENSHIP—"Are you a citizen of the United States of America?"  
2 with boxes to check to indicate whether the applicant is or is not a  
3 citizen of the United States.

4 AGE—"Are you at least eighteen years of age or will you be eighteen  
5 years of age on or before the first Tuesday following the first Monday of  
6 November of this year?" with boxes to check to indicate whether or not  
7 the applicant will be eighteen years of age or older on election day.

8 WARNING—"If you checked 'no' in response to either of these  
9 questions, do not complete this application."

10 NAME—the name of the applicant giving the first and last name in  
11 full, the middle name in full or the middle initial, and the maiden name  
12 of the applicant, if applicable.

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

23 POSTAL ADDRESS—the address at which the applicant receives mail if  
24 different from the residence address.

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

28 TELEPHONE NUMBERS—the telephone number of the applicant at work and  
29 at home. At the request of the applicant, a designation shall be made  
30 that the telephone number is an unlisted number, and such designation  
31 shall preclude the listing of the applicant's telephone number on any

1 list of voter registrations.

2 EMAIL ADDRESS—an email address of the applicant. At the request of  
3 the applicant, a designation shall be made that the email address is  
4 private, and such designation shall preclude the listing of the  
5 applicant's email address on any list of voter registrations.

6 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY  
7 NUMBER—if the applicant has a Nebraska driver's license, the license  
8 number, and if the applicant does not have a Nebraska driver's license,  
9 the last four digits of the applicant's social security number.

10 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when  
11 the applicant presented himself or herself for registration, when the  
12 applicant completed and signed the registration application if the  
13 application was submitted by mail or delivered to the election official  
14 by the applicant's personal messenger or personal agent, or when the  
15 completed application was submitted if the registration application was  
16 completed pursuant to section 32-304.

17 PLACE OF BIRTH—show the state, country, kingdom, empire, or dominion  
18 where the applicant was born.

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

24 REGISTRATION TAKEN BY—show the signature of the authorized official  
25 or staff member accepting the application pursuant to section 32-309 or  
26 32-310 or at least one of the deputy registrars taking the application  
27 pursuant to section 32-306, if applicable.

28 PARTY AFFILIATION—show the party affiliation of the applicant as  
29 Democrat, Republican, or Other ..... or show no party affiliation as  
30 Nonpartisan. ~~(Note: If you wish to vote in both partisan and nonpartisan  
31 primary elections for state and local offices, you must indicate a~~

1 ~~political party affiliation on the registration application. If you~~  
2 ~~register without a political party affiliation (nonpartisan), you will~~  
3 ~~receive only the nonpartisan ballots for state and local offices at~~  
4 ~~primary elections. If you register without a political party affiliation,~~  
5 ~~you may vote in partisan primary elections for congressional offices.)~~

6 OTHER-information the Secretary of State determines will assist in  
7 the proper and accurate registration of the voter.

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

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

12 (1) I live in the State of Nebraska at the address provided in this  
13 application;

14 (2) I have not been convicted of a felony or, if convicted, it has  
15 been at least two years since I completed my sentence for the felony,  
16 including any parole term;

17 (3) I have not been officially found to be non compos mentis  
18 (mentally incompetent); and

19 (4) I am a citizen of the United States.

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

25 APPLICANT'S SIGNATURE-require the applicant to affix his or her  
26 signature to the application.

27 Sec. 3. Section 32-517, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 32-517 Except as provided in section 22-417, a county clerk shall be  
30 elected in each county having a population of four hundred thousand  
31 inhabitants or less at the statewide general election in 1994 and each

1 four years thereafter and in counties having a population in excess of  
2 four hundred thousand inhabitants at the statewide general election in  
3 1996 and each four years thereafter. The county clerk shall meet the  
4 qualifications found in sections 23-1301 and 23-3203 if applicable. In  
5 counties that have a population of less than ten thousand inhabitants,  
6 the office of county clerk shall be a partisan office, but the candidates  
7 shall be nominated at the primary election without having a political  
8 party designation on the ballot and elected at the general election with  
9 a political party affiliation on the ballot. In counties that have a  
10 population of ten thousand or more inhabitants, the office of county  
11 clerk shall be a partisan office and shall be nominated and ~~The county~~  
12 ~~clerk shall be~~ elected on the partisan ballot.

13 Sec. 4. Section 32-518, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 32-518 Except as provided in section 22-417, (1) a register of deeds  
16 shall be elected in each county having a population of more than twenty  
17 thousand and not more than four hundred thousand inhabitants at the  
18 statewide general election in 1962 and each four years thereafter and in  
19 counties having a population in excess of four hundred thousand  
20 inhabitants at the statewide general election in 1964 and each four years  
21 thereafter and (2) if the population of a county which has a separate  
22 office of register of deeds pursuant to this section falls below twenty  
23 thousand inhabitants after establishing such an office or if a county  
24 which has a separate office of register of deeds immediately prior to  
25 July 10, 1990, has a population of twenty thousand inhabitants or less,  
26 the office of the register of deeds shall continue and the officer shall  
27 be elected pursuant to this section as if the county had a population of  
28 more than twenty thousand and not more than four hundred thousand  
29 inhabitants. The term of the register of deeds shall be four years or  
30 until his or her successor is elected and qualified. The register of  
31 deeds shall meet the qualifications found in section 23-1501. In counties

1 that have a population of less than ten thousand inhabitants, the office  
2 of register of deeds shall be a partisan office, but the candidates shall  
3 be nominated at the primary election without having a political party  
4 designation on the ballot and elected at the general election with a  
5 political party affiliation on the ballot. In counties that have a  
6 population of ten thousand or more inhabitants, the office of register of  
7 deeds shall be a partisan office and shall be nominated an ~~The register~~  
8 ~~of deeds shall be~~ elected on the partisan ballot.

9       Sec. 5. Section 32-519, Revised Statutes Cumulative Supplement,  
10 2014, is amended to read:

11       32-519 (1) Except as provided in section 22-417, at the statewide  
12 general election in 1990 and each four years thereafter, a county  
13 assessor shall be elected in each county having a population of more than  
14 three thousand five hundred inhabitants and more than one thousand two  
15 hundred tax returns. The county assessor shall serve for a term of four  
16 years.

17       (2) The county board of any county shall order the submission of the  
18 question of electing a county assessor in the county to the registered  
19 voters of the county at the next statewide general election upon  
20 presentation of a petition to the county board (a) conforming to the  
21 provisions of section 32-628, (b) not less than sixty days before any  
22 statewide general election, (c) signed by at least ten percent of the  
23 registered voters of the county secured in not less than two-fifths of  
24 the townships or precincts of the county, and (d) asking that the  
25 question be submitted to the registered voters in the county. The form of  
26 submission upon the ballot shall be as follows: For election of county  
27 assessor; Against election of county assessor. If a majority of the votes  
28 cast on the question are against the election of a county assessor in  
29 such county, the duties of the county assessor shall be performed by the  
30 county clerk and the office of county assessor shall either cease with  
31 the expiration of the term of the incumbent or continue to be abolished

1 if no such office exists at such time. If a majority of the votes cast on  
2 the question are in favor of the election of a county assessor, the  
3 office shall continue or a county assessor shall be elected at the next  
4 statewide general election.

5 (3) The county assessor shall meet the qualifications found in  
6 sections 23-3202 and 23-3204. In counties that have a population of less  
7 than ten thousand inhabitants, the office of county assessor shall be a  
8 partisan office, but the candidates shall be nominated at the primary  
9 election without having a political party designation on the ballot and  
10 elected at the general election with a political party affiliation on the  
11 ballot. In counties that have a population of ten thousand or more  
12 inhabitants, the office of county assessor shall be a partisan office and  
13 shall be nominated and ~~The county assessor shall be~~ elected on the  
14 partisan ballot.

15 Sec. 6. Section 32-520, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 32-520 A county sheriff shall be elected in each county at the  
18 statewide general election in 1990 and each four years thereafter. The  
19 term of the county sheriff shall be four years or until his or her  
20 successor is elected and qualified. The county sheriff shall meet the  
21 qualifications found in sections 23-1701 and 23-1701.01. In counties that  
22 have a population of less than ten thousand inhabitants, the office of  
23 county sheriff shall be a partisan office, but the candidates shall be  
24 nominated at the primary election without having a political party  
25 designation on the ballot and elected at the general election with a  
26 political party affiliation on the ballot. In counties that have a  
27 population of ten thousand or more inhabitants, the office of county  
28 sheriff shall be a partisan office and shall be nominated and ~~The county~~  
29 ~~sheriff shall be~~ elected on the partisan ballot.

30 Sec. 7. Section 32-521, Reissue Revised Statutes of Nebraska, is  
31 amended to read:



1           32-521 A county treasurer shall be elected in each county at the  
2 statewide general election in 1990 and each four years thereafter. The  
3 term of the county treasurer shall be four years or until his or her  
4 successor is elected and qualified. The county treasurer shall meet the  
5 qualifications found in section 23-1601.01. In counties that have a  
6 population of less than ten thousand inhabitants, the office of county  
7 treasurer shall be a partisan office, but the candidates shall be  
8 nominated at the primary election without having a political party  
9 designation on the ballot and elected at the general election with a  
10 political party affiliation on the ballot. In counties that have a  
11 population of ten thousand or more inhabitants, the office of county  
12 treasurer shall be a partisan office and shall be nominated and The  
13 ~~county treasurer shall be~~ elected on the partisan ballot.

14           Sec. 8. Section 32-522, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16           32-522 Except as provided in section 23-1201.01, a county attorney  
17 shall be elected in each county at the statewide general election in 1990  
18 and each four years thereafter. The term of the county attorney shall be  
19 four years or until his or her successor is elected and qualified.  
20 Candidates for the office of county attorney shall meet the  
21 qualifications found in sections 23-1201.01 and 23-1201.02. In counties  
22 that have a population of less than ten thousand inhabitants, the office  
23 of county attorney shall be a partisan office, but the candidates shall  
24 be nominated at the primary election without having a political party  
25 designation on the ballot and elected at the general election with a  
26 political party affiliation on the ballot. In counties that have a  
27 population of ten thousand or more inhabitants, the office of county  
28 attorney shall be a partisan office and shall be nominated and The ~~county~~  
29 ~~attorney shall be~~ elected on the partisan ballot.

30           Sec. 9. Section 32-523, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           32-523 Except as otherwise provided in sections 23-3401 and 23-3404,  
2 the public defender shall, in counties having a population in excess of  
3 one hundred thousand inhabitants which have not elected a public defender  
4 prior to July 10, 1984, be elected at the next statewide general election  
5 following July 10, 1984, or the year in which the county attains a  
6 population of one hundred thousand inhabitants and shall, in other  
7 counties, be elected at the first statewide general election of county  
8 officers following approval by the county board and every four years  
9 thereafter. The term of the public defender shall be four years or until  
10 his or her successor is elected and qualified. The public defender shall  
11 meet the qualifications found in section 23-3401. In counties that have a  
12 population of less than ten thousand inhabitants, the office of public  
13 defender shall be a partisan office, but the candidates shall be  
14 nominated at the primary election without having a political party  
15 designation on the ballot and elected at the general election with a  
16 political party affiliation on the ballot. In counties that have a  
17 population of ten thousand or more inhabitants, the office of public  
18 defender shall be a partisan office and shall be nominated and ~~The public~~  
19 ~~defender shall be~~ elected on the partisan ballot.

20           Sec. 10. Section 32-524, Revised Statutes Cumulative Supplement,  
21 2014, is amended to read:

22           32-524 (1) Except as provided in section 22-417:

23           (a) In counties having a population of seven thousand inhabitants or  
24 more, there shall be elected one clerk of the district court at the  
25 statewide general election in 1962 and every four years thereafter; and

26           (b) In counties having a population of less than seven thousand  
27 inhabitants, there shall be elected a clerk of the district court at the  
28 first statewide general election following a determination by the county  
29 board and the district judge for the county that such officer should be  
30 elected and each four years thereafter. When such a determination is not  
31 made in such a county, the county clerk shall be ex officio clerk of the

1 district court and perform the duties by law devolving upon that officer,  
2 unless there is an agreement between the State Court Administrator and  
3 the county board that the clerk of the county court for such county shall  
4 be the ex officio clerk of the district court and perform such duties.

5 (2) In any county upon presentation of a petition to the county  
6 board (a) not less than sixty days before the statewide general election  
7 in 1976 or every four years thereafter, (b) signed by registered voters  
8 of the county equal in numbers to at least fifteen percent of the total  
9 vote cast for Governor at the most recent gubernatorial election in the  
10 county, secured in not less than two-fifths of the townships or precincts  
11 of the county, and (c) asking that the question of not electing a clerk  
12 of the district court in the county be submitted to the registered voters  
13 therein, the county board, at the next statewide general election, shall  
14 order the submission of the question to the registered voters of the  
15 county. The form of submission upon the ballot shall be as follows:

16 For election of a clerk of the district court;

17 Against election of a clerk of the district court.

18 (3) If a majority of the votes cast on the question are against the  
19 election of a clerk of the district court in such county, the duties of  
20 the clerk of the district court shall be performed by the county clerk,  
21 unless there is an agreement between the State Court Administrator and  
22 the county board that the clerk of the county court for such county shall  
23 be the ex officio clerk of the district court and perform such duties,  
24 and the office of clerk of the district court shall either cease with the  
25 expiration of the term of the incumbent or continue to be abolished if no  
26 such office exists at such time.

27 (4) If a majority of the votes cast on the question are in favor of  
28 the election of a clerk of the district court, the office shall continue  
29 or a clerk of the district court shall be elected at the next statewide  
30 general election as provided in subsection (1) of this section.

31 (5) The term of the clerk of the district court shall be four years

1 or until his or her successor is elected and qualified. The clerk of the  
2 district court shall meet the qualifications found in section 24-337.04.  
3 In counties that have a population of less than ten thousand inhabitants,  
4 the office of clerk of the district court shall be a partisan office, but  
5 the candidates shall be nominated at the primary election without having  
6 a political party designation on the ballot and elected at the general  
7 election with a political party affiliation on the ballot. In counties  
8 that have a population of ten thousand or more inhabitants, the office of  
9 clerk of the district court shall be a partisan office and shall be  
10 nominated and ~~The clerk of the district court shall be~~ elected on the  
11 partisan ballot.

12 Sec. 11. Section 32-525, Revised Statutes Cumulative Supplement,  
13 2014, is amended to read:

14 32-525 (1) Except as provided in section 22-417 and except for  
15 counties which vote not to elect the county surveyor as provided in  
16 subsection (2) or (4) of this section, a county surveyor on either a  
17 full-time or part-time basis, as determined by the county board in  
18 accordance with section 23-1901, shall be elected in each county having a  
19 population of less than one hundred fifty thousand inhabitants at the  
20 statewide general election in 1990 and each four years thereafter.

21 (2)(a) Except as provided in section 22-417 and in subsection (3) of  
22 this section, in each county having a population of less than one hundred  
23 fifty thousand inhabitants, the question of electing a county surveyor in  
24 the county shall be submitted to the registered voters of the county at  
25 the statewide general election in 2020. The form of submission upon the  
26 ballot shall be as follows: For election of county surveyor; Against  
27 election of county surveyor.

28 (b) If a majority of the votes cast on the question are against the  
29 election of a county surveyor in such county, the office of county  
30 surveyor shall cease as an elected office with the expiration of the term  
31 of the incumbent or shall remain as it exists if no elected official

1 holds that office. In such counties, the office shall be filled as  
2 provided in subsection (2) of section 23-1901.01.

3 (c) If a majority of the votes cast on the question are in favor of  
4 the election of a county surveyor, the office shall continue to be  
5 elected as provided in subsection (1) of this section or, if no elected  
6 county surveyor is in office, a county surveyor shall be elected at the  
7 next statewide general election as provided in subsection (1) of this  
8 section.

9 (3) If a county having a population of less than one hundred fifty  
10 thousand inhabitants has an elected county surveyor in office on January  
11 1, 2020, the county board may, prior to February 1, 2020, following a  
12 public hearing, adopt a resolution to continue to elect the county  
13 surveyor for the county and not to submit the question pursuant to  
14 subsection (2) of this section.

15 (4)(a) Beginning in 2021, in each county having a population of less  
16 than one hundred fifty thousand inhabitants, the county board shall  
17 submit the question of electing a county surveyor in the county to the  
18 registered voters of the county at the next statewide general election if  
19 (i) the county board, by majority vote of all the members of the county  
20 board, adopts a resolution on or before September 1 prior to the next  
21 statewide general election to submit the question to the voters or (ii) a  
22 petition conforming to section 32-628 asking for the submission of the  
23 question to the voters is presented to the election commissioner or  
24 county clerk on or before September 1 prior to the next statewide general  
25 election signed by at least ten percent of the registered voters of the  
26 county. The election commissioner or county clerk shall verify the  
27 signatures pursuant to section 32-631 and place the question on the  
28 ballot if he or she determines that at least ten percent of the  
29 registered voters of the county have signed the petition.

30 (b) The form of submission upon the ballot shall be as follows: For  
31 election of county surveyor; Against election of county surveyor.

1 (c) If a majority of the votes cast on the question are against the  
2 election of a county surveyor in such county, the office of county  
3 surveyor shall cease as an elected office with the expiration of the term  
4 of the incumbent or shall remain as it exists if no elected official  
5 holds that office. In such counties, the office shall be filled as  
6 provided in subsection (2) of section 23-1901.01.

7 (d) If a majority of the votes cast on the question are in favor of  
8 the election of a county surveyor, the office shall continue to be  
9 elected as provided in subsection (1) of this section or, if no elected  
10 county surveyor is in office, a county surveyor shall be elected at the  
11 next statewide general election as provided in subsection (1) of this  
12 section.

13 (5) The term of the county surveyor shall be four years or until his  
14 or her successor is elected and qualified. The county surveyor shall meet  
15 the qualifications found in sections 23-1901 and 23-1901.01. In counties  
16 that have a population of less than ten thousand inhabitants, the office  
17 of county surveyor shall be a partisan office, but the candidates shall  
18 be nominated at the primary election without having a political party  
19 designation on the ballot and elected at the general election with a  
20 political party affiliation on the ballot. In counties that have a  
21 population of ten thousand or more inhabitants, the office of county  
22 surveyor shall be a partisan office and shall be nominated and ~~The county~~  
23 ~~surveyor shall be~~ elected on the partisan ballot.

24 Sec. 12. Section 32-526, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 32-526 Except as provided in section 22-417, a county engineer shall  
27 be elected in each county having a population of one hundred fifty  
28 thousand inhabitants or more at the statewide general election in 1990  
29 and each four years thereafter. The term of the county engineer shall be  
30 four years or until his or her successor is elected and qualified. The  
31 county engineer shall meet the qualifications found in section 23-1901.

1 In counties that have a population of less than ten thousand inhabitants,  
2 the office of county engineer shall be a partisan office, but the  
3 candidates shall be nominated at the primary election without having a  
4 political party designation on the ballot and elected at the general  
5 election with a political party affiliation on the ballot. In counties  
6 that have a population of ten thousand or more inhabitants, the office of  
7 county engineer shall be a partisan office and shall be nominated and The  
8 ~~county engineer shall be~~ elected on the partisan ballot.

9       Sec. 13. Section 32-528, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11       32-528 (1) In counties having a county board of three commissioners,  
12 two commissioners shall be elected at the statewide general election in  
13 1994 and each four years thereafter, and one commissioner shall be  
14 elected at the statewide general election in 1996 and each four years  
15 thereafter. In counties having a county board of five commissioners,  
16 three commissioners shall be elected at the statewide general election in  
17 1994 and each four years thereafter, and two commissioners shall be  
18 elected at the statewide general election in 1996 and each four years  
19 thereafter. In counties having a county board of seven or more  
20 commissioners, one commissioner shall be elected in each odd-numbered  
21 commissioner district at the statewide general election in 1994 and each  
22 four years thereafter, and one commissioner shall be elected in each  
23 even-numbered commissioner district at the statewide general election in  
24 1996 and each four years thereafter.

25       (2) Except for commissioners first elected after the county adopts  
26 the commissioner form of government or has increased the number of  
27 commissioners, the term of each county commissioner shall be four years  
28 or until his or her successor is elected and qualified. At the first  
29 election held to choose the board of commissioners in any county having  
30 three commissioners, the person having the highest number of votes shall  
31 serve for four years and the two receiving the next highest number of

1 votes shall serve for two years, and if any three or more persons have  
2 the same number of votes, their terms of office shall be determined by  
3 the county canvassing board. The county commissioners shall meet the  
4 qualifications found in section 23-150. Nothing in this section shall be  
5 construed to prohibit the reelection of a commissioner holding office if  
6 the commissioner is reelected to represent his or her respective  
7 district. In counties that have a population of less than ten thousand  
8 inhabitants, the office of county commissioner shall be a partisan  
9 office, but the candidates shall be nominated at the primary election  
10 without having a political party designation on the ballot and elected at  
11 the general election with a political party affiliation on the ballot. In  
12 counties that have a population of ten thousand or more inhabitants, the  
13 office of county commissioner shall be a partisan office and shall be  
14 nominated and ~~The county commissioners shall be~~ elected on the partisan  
15 ballot.

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

19 (b) Until 2010, in counties having a population of more than one  
20 hundred fifty thousand but not more than three hundred thousand  
21 inhabitants, one commissioner shall be nominated from each district by  
22 the registered voters of the district and shall be elected by the  
23 registered voters of the entire county. Beginning in 2010 in counties  
24 having a population of more than one hundred fifty thousand but not more  
25 than three hundred thousand inhabitants, one commissioner shall be  
26 nominated and elected from each district by the registered voters of the  
27 district as provided in subsection (5) of this section.

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

31 (4) In counties in which a majority has voted to have five



1 commissioners as provided in section 23-148, the three commissioners of  
2 such county whose terms of office will expire after the election shall  
3 continue in office until the expiration of the terms for which they were  
4 elected and until their successors are elected and qualified. Two  
5 commissioners shall be appointed pursuant to section 32-567 to serve  
6 until the first Thursday after the first Tuesday in January following the  
7 next statewide general election. At the next statewide general election,  
8 commissioners shall be elected to fill the positions of any commissioners  
9 appointed under this section. At the first primary election after such  
10 appointments, filings shall be accepted for terms of two years and for  
11 terms of four years so that two commissioners will be elected to four-  
12 year terms at one election and three commissioners will be elected to  
13 four-year terms at the next election.

14 (5) In counties having more than one hundred fifty thousand but not  
15 more than three hundred thousand inhabitants which are changing from  
16 nominating by district and electing at large to nominating and electing  
17 by district as provided in subdivision (3)(b) of this section, the  
18 commissioners shall continue in office until the expiration of the terms  
19 for which they were elected and until their successors are elected and  
20 qualified. At the primary election in 2010, one commissioner in such  
21 counties shall be nominated from each odd-numbered district. At the  
22 ensuing general election, one commissioner shall be elected from each  
23 odd-numbered district. At the primary election in 2012, one commissioner  
24 in such counties shall be nominated from each even-numbered district. At  
25 the ensuing general election, one commissioner shall be elected from each  
26 even-numbered district.

27 Sec. 14. Section 32-529, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 32-529 At the first general election after the adoption of township  
30 organization by a county, one supervisor shall be elected in each  
31 supervisor district. Thereafter one supervisor shall be elected in each

1 odd-numbered supervisor district at the general election two years after  
2 the first general election and each four years thereafter, and one  
3 supervisor shall be elected in each even-numbered supervisor district at  
4 the general election four years after the first general election and each  
5 four years thereafter. Each county supervisor shall be nominated and  
6 elected by the registered voters of the district from which he or she is  
7 elected. Except for supervisors first elected after the county has  
8 adopted township organization, the term of each county supervisor shall  
9 be four years or until his or her successor is elected and qualified. The  
10 county supervisors shall meet the qualifications found in section 23-268.  
11 In counties that have a population of less than ten thousand inhabitants,  
12 the office of county supervisor shall be a partisan office, but the  
13 candidates shall be nominated at the primary election without having a  
14 political party designation on the ballot and elected at the general  
15 election with a political party affiliation on the ballot. In counties  
16 that have a population of ten thousand or more inhabitants, the office of  
17 county supervisor shall be a partisan office and shall be nominated and  
18 ~~The county supervisors shall be elected on the partisan ballot.~~

19 Sec. 15. Section 32-602, Revised Statutes Cumulative Supplement,  
20 2014, is amended to read:

21 32-602 (1) Any person seeking an elective office shall be a  
22 registered voter at the time of filing for the office pursuant to section  
23 32-606 or 32-611.

24 (2) Any person filing for office shall meet the constitutional and  
25 statutory requirements of the office for which he or she is filing. If a  
26 person is filing for a partisan office other than a partisan county  
27 office provided for in sections 32-517 to 32-529 in counties that have a  
28 population of less than ten thousand inhabitants, he or she shall be a  
29 registered voter affiliated with the appropriate political party if  
30 required pursuant to section 32-702. If the person is required to sign a  
31 contract or comply with a bonding or equivalent commercial insurance

1 policy requirement prior to holding such office, he or she shall be at  
2 least nineteen years of age at the time of filing for the office.

3 (3) A person shall not be eligible to file for an office if he or  
4 she holds the office and his or her term of office expires after the  
5 beginning of the term of office for which he or she would be filing. This  
6 subsection does not apply to filing for an office to represent a  
7 different district, ward, subdistrict, or subdivision of the same  
8 governmental entity as the office held at the time of filing.

9 (4) The governing body of the political subdivision swearing in the  
10 officer shall determine whether the person meets all requirements prior  
11 to swearing in the officer.

12 Sec. 16. Section 32-610, Revised Statutes Cumulative Supplement,  
13 2014, is amended to read:

14 32-610 (1) No person shall be allowed to file a candidate filing  
15 form as a partisan candidate or to have his or her name placed upon a  
16 primary election ballot of a political party if subsection (2) of section  
17 32-720 applies to the political party.

18 (2) For any other political party, no person shall be allowed to  
19 file a candidate filing form as a partisan candidate or to have his or  
20 her name placed upon a primary election ballot of a political party  
21 unless (a 1) he or she is a registered voter of the political party if  
22 required pursuant to section 32-702 and (b 2) at one of the two  
23 immediately preceding statewide general elections, (i a) a candidate  
24 nominated by the political party polled at least five percent of the  
25 entire vote in the state in a statewide race or (ii b) a combination of  
26 candidates nominated by the political party for a combination of  
27 districts that encompass all of the voters of the entire state polled at  
28 least five percent of the vote in each of their respective districts.

29 (3) A candidate filing form filed in violation of this section shall  
30 be void.

31 Sec. 17. Section 32-611, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 32-611 Twenty-five registered voters of the same political party may  
3 seek to have a person's name placed on the primary election ballot of the  
4 political party as a partisan candidate or on the primary election ballot  
5 for a partisan county office provided for in sections 32-517 to 32-529  
6 without a political party designation by filing an affidavit stating that  
7 they are registered voters, the political party with which they are  
8 registered, the name of the proposed candidate, and that the proposed  
9 candidate is a registered voter of the same political party. The  
10 affidavit shall be filed in the same manner and with the same filing  
11 officer as provided for candidate filing forms. The proposed candidate  
12 shall, within five days from the date of the filing of the affidavit,  
13 file a candidate filing form as provided in section 32-607 stating that  
14 he or she is a registered voter and is affiliated with the political  
15 party named in the affidavit. If the candidate filing form is not filed  
16 within such five-day period, the name of the candidate shall not be  
17 placed upon the primary election ballot.

18 Sec. 18. Section 32-612, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 32-612 (1) A change of political party affiliation by a registered  
21 voter so as to affiliate with the political party named in the candidate  
22 filing form or in an affidavit as a write-in candidate pursuant to  
23 section 32-615 after the first Friday in December prior to the statewide  
24 primary election shall not be effective to meet the requirements of  
25 section 32-610 or 32-611 or subsection (4) of this section, except that  
26 any person may change his or her political party affiliation after the  
27 first Friday in December prior to the statewide primary election to  
28 become a candidate of a new political party which has successfully  
29 completed the petition process required by section 32-716.

30 (2) No registered voter, candidate, or proposed candidate shall  
31 swear falsely as to political party affiliation or shall swear that he or

1 she affiliates with two or more political parties. Any candidate who  
2 swears falsely as to political party affiliation or swears that he or she  
3 affiliates with two or more political parties shall not be the candidate  
4 of such party and shall not be entitled to assume the office for which he  
5 or she filed even if he or she receives a majority or plurality of the  
6 votes therefor at the following general election.

7 (3) The name of a candidate shall not appear printed on more than  
8 one political party ballot. The name of a candidate shall not appear more  
9 than once on any ballot at a primary election except for the office of  
10 delegate to a political party's county, state, or national convention. A  
11 candidate who is a registered voter of one political party shall not  
12 accept the nomination of another political party.

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

18 Sec. 19. Section 32-615, Revised Statutes Cumulative Supplement,  
19 2014, is amended to read:

20 32-615 (1) Except as otherwise provided in subsection (2) of this  
21 section, any candidate engaged in or pursuing a write-in campaign shall  
22 file a notarized affidavit of his or her intent together with the receipt  
23 for any filing fee with the filing officer as provided in section 32-608  
24 no earlier than December 1 and no later than ten days prior to the  
25 election.

26 (2) For any county office elected pursuant to sections 32-517 to  
27 32-529 which is subject to subdivision (1)(b) of section 32-811, a  
28 candidate may engage in or pursue a write-in campaign if he or she files  
29 a notarized affidavit of his or her intent together with the receipt for  
30 the filing fee with the filing officer as provided in section 32-608 on  
31 or before March 3 of the year of the statewide primary election. If such

1 an affidavit is filed as prescribed, the election commissioner or county  
2 clerk in counties that have a population of ten thousand or more  
3 inhabitants shall place that county office on the statewide primary  
4 election ballot with the name ~~names~~ of the candidate properly filed for  
5 the nomination of the applicable political party and a line for write-in  
6 candidates and in counties that have a population of less than ten  
7 thousand inhabitants shall place that county office on the statewide  
8 primary election ballot with the name of the candidate properly filed for  
9 the nomination and a line for write-in candidates.

10 (3) A candidate who has been defeated as a candidate in the primary  
11 election or defeated as a write-in candidate in the primary election  
12 shall not be eligible as a write-in candidate for the same office in the  
13 general election unless (a) a vacancy on the ballot exists pursuant to  
14 section 32-625 or (b) the candidate was a candidate for an office  
15 described in sections 32-512 to 32-550 and the candidate lost the  
16 election as a result of a determination pursuant to section 32-1122 in  
17 the case of a tie vote.

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

22 Sec. 20. Section 32-616, Revised Statutes Cumulative Supplement,  
23 2014, is amended to read:

24 32-616 (1)(a) Except as otherwise provided in subdivision (b) of  
25 this subsection, any Any registered voter who was not a candidate in the  
26 primary election and who was not registered to vote with a party  
27 affiliation on or after March 1 and before the general election in the  
28 calendar year of the general election may have his or her name placed on  
29 the general election ballot for a partisan office by filing petitions as  
30 prescribed in sections 32-617 to 32-621 or by nomination by political  
31 party convention or committee pursuant to section 32-627 or 32-710.

1        (b) Any registered voter of a county that has a population of less  
2 than ten thousand inhabitants who was not a candidate in the primary  
3 election may have his or her name placed on the general election ballot  
4 for a partisan office by filing petitions as prescribed in sections  
5 32-617 to 32-621.

6        (2) Any candidate who was defeated in the primary election and any  
7 registered voter who was not a candidate in the primary election may have  
8 his or her name placed on the general election ballot if a vacancy exists  
9 on the ballot under subsection (2) of section 32-625 and the candidate  
10 files for the office by petition as prescribed in sections 32-617 and  
11 32-618, files as a write-in candidate as prescribed in section 32-615, or  
12 is nominated by political party convention or committee pursuant to  
13 section 32-627 or 32-710.

14        Sec. 21. Section 32-623, Revised Statutes Cumulative Supplement,  
15 2014, is amended to read:

16        32-623    (1) If any person nominated for elective office for the  
17 general election notifies the filing officer with whom the candidate  
18 filing form or other acceptance of nomination was filed by filing a  
19 statement, in writing and duly acknowledged, that he or she declines such  
20 nomination on or before September 1 before the election, the person's  
21 name shall not be printed on the ballot, but no declination shall be  
22 effective after such date. The filing officer shall inform (a) one or  
23 more persons whose names are attached to the nomination if the candidate  
24 was nominated by a political party convention or committee or (b) τ if  
25 nominated at a primary election for an office other than a partisan  
26 county office provided for in sections 32-517 to 32-529 in counties that  
27 have a population of less than ten thousand inhabitants, the chairperson  
28 or secretary of the campaign or political party committee of his or her  
29 political party if there is one within the jurisdiction of the filing  
30 officer and, if not, at least three of the prominent members of the  
31 candidate's political party within the jurisdiction of the filing officer

1 that such candidate has declined the nomination by mailing or delivering  
2 to them personally notice of such fact. Such declination shall create a  
3 vacancy on the ballot which may be filled pursuant to section 32-627.

4 (2) In lieu of filing a declination with the Secretary of State, the  
5 person so nominated may file a declination with the election commissioner  
6 or county clerk in the county in which he or she resides. Any election  
7 commissioner or county clerk receiving such a declination shall within  
8 five days after its receipt forward a copy of the written declination  
9 statement to the Secretary of State. The Secretary of State shall make  
10 notifications if required by this section for all individuals for whom he  
11 or she receives a copy of the written declination statement.

12 Sec. 22. Section 32-627, Revised Statutes Cumulative Supplement,  
13 2014, is amended to read:

14 32-627 (1) If a vacancy on the ballot arises ~~for any partisan office~~  
15 ~~except President and Vice President of the United States~~ before a general  
16 election for any partisan office other than a partisan county office  
17 provided for in sections 32-517 to 32-529 in counties that have a  
18 population of less than ten thousand inhabitants or President and Vice  
19 President of the United States, the vacancy shall be filled by the  
20 majority vote of the proper committee of the same political party. If the  
21 vacancy exists for an office serving only a particular district of the  
22 state, only those members of the political party committee who reside  
23 within that district shall participate in selecting the candidate to fill  
24 the vacancy. No vacancy on the ballot shall be deemed to have occurred if  
25 a political party makes no nomination of a candidate at the primary  
26 election for the office. If a vacancy on the ballot arises for Governor,  
27 the vacancy shall be filled by the majority vote of the proper committee  
28 of the same political party, and the candidate for Governor shall select  
29 a person of the same political party to be the candidate for Lieutenant  
30 Governor on the general election ballot. If a vacancy on the ballot  
31 arises for the Lieutenant Governor on or before September 1, the



1 candidate for Governor shall select a new candidate for Lieutenant  
2 Governor in the same manner as required in section 32-619.01.

3 (2) The chairperson and secretary of the executive committee for the  
4 political party shall make and file with the filing officer a certificate  
5 setting forth the cause of the vacancy, the name of the person so  
6 nominated, the office for which he or she was nominated, the name of the  
7 person for which the new nominee is to be substituted, the place of  
8 residence of the person so nominated, the street and number of the  
9 residence or place of business of the person so nominated if such person  
10 resides in a city, and the name of the political party with which the  
11 person so nominated affiliates which such committee represents. The  
12 certificate shall be signed by the chairperson and secretary with the  
13 name and places of their residences and sworn to by them before some  
14 officer authorized to administer oaths. If there is no executive  
15 committee of the political party or in lieu of the executive committee  
16 filling such vacancy, a mass convention of the political party may fill  
17 the vacancy and the chairperson and secretary of such convention shall  
18 make and file with the filing officer a certificate in form and manner  
19 substantially as is required to be filed by the chairperson and secretary  
20 of the executive committee under this subsection. The certificate shall  
21 be filed by September 1 for a general election and have the same force  
22 and effect as the candidate filing form provided for in section 32-607.  
23 The filing fee charged to candidates for such offices shall accompany the  
24 filing of the certificate.

25 Sec. 23. Section 32-702, Revised Statutes Cumulative Supplement,  
26 2014, is amended to read:

27 32-702 Any political party may, by the adoption of a rule, require  
28 that an individual must be a registered voter affiliated with that party  
29 in order for his or her name to be any individual whose name is placed on  
30 such party's partisan primary election ballot or on the statewide general  
31 election ballot with a designation that the individual is affiliated with

1 ~~that party be a registered voter affiliated with such party.~~ If the  
2 political party adopts or revokes the rule and notifies the Secretary of  
3 State by filing the rule or notice of the revocation with the Secretary  
4 of State prior to December 1 of the calendar year before a statewide  
5 primary election, the rule or revocation is effective for the next and  
6 subsequent statewide primary and general elections. If a rule or notice  
7 of revocation is filed with the Secretary of State on or after December 1  
8 of the calendar year before a statewide primary election and on or before  
9 the day of the statewide primary election, the rule or revocation is  
10 effective for the subsequent statewide primary and general elections.

11 Sec. 24. Section 32-721, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 32-721 Any candidate of any political party for an office to be  
14 filled at a special election other than a partisan county office provided  
15 for in sections 32-517 to 32-529 in counties that have a population of  
16 less than ten thousand inhabitants shall be nominated by a convention or  
17 central committee of his or her political party. The nomination shall be  
18 in writing, shall contain the name of the office for which each person  
19 was nominated and the name and residence of each person so nominated,  
20 including, if in a city, the street and number of residence, and place of  
21 business, if any, and shall designate in not more than five words the  
22 political party which such convention or committee represents. The  
23 presiding officer and the secretary of such convention or committee shall  
24 sign the nomination and include their respective places of business and  
25 take an oath before an officer qualified to administer oaths that the  
26 affiants were such officers at such convention or committee and that the  
27 certificate and the statements therein contained are true to the best of  
28 their knowledge and belief. Such conventions or committee meetings shall  
29 be held not less than seventy days prior to the date fixed by law for the  
30 election of the persons so nominated. The nomination shall be filed with  
31 the filing officer prescribed in section 32-607 not less than seventy

1 days before the election.

2 Sec. 25. Section 32-809, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4 32-809 (1) The form of the official ballot at the statewide primary  
5 election shall be prescribed by the Secretary of State. At the top of the  
6 ballot and over all else shall be printed in boldface type the name of  
7 the political party, ..... Official Ballot, Primary Election 20.. .  
8 Each division containing the names of the office and a list of candidates  
9 for such office shall be separated from other groups by a bold line. The  
10 ballot shall list at-large candidates and subdistrict candidates under  
11 appropriate headings. Candidates for partisan county office provided for  
12 in sections 32-517 to 32-529 shall be placed on the primary election  
13 ballot as provided in section 32-810.

14 (2) All proposals for constitutional amendments, candidates for  
15 delegates to the national political party conventions, and candidates on  
16 the nonpartisan ballot shall be submitted on a ballot where bold lines  
17 separate one office or issue from another. Proposals for constitutional  
18 amendments proposed by the Legislature shall be placed on the ballot as  
19 provided in sections 49-201 to 49-211. Each candidate for delegate to the  
20 national political party convention shall have his or her preference for  
21 the candidacy for the office of President of the United States or the  
22 fact that he or she is uncommitted shown on the ballot in parenthesis and  
23 indented on the line immediately below the name of the candidate. All  
24 constitutional amendments shall be placed on a separate ballot when a  
25 paper ballot is used which requires the ballot after being voted to be  
26 folded before being deposited in a ballot box. When an optical-scan  
27 ballot is used which requires a ballot envelope or sleeve in which the  
28 ballot after being voted is placed before being deposited in a ballot  
29 box, constitutional amendments may be printed on either side of the  
30 ballot and shall be separated from other offices or issues by a bold  
31 line. Constitutional amendments so arranged shall constitute a separate

1 ballot.

2 (3) Except as otherwise provided in section 32-811, the statewide  
3 primary election ballot shall contain the name of every candidate filing  
4 or recognized under subsection (1) of section 32-606 and sections 32-611,  
5 32-613, and 32-614 and no other names. No name of a candidate for member  
6 of the Legislature or an elective office described in Article IV, section  
7 1, of the Constitution of Nebraska shall appear on any ballot or any  
8 series of ballots at any primary election more than once except for the  
9 names of candidates for the office of delegate to a county, state, or  
10 national political party convention. When two or more of the last names  
11 of candidates for the same office at the primary election are the same in  
12 spelling or sound, the official ballots may, on the request of any such  
13 candidate, have his or her address printed immediately below his or her  
14 name in capital and lowercase letters in lightface type of the same size  
15 as the type in which the name of the candidate is printed.

16 Sec. 26. Section 32-810, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 32-810 (1) Except for candidates for a partisan county office  
19 provided for in sections 32-517 to 32-529 in counties that have a  
20 population of less than ten thousand inhabitants, the ~~The~~ election  
21 commissioner or county clerk shall place the names of all partisan  
22 candidates certified to him or her by the Secretary of State and of those  
23 partisan candidates filing in his or her office on a primary election  
24 ballot headed with the political party designation. Candidates for a  
25 partisan county office provided for in sections 32-517 to 32-529 in  
26 counties that have a population of less than ten thousand inhabitants  
27 shall be placed on the primary election ballot headed by the words County  
28 Ticket. The names of each nonpartisan candidate certified by the  
29 Secretary of State and of each nonpartisan candidate filing in the office  
30 of the election commissioner or county clerk shall be placed on the  
31 primary election ballot headed by the words Nonpartisan Ticket.

1           (2) If any office is not subject to the upcoming election, the  
2 office shall be omitted from the ballot and the remaining offices shall  
3 move up so that the same relative order is preserved. The order of any  
4 offices may be altered to allow for the best utilization of ballot space  
5 in order to avoid printing a second ballot when one ballot would be  
6 sufficient if an optical-scan ballot is used. All proposals on the ballot  
7 submitted by a political subdivision shall follow all offices on the  
8 ballot for such political subdivision.

9           (3) The election commissioner or county clerk shall follow the order  
10 of precincts or wards as set out in the official abstract book on file in  
11 his or her office in preparing the official ballots. At the primary  
12 election, on the first set of ballots for the first precinct or ward  
13 shall be the names of candidates filing by date and hour as certified by  
14 the Secretary of State and for local candidates the names of candidates  
15 shall be listed in the order of filing by date and hour with the election  
16 commissioner or county clerk. When there are more candidates than  
17 vacancies for the same office, the names of all partisan and nonpartisan  
18 candidates at a primary election shall be rotated precinct by precinct in  
19 each office division in the order in which the precincts are set out in  
20 the official abstract book. In making the changes of position, the  
21 printer shall take the line of type at the head of each office division  
22 and place it at the bottom of that division, shoving up the column so  
23 that the name that was second shall be first after the change.

24           Sec. 27. Section 32-811, Revised Statutes Cumulative Supplement,  
25 2014, is amended to read:

26           32-811 (1)(a) If the names of candidates properly filed for  
27 nomination at the primary election for directors of natural resources  
28 districts, directors of public power districts, members of airport  
29 authority boards elected pursuant to sections 32-547 to 32-549, members  
30 of the boards of governors of community college areas, members of the  
31 boards of Class III or Class V school districts which nominate candidates

1 at a primary election, candidates for a partisan county office provided  
2 for in sections 32-517 to 32-529 in counties that have a population of  
3 less than ten thousand inhabitants, and officers of cities of the first  
4 or second class and cities having a city manager plan of government do  
5 not exceed two candidates for each position to be filled, any such  
6 candidates shall be declared nominated and their names shall not appear  
7 on any primary election ballots.

8 (b) If the number of candidates properly filed for the nomination of  
9 a political party at the primary election for a partisan county office  
10 provided for in sections 32-517 to 32-529 in counties that have a  
11 population of ten thousand or more inhabitants ~~any county officer elected~~  
12 ~~pursuant to sections 32-517 to 32-529~~ does not exceed the number of  
13 candidates to be nominated by that party for that office, any such  
14 properly filed candidates shall be declared nominated and their names  
15 shall not appear on any primary election ballots.

16 (c) The official abstract of votes kept by the county or state shall  
17 show the names of such candidates with the statement Nominated Without  
18 Opposition. The election commissioner or county clerk shall place the  
19 names of such automatically nominated candidates on the general election  
20 ballot as provided in section 32-814 or 32-815.

21 (2) Candidates shall not appear on the ballot in the primary  
22 election for the offices listed in subsection (2) of section 32-606.

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

28 Sec. 28. Section 32-813, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 32-813 (1) The names of all candidates and all proposals to be voted  
31 upon at the general election shall be arranged upon the ballot in parts

1 separated from each other by bold lines in the order the offices and  
2 proposals are set forth in this section. If any office is not subject to  
3 the upcoming election, the office shall be omitted from the ballot and  
4 the remaining offices shall move up so that the same relative order is  
5 preserved. The order of any offices may be altered to allow for the best  
6 utilization of ballot space in order to avoid printing a second ballot  
7 when one ballot would be sufficient if an optical-scan ballot is used.  
8 All proposals on the ballot shall remain separate from the offices, and  
9 the proposals shall follow all offices on the ballot.

10 (2)(a) If the election is in a year in which a President of the  
11 United States is to be elected, the names and spaces for voting for  
12 candidates for President and Vice President shall be entitled  
13 Presidential Ticket in boldface type.

14 (b) The names of candidates for President and Vice President for  
15 each political party shall be grouped together, and each group shall be  
16 enclosed with brackets with the political party name next to the brackets  
17 and one square or oval opposite the names in which the voter indicates  
18 his or her choice.

19 (c) The names of candidates for President and Vice President who  
20 have successfully petitioned on the ballot for the general election shall  
21 be grouped together with the candidates appearing on the same petition  
22 being grouped together, and each group shall be enclosed with brackets  
23 with the words "By Petition" next to the brackets and one square or oval  
24 opposite the names in which the voter indicates his or her choice.

25 (d) Beneath the names of the candidates for President and Vice  
26 President certified by the officers of the national political party  
27 conventions pursuant to section 32-712 and beneath the names of all  
28 candidates for President and Vice President placed on the general  
29 election ballot by petition, two write-in lines shall be provided in  
30 which the voter may fill in the names of the candidates of his or her  
31 choice. The lines shall be enclosed with brackets with one square or oval

1 opposite the names in which the voter indicates his or her choice. The  
2 name appearing on the top line shall be considered to be the candidate  
3 for President, and the name appearing on the second line shall be  
4 considered to be the candidate for Vice President.

5 (3) The names and spaces for voting for candidates for United States  
6 Senator if any are to be elected shall be entitled United States  
7 Senatorial Ticket in boldface type.

8 (4) The names and spaces for voting for candidates for  
9 Representatives in Congress shall be entitled Congressional Ticket in  
10 boldface type. Above the candidates' names, the office shall be  
11 designated For Representative in Congress ..... District.

12 (5) The names and spaces for voting for candidates for the various  
13 state officers shall be entitled State Ticket in boldface type. Each set  
14 of candidates shall be separated by lines across the column, and above  
15 each set of candidates shall be designated the office for which they are  
16 candidates, arranged in the order prescribed by the Secretary of State.  
17 The candidates for Governor of each political party receiving the highest  
18 number of votes in the primary election shall be grouped together with  
19 their respective candidates for Lieutenant Governor. Each group shall be  
20 enclosed with brackets with the political party name next to the brackets  
21 and one square or oval opposite the names in which the voter indicates  
22 his or her choice for Governor and Lieutenant Governor jointly. The  
23 candidates for Governor and Lieutenant Governor who have successfully  
24 petitioned on the general election ballot shall be grouped together with  
25 the candidates appearing on the same petition being grouped together.  
26 Each group shall be enclosed with brackets with the words "By Petition"  
27 next to the brackets and one square or oval opposite the names in which  
28 the voter indicates his or her choice for Governor and Lieutenant  
29 Governor jointly. Beneath the names of the candidates for Governor  
30 nominated at a primary election by political party and their respective  
31 candidates for Lieutenant Governor and beneath the names of all



1 candidates for Governor and Lieutenant Governor placed on the general  
2 election ballot by petition, one write-in line shall be provided in which  
3 the registered voter may fill in the name of the candidate for Governor  
4 of his or her choice and one square or oval opposite the line in which  
5 the voter indicates his or her choice for Governor.

6 (6) The names and spaces for voting for nonpartisan candidates shall  
7 be entitled Nonpartisan Ticket in boldface type. The names of all  
8 nonpartisan candidates shall appear in the order listed in this  
9 subsection, except that when using an optical-scan ballot, the order of  
10 offices may be altered to allow for the best utilization of ballot space  
11 to avoid printing a second ballot when one ballot would be sufficient:

- 12 (a) Legislature;
- 13 (b) State Board of Education;
- 14 (c) Board of Regents of the University of Nebraska;
- 15 (d) Chief Justice of the Supreme Court;
- 16 (e) Judge of the Supreme Court;
- 17 (f) Judge of the Court of Appeals;
- 18 (g) Judge of the Nebraska Workers' Compensation Court;
- 19 (h) Judge of the District Court;
- 20 (i) Judge of the Separate Juvenile Court;
- 21 (j) Judge of the County Court; and
- 22 (k) County officers in the order prescribed by the election  
23 commissioner or county clerk.

24 (7) The names and spaces for voting for the various county offices  
25 and for measures submitted to the county vote only or in only a part of  
26 the county shall be entitled County Ticket in boldface type. The  
27 nominated candidates for partisan county offices shall be placed on the  
28 general election ballot with a designation of their political party  
29 affiliation, if any. If the election commissioner or county clerk deems  
30 it advisable, the measures may be submitted on a separate ballot if using  
31 a paper ballot or on either side of an optical-scan ballot if the ballot

1 is placed in a ballot envelope or sleeve before being deposited in a  
2 ballot box.

3 (8) The candidates for office in the precinct only or in the city or  
4 village only shall be printed on the ballot, except that if the election  
5 commissioner or county clerk deems it advisable, candidates for these  
6 offices may be submitted on a separate ballot if using a paper ballot or  
7 on either side of an optical-scan ballot if the ballot is placed in a  
8 ballot envelope or sleeve before being deposited in a ballot box.

9 (9) All proposals submitted by initiative or referendum and  
10 proposals for constitutional amendments shall be placed on a separate  
11 ballot when a paper ballot is used which requires that the ballot after  
12 being voted be folded before being deposited in a ballot box. When an  
13 optical-scan ballot is used which requires a ballot envelope or sleeve in  
14 which the ballot after being voted is placed before being deposited in a  
15 ballot box, initiative or referendum proposals and proposals for  
16 constitutional amendments may be placed on either side of the ballot,  
17 shall be separated by a bold line, and shall follow all other offices  
18 placed on the same side of the ballot. Initiative or referendum proposals  
19 and constitutional amendments so arranged shall constitute a separate  
20 ballot. Proposals for constitutional amendments proposed by the  
21 Legislature shall be placed on the ballot as provided in sections 49-201  
22 to 49-211.

23 Sec. 29. Section 32-814, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 32-814 (1) The election commissioner or county clerk shall place the  
26 names of all nonpartisan candidates upon the same official general  
27 election ballot as the partisan candidates. The names placed on the  
28 official and sample general election ballots shall be the names of  
29 candidates nominated in the primary election, the names of petition  
30 candidates if any, the names of automatically nominated candidates as  
31 provided in section 32-811, and the names of candidates filing as

1 provided in subsection (2) of section 32-606. The names of the candidates  
2 shall be placed under the proper titles.

3 (2) The election commissioner or county clerk shall place on the  
4 official general election ballot in each office division no more than  
5 twice as many names as there are places to be filled at the general  
6 election unless more than one candidate has successfully petitioned on  
7 the ballot to fill a vacancy after the primary election. The names of the  
8 nonpartisan candidates and candidates for partisan county office provided  
9 for in sections 32-517 to 32-529 in counties that have a population of  
10 less than ten thousand inhabitants who received the highest number of  
11 votes for the office for which they were candidates in the primary  
12 election shall be placed on the official ballot. If more than one person  
13 was a candidate for the same position in the primary election, the  
14 election commissioner or county clerk shall place on the official ballot  
15 the names of the two persons who received the highest number of votes in  
16 the primary election for the position for which they were candidates.

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

28 (4) If there are more candidates than vacancies for the same office,  
29 the election commissioner or county clerk shall rotate the names of the  
30 nonpartisan candidates on the official general election ballot. The  
31 election commissioner or county clerk shall follow the order of precincts

1 or wards as set out in the official abstract book on file in his or her  
2 office in preparing the official ballots. The first set of ballots for  
3 the first precinct or ward shall be the names of candidates filing by  
4 date and hour or of those candidates filing petitions, and for local  
5 candidates the names of candidates shall be listed in the order of filing  
6 by date and hour with the election commissioner or county clerk or of  
7 those candidates filing petitions. Thereafter the names shall be rotated  
8 precinct by precinct in each office division in the order in which the  
9 precincts are set out in the official abstract book. In making the change  
10 of position, the printer shall take the line of type at the head of each  
11 division and place it at the bottom of that division, shoving up the  
12 column so that the name that was second shall be first after the change.

13 Sec. 30. Section 32-912, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 32-912 (1) Any registered voter desiring to vote in a primary  
16 election held under the Election Act shall be entitled to participate in  
17 such primary election upon presenting himself or herself at the polling  
18 place for his or her residence. A registered voter who is affiliated with  
19 a political party shall receive from the receiving board all nonpartisan  
20 ballots, ~~and~~ the partisan ballot of the political party indicated on his  
21 or her voter registration, and, in counties that have a population of  
22 less than ten thousand inhabitants, ballots for nominating candidates for  
23 partisan county offices provided for in sections 32-517 to 32-529. Except  
24 as provided in subsections (2) and (3) of this section, a registered  
25 voter at a primary election who is not affiliated with any political  
26 party shall receive ~~only~~ nonpartisan ballots and, in counties that have a  
27 population of less than ten thousand inhabitants, ballots for nominating  
28 candidates for partisan county offices provided for in sections 32-517 to  
29 32-529 at a primary election.

30 (2) Any political party may allow registered voters who are not  
31 affiliated with a political party to vote in the primary election for any

1 elective office for which the party has candidates except for the office  
2 of delegate to the party's county, state, or national convention. Any  
3 political party desiring to permit such registered voters to vote for  
4 candidates of that party in the primary election shall file a letter  
5 stating that the governing body of the political party has adopted a rule  
6 allowing registered voters who are not affiliated with a political party  
7 to vote in the primary election for candidates of that party. The letter  
8 and copy of the adopted rule shall be filed with the Secretary of State  
9 at least sixty days before the primary election. The Secretary of State  
10 shall notify the appropriate election commissioners and county clerks in  
11 writing that the political party filing the letter will allow registered  
12 voters who are not affiliated with a political party to vote in the  
13 primary election for candidates of that party. Once filed, the rule  
14 allowing such voters to vote in such primary election shall be  
15 irrevocable and shall apply only to the primary election immediately  
16 following the adoption of the rule.

17 (3) A registered voter who is not affiliated with a political party  
18 and who desires to vote in the primary election for the office of United  
19 States Senator or United States Representative may request a partisan  
20 ballot for either or both of such offices from any political party. The  
21 election commissioner or county clerk shall post a notice in a  
22 conspicuous location, easily visible and readable by voters prior to  
23 approaching the receiving board, that a registered voter who is not  
24 affiliated with a political party may request such ballots. No such  
25 registered voter shall receive more than one such partisan ballot.

26 (4) The registered voters residing in a political subdivision may  
27 cast their ballots for candidates for the offices in that subdivision and  
28 for issues proposed for that subdivision, except that when officers are  
29 to be nominated or elected from a subdistrict of the political  
30 subdivision, the registered voters residing in the subdistrict may only  
31 vote for candidates from the subdistrict and for candidates for officers

1 to be elected at large from the whole political subdivision.

2 Sec. 31. Section 32-1033, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 32-1033 The election commissioner or county clerk shall, within  
5 forty days after the election, prepare, sign, and deliver a certificate  
6 of nomination or a certificate of election to each person whom the county  
7 canvassing board has declared to have received the highest vote for  
8 county, city, or village offices. Except as provided in section 32-811  
9 for automatically nominated candidates, no ~~No~~ person shall be issued a  
10 certificate of nomination as a candidate of a political party unless such  
11 person has received a number of votes at least equal to five percent of  
12 the total ballots cast at the primary election by registered voters  
13 affiliated with that political party in the district which the office for  
14 which he or she is a candidate serves. The certificate shall be  
15 substantially as follows:

16 State of Nebraska. At an election held on the ..... day of .....  
17 20.., ..... was elected to the office of ..... for the term  
18 of ..... years from the ..... day of ..... 20.. (or when filling  
19 a vacancy, for the residue of the term ending on the .... day of .....  
20 20..). Given at ..... this .... day of ..... 20.. .

21 Sec. 32. Original sections 22-412, 32-517, 32-518, 32-520, 32-521,  
22 32-522, 32-523, 32-526, 32-528, 32-529, 32-611, 32-612, 32-721, 32-810,  
23 32-813, 32-814, 32-912, and 32-1033, Reissue Revised Statutes of  
24 Nebraska, and sections 32-312, 32-519, 32-524, 32-525, 32-602, 32-610,  
25 32-615, 32-616, 32-623, 32-627, 32-702, 32-809, and 32-811, Revised  
26 Statutes Cumulative Supplement, 2014, are repealed.