

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 144**

Introduced by Hughes, 44.

Read first time January 11, 2019

Committee:

1 A BILL FOR AN ACT relating to elections; to amend sections 32-517,  
2 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525,  
3 32-526, 32-528, 32-529, 32-615, 32-810, 32-811, 32-813, 32-814,  
4 32-815, and 32-817, Reissue Revised Statutes of Nebraska, and  
5 section 32-101, Revised Statutes Cumulative Supplement, 2018; to  
6 change provisions relating to nomination and election of county  
7 officers in certain counties; to harmonize provisions; and to repeal  
8 the original sections.  
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 32-101 Sections 32-101 to 32-1551 and section 2 of this act shall be  
4 known and may be cited as the Election Act.

5 Sec. 2. (1) All county officers elected pursuant to sections 32-517  
6 to 32-529 shall be nominated and elected on a partisan ballot except as  
7 otherwise provided in this section.

8 (2) The county board in counties with a population of fifteen  
9 thousand or fewer inhabitants may adopt a resolution requiring the  
10 submission of the question to the voters of the county proposing the  
11 nomination of all officers elected pursuant to sections 32-517 to 32-529  
12 without a political party designation on a nonpartisan ballot and the  
13 election of such officers with a political party designation on the  
14 general election ballot. The registered voters of a county with a  
15 population of fifteen thousand or fewer inhabitants may file a petition  
16 with the county clerk requesting the submission of the question to the  
17 voters proposing the nomination of all officers elected pursuant to  
18 sections 32-517 to 32-529 without a political party designation on a  
19 nonpartisan ballot and the election of such officers with a political  
20 party designation on the general election ballot. The question shall be  
21 submitted at the first statewide general election held at least sixty  
22 days after the adoption of the resolution or the verification of  
23 signatures of registered voters of the county on such petition equal in  
24 number to at least five percent of the registered voters in the county at  
25 the preceding statewide general election.

26 (3) If the vote on the question is in favor of the nomination on the  
27 nonpartisan ballot and the election on the partisan ballot of all  
28 officers elected pursuant to sections 32-517 to 32-529, such officers  
29 shall be so nominated and elected at all subsequent elections even if the  
30 population of the county subsequently exceeds fifteen thousand  
31 inhabitants, except as provided in subsection (4) of this section.

1       (4) The question may be submitted to the voters using the procedure  
2 provided in subsection (2) of this section to change the nomination and  
3 election of all officers elected pursuant to sections 32-517 to 32-529  
4 from the manner described in subsection (2) of this section to nomination  
5 and election on the partisan ballot.

6       (5) The question of changing the nomination and election of all  
7 officers elected pursuant to sections 32-517 to 32-529 shall not be  
8 submitted to the voters more often than once every three years.

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

11       32-517 Except as provided in section 22-417, a county clerk shall be  
12 elected in each county having a population of four hundred thousand  
13 inhabitants or less at the statewide general election in 1994 and each  
14 four years thereafter and in counties having a population in excess of  
15 four hundred thousand inhabitants at the statewide general election in  
16 1996 and each four years thereafter. The county clerk shall meet the  
17 qualifications found in sections 23-1301 and 23-3203 if applicable. ~~The~~  
18 ~~county clerk shall be elected on the partisan ballot.~~

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

21       32-518 Except as provided in section 22-417, (1) a register of deeds  
22 shall be elected in each county having a population of more than twenty  
23 thousand and not more than four hundred thousand inhabitants at the  
24 statewide general election in 1962 and each four years thereafter and in  
25 counties having a population in excess of four hundred thousand  
26 inhabitants at the statewide general election in 1964 and each four years  
27 thereafter and (2) if the population of a county which has a separate  
28 office of register of deeds pursuant to this section falls below twenty  
29 thousand inhabitants after establishing such an office or if a county  
30 which has a separate office of register of deeds immediately prior to  
31 July 10, 1990, has a population of twenty thousand inhabitants or less,

1 the office of the register of deeds shall continue and the officer shall  
2 be elected pursuant to this section as if the county had a population of  
3 more than twenty thousand and not more than four hundred thousand  
4 inhabitants. The term of the register of deeds shall be four years or  
5 until his or her successor is elected and qualified. The register of  
6 deeds shall meet the qualifications found in section 23-1501.—The  
7 ~~register of deeds shall be elected on the partisan ballot.~~

8 Sec. 5. Section 32-519, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 32-519 (1) Except as provided in section 22-417, at the statewide  
11 general election in 1990 and each four years thereafter, a county  
12 assessor shall be elected in each county having a population of more than  
13 three thousand five hundred inhabitants and more than one thousand two  
14 hundred tax returns. The county assessor shall serve for a term of four  
15 years.

16 (2) The county board of any county shall order the submission of the  
17 question of electing a county assessor in the county to the registered  
18 voters of the county at the next statewide general election upon  
19 presentation of a petition to the county board (a) conforming to the  
20 provisions of section 32-628, (b) not less than sixty days before any  
21 statewide general election, (c) signed by at least ten percent of the  
22 registered voters of the county secured in not less than two-fifths of  
23 the townships or precincts of the county, and (d) asking that the  
24 question be submitted to the registered voters in the county. The form of  
25 submission upon the ballot shall be as follows: For election of county  
26 assessor; Against election of county assessor. If a majority of the votes  
27 cast on the question are against the election of a county assessor in  
28 such county, the duties of the county assessor shall be performed by the  
29 county clerk and the office of county assessor shall either cease with  
30 the expiration of the term of the incumbent or continue to be abolished  
31 if no such office exists at such time. If a majority of the votes cast on

1 the question are in favor of the election of a county assessor, the  
2 office shall continue or a county assessor shall be elected at the next  
3 statewide general election.

4 (3) The county assessor shall meet the qualifications found in  
5 sections 23-3202 and 23-3204. ~~The county assessor shall be elected on the~~  
6 ~~partisan ballot.~~

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

9 32-520 A county sheriff shall be elected in each county at the  
10 statewide general election in 1990 and each four years thereafter. The  
11 term of the county sheriff shall be four years or until his or her  
12 successor is elected and qualified. The county sheriff shall meet the  
13 qualifications found in sections 23-1701 and 23-1701.01. ~~The county~~  
14 ~~sheriff shall be elected on the partisan ballot.~~

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

17 32-521 A county treasurer 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 treasurer shall be four years or until his or her  
20 successor is elected and qualified. The county treasurer shall meet the  
21 qualifications found in section 23-1601.01. ~~The county treasurer shall be~~  
22 ~~elected on the partisan ballot.~~

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

25 32-522 Except as provided in section 23-1201.01, a county attorney  
26 shall be elected in each county at the statewide general election in 1990  
27 and each four years thereafter. The term of the county attorney shall be  
28 four years or until his or her successor is elected and qualified.  
29 Candidates for the office of county attorney shall meet the  
30 qualifications found in sections 23-1201.01 and 23-1201.02. ~~The county~~  
31 ~~attorney shall be elected on the partisan ballot.~~

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

3           32-523 Except as otherwise provided in sections 23-3401 and 23-3404,  
4 the public defender shall, in counties having a population in excess of  
5 one hundred thousand inhabitants which have not elected a public defender  
6 prior to July 10, 1984, be elected at the next statewide general election  
7 following July 10, 1984, or the year in which the county attains a  
8 population of one hundred thousand inhabitants and shall, in other  
9 counties, be elected at the first statewide general election of county  
10 officers following approval by the county board and every four years  
11 thereafter. The term of the public defender shall be four years or until  
12 his or her successor is elected and qualified. ~~The public defender shall~~  
13 ~~meet the qualifications found in section 23-3401. The public defender~~  
14 ~~shall be elected on the partisan ballot.~~

15           Sec. 10. Section 32-524, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           32-524 (1) Except as provided in section 22-417:

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

21           (b) In counties having a population of less than seven thousand  
22 inhabitants, there shall be elected a clerk of the district court at the  
23 first statewide general election following a determination by the county  
24 board and the district judge for the county that such officer should be  
25 elected and each four years thereafter. When such a determination is not  
26 made in such a county, the county clerk shall be ex officio clerk of the  
27 district court and perform the duties by law devolving upon that officer,  
28 unless there is an agreement between the State Court Administrator and  
29 the county board that the clerk of the county court for such county shall  
30 be the ex officio clerk of the district court and perform such duties.

31           (2) In any county upon presentation of a petition to the county

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

11 For election of a clerk of the district court;

12 Against election of a clerk of the district court.

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

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

26 (5) The term of the clerk of the district court shall be four years  
27 or until his or her successor is elected and qualified. The clerk of the  
28 district court shall meet the qualifications found in section 24-337.04.  
29 ~~The clerk of the district court shall be elected on the partisan ballot.~~

30 Sec. 11. Section 32-525, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

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

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

15           (b) If a majority of the votes cast on the question are against the  
16 election of a county surveyor in such county, the office of county  
17 surveyor shall cease as an elected office with the expiration of the term  
18 of the incumbent or shall remain as it exists if no elected official  
19 holds that office. In such counties, the office shall be filled as  
20 provided in subsection (2) of section 23-1901.01.

21           (c) If a majority of the votes cast on the question are in favor of  
22 the election of a county surveyor, the office shall continue to be  
23 elected as provided in subsection (1) of this section or, if no elected  
24 county surveyor is in office, a county surveyor shall be elected at the  
25 next statewide general election as provided in subsection (1) of this  
26 section.

27           (3) If a county having a population of less than one hundred fifty  
28 thousand inhabitants has an elected county surveyor in office on January  
29 1, 2020, the county board may, prior to February 1, 2020, following a  
30 public hearing, adopt a resolution to continue to elect the county  
31 surveyor for the county and not to submit the question pursuant to



1 subsection (2) of this section.

2 (4)(a) Beginning in 2021, in each county having a population of less  
3 than one hundred fifty thousand inhabitants, the county board shall  
4 submit the question of electing a county surveyor in the county to the  
5 registered voters of the county at the next statewide general election if  
6 (i) the county board, by majority vote of all the members of the county  
7 board, adopts a resolution on or before September 1 prior to the next  
8 statewide general election to submit the question to the voters or (ii) a  
9 petition conforming to section 32-628 asking for the submission of the  
10 question to the voters is presented to the election commissioner or  
11 county clerk on or before September 1 prior to the next statewide general  
12 election signed by at least ten percent of the registered voters of the  
13 county. The election commissioner or county clerk shall verify the  
14 signatures pursuant to section 32-631 and place the question on the  
15 ballot if he or she determines that at least ten percent of the  
16 registered voters of the county have signed the petition.

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

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

25 (d) If a majority of the votes cast on the question are in favor of  
26 the election of a county surveyor, the office shall continue to be  
27 elected as provided in subsection (1) of this section or, if no elected  
28 county surveyor is in office, a county surveyor shall be elected at the  
29 next statewide general election as provided in subsection (1) of this  
30 section.

31 (5) The term of the county surveyor shall be four years or until his

1 or her successor is elected and qualified. The county surveyor shall meet  
2 the qualifications found in sections 23-1901 and 23-1901.01. ~~The county~~  
3 ~~surveyor shall be elected on the partisan ballot.~~

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

6 32-526 Except as provided in section 22-417, a county engineer shall  
7 be elected in each county having a population of one hundred fifty  
8 thousand inhabitants or more at the statewide general election in 1990  
9 and each four years thereafter. The term of the county engineer shall be  
10 four years or until his or her successor is elected and qualified. The  
11 county engineer shall meet the qualifications found in section 23-1901.  
12 ~~The county engineer shall be elected on the partisan ballot.~~

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

15 32-528 (1) In counties having a county board of three commissioners,  
16 two commissioners shall be elected at the statewide general election in  
17 1994 and each four years thereafter, and one commissioner shall be  
18 elected at the statewide general election in 1996 and each four years  
19 thereafter. In counties having a county board of five commissioners,  
20 three commissioners shall be elected at the statewide general election in  
21 1994 and each four years thereafter, and two commissioners shall be  
22 elected at the statewide general election in 1996 and each four years  
23 thereafter. In counties having a county board of seven or more  
24 commissioners, one commissioner shall be elected in each odd-numbered  
25 commissioner district at the statewide general election in 1994 and each  
26 four years thereafter, and one commissioner shall be elected in each  
27 even-numbered commissioner district at the statewide general election in  
28 1996 and each four years thereafter.

29 (2) Except for commissioners first elected after the county adopts  
30 the commissioner form of government or has increased the number of  
31 commissioners, the term of each county commissioner shall be four years

1 or until his or her successor is elected and qualified. At the first  
2 election held to choose the board of commissioners in any county having  
3 three commissioners, the person having the highest number of votes shall  
4 serve for four years and the two receiving the next highest number of  
5 votes shall serve for two years, and if any three or more persons have  
6 the same number of votes, their terms of office shall be determined by  
7 the county canvassing board. The county commissioners shall meet the  
8 qualifications found in section 23-150. Nothing in this section shall be  
9 construed to prohibit the reelection of a commissioner holding office if  
10 the commissioner is reelected to represent his or her respective  
11 district. ~~The county commissioners shall be elected on the partisan~~  
12 ~~ballot.~~

13 (3)(a) In counties having not more than one hundred fifty thousand  
14 inhabitants as determined by the most recent federal decennial census,  
15 one commissioner shall be nominated and elected from each district by the  
16 registered voters of the district.

17 (b) In counties having a population of more than one hundred fifty  
18 thousand but not more than four hundred thousand inhabitants as  
19 determined by the most recent federal decennial census, one commissioner  
20 shall be nominated and elected from each district by the registered  
21 voters of the district as provided in subsection (5) of this section.

22 (c) In counties having more than four hundred thousand inhabitants  
23 as determined by the most recent federal decennial census, one  
24 commissioner shall be nominated and elected from each district by the  
25 registered voters of the district.

26 (4) In counties in which a majority has voted to have five  
27 commissioners as provided in section 23-148, the three commissioners of  
28 such county whose terms of office will expire after the election shall  
29 continue in office until the expiration of the terms for which they were  
30 elected and until their successors are elected and qualified. Two  
31 commissioners shall be appointed pursuant to sections 32-567 and 32-574

1 to serve until the first Thursday after the first Tuesday in January  
2 following the next statewide general election. At the next statewide  
3 general election, commissioners shall be elected to fill the positions of  
4 any commissioners appointed under this section. At the first primary  
5 election after such appointments, filings shall be accepted for terms of  
6 two years and for terms of four years so that two commissioners will be  
7 elected to four-year terms at one election and three commissioners will  
8 be elected to four-year terms at the next election.

9 (5) In counties having more than one hundred fifty thousand but not  
10 more than four hundred thousand inhabitants as determined by the most  
11 recent federal decennial census:

12 (a) At the primary election in 2010, one commissioner shall be  
13 nominated from each odd-numbered district, and at the ensuing general  
14 election, one commissioner shall be elected from each odd-numbered  
15 district. Their successors shall be nominated and elected every four  
16 years thereafter; and

17 (b) At the primary election in 2012, one commissioner shall be  
18 nominated from each even-numbered district, and at the ensuing general  
19 election, one commissioner shall be elected from each even-numbered  
20 district. Their successors shall be nominated and elected every four  
21 years thereafter.

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

24 32-529 At the first general election after the adoption of township  
25 organization by a county, one supervisor shall be elected in each  
26 supervisor district. Thereafter one supervisor shall be elected in each  
27 odd-numbered supervisor district at the general election two years after  
28 the first general election and each four years thereafter, and one  
29 supervisor shall be elected in each even-numbered supervisor district at  
30 the general election four years after the first general election and each  
31 four years thereafter. Each county supervisor shall be nominated and

1 elected by the registered voters of the district from which he or she is  
2 elected. Except for supervisors first elected after the county has  
3 adopted township organization, the term of each county supervisor shall  
4 be four years or until his or her successor is elected and qualified. The  
5 county supervisors shall meet the qualifications found in section 23-268.  
6 ~~The county supervisors shall be elected on the partisan ballot.~~

7 Sec. 15. Section 32-615, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 32-615 (1) Except as otherwise provided in subsection (2) of this  
10 section, any candidate engaged in or pursuing a write-in campaign shall  
11 file a notarized affidavit of his or her intent together with the receipt  
12 for any filing fee with the filing officer as provided in section 32-608  
13 no earlier than December 1 and no later than the second Friday prior to  
14 the election.

15 (2) For any county office elected pursuant to sections 32-517 to  
16 32-529 which is subject to subdivision (1)(b) or (c) of section 32-811, a  
17 candidate may engage in or pursue a write-in campaign if he or she files  
18 a notarized affidavit of his or her intent together with the receipt for  
19 the filing fee with the filing officer as provided in section 32-608 on  
20 or before March 3 of the year of the statewide primary election. If such  
21 an affidavit is filed as prescribed, the election commissioner or county  
22 clerk shall place that county office on the statewide primary election  
23 ballot with the names of the candidate properly filed for the nomination  
24 of the applicable political party and a line for write-in candidates.

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

29 (4) A candidate who has been defeated as a candidate in the primary  
30 election or defeated as a write-in candidate in the primary election  
31 shall not be eligible as a write-in candidate for the same office in the

1 general election unless (a) a vacancy on the ballot exists pursuant to  
2 section 32-625 or (b) the candidate was a candidate for an office  
3 described in sections 32-512 to 32-550 and the candidate lost the  
4 election as a result of a determination pursuant to section 32-1122 in  
5 the case of a tie vote.

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

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

12 32-810 (1) The election commissioner or county clerk shall place the  
13 names of all partisan candidates certified to him or her by the Secretary  
14 of State and of those partisan candidates filing in his or her office on  
15 a primary election ballot headed with the political party designation.  
16 The names of each nonpartisan candidate certified by the Secretary of  
17 State, the names ~~and~~ of each nonpartisan candidate filing in the office  
18 of the election commissioner or county clerk, and the names of candidates  
19 for county office being nominated without a political party designation  
20 on the ballot pursuant to section 2 of this act shall be placed on the  
21 primary election ballot headed by the words Nonpartisan Ticket.

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

30 (3) The election commissioner or county clerk shall follow the order  
31 of precincts or wards as set out in the official abstract book on file in

1 his or her office in preparing the official ballots. At the primary  
2 election, on the first set of ballots for the first precinct or ward  
3 shall be the names of candidates filing by date and hour as certified by  
4 the Secretary of State and for local candidates the names of candidates  
5 shall be listed in the order of filing by date and hour with the election  
6 commissioner or county clerk. When there are more candidates than  
7 vacancies for the same office, the names of all partisan and nonpartisan  
8 candidates at a primary election and the names of candidates for county  
9 office being nominated without a political party designation on the  
10 ballot pursuant to section 2 of this act shall be rotated precinct by  
11 precinct in each office division in the order in which the precincts are  
12 set out in the official abstract book. In making the changes of position,  
13 the printer shall take the line of type at the head of each office  
14 division and place it at the bottom of that division, shoving up the  
15 column so that the name that was second shall be first after the change.

16 Sec. 17. Section 32-811, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 32-811 (1)(a) If the names of candidates properly filed for  
19 nomination at the primary election for directors of natural resources  
20 districts, directors of public power districts, members of airport  
21 authority boards elected pursuant to sections 32-547 to 32-549, members  
22 of the boards of governors of community college areas, members of the  
23 boards of Class III or Class V school districts which nominate candidates  
24 at a primary election, and officers of cities of the first or second  
25 class and cities having a city manager plan of government do not exceed  
26 two candidates for each position to be filled, any such candidates shall  
27 be declared nominated and their names shall not appear on any primary  
28 election ballots.

29 (b) If the number of candidates properly filed for the nomination of  
30 a political party at the primary election for any county officer elected  
31 pursuant to sections 32-517 to 32-529 does not exceed the number of

1 candidates to be nominated by that party for that office, any such  
2 properly filed candidates shall be declared nominated and their names  
3 shall not appear on any primary election ballots.

4 (c) If the number of candidates properly filed for nomination at the  
5 primary election for any county office elected pursuant to sections  
6 32-517 to 32-529 without a political party designation pursuant to  
7 section 2 of this act does not exceed the number of candidates to be  
8 nominated for that office, any such properly filed candidates shall be  
9 declared nominated and their names shall not appear on any primary  
10 election ballots.

11 (d) ~~(e)~~ The official abstract of votes kept by the county or state  
12 shall show the names of such candidates with the statement Nominated  
13 Without Opposition. The election commissioner or county clerk shall place  
14 the names of such automatically nominated candidates on the general  
15 election ballot as provided in section 32-814 or 32-815.

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

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

23 Sec. 18. Section 32-813, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 32-813 (1) The names of all candidates and all proposals to be voted  
26 upon at the general election shall be arranged upon the ballot in parts  
27 separated from each other by bold lines in the order the offices and  
28 proposals are set forth in this section. If any office is not subject to  
29 the upcoming election, the office shall be omitted from the ballot and  
30 the remaining offices shall move up so that the same relative order is  
31 preserved. The order of any offices may be altered to allow for the best



1 utilization of ballot space in order to avoid printing a second ballot  
2 when one ballot would be sufficient if an optical-scan ballot is used.  
3 All proposals on the ballot submitted by a political subdivision shall  
4 follow all offices on the ballot submitted by a political subdivision.

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

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

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

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

31 (3) The names and spaces for voting for candidates for United States

1 Senator if any are to be elected shall be entitled United States  
2 Senatorial Ticket in boldface type.

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

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

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

7 (a) Legislature;

8 (b) State Board of Education;

9 (c) Board of Regents of the University of Nebraska;

10 (d) Chief Justice of the Supreme Court;

11 (e) Judge of the Supreme Court;

12 (f) Judge of the Court of Appeals;

13 (g) Judge of the Nebraska Workers' Compensation Court;

14 (h) Judge of the District Court;

15 (i) Judge of the Separate Juvenile Court;

16 (j) Judge of the County Court; and

17 (k) County officers, other than county officers elected pursuant to  
18 sections 32-517 to 32-529, in the order prescribed by the election  
19 commissioner or county clerk.

20 (7) The names and spaces for voting for the various county offices  
21 and for measures submitted to the county vote only or in only a part of  
22 the county shall be entitled County Ticket in boldface type. If the  
23 election commissioner or county clerk deems it advisable, the measures  
24 may be submitted on a separate ballot if using a paper ballot or on  
25 either side of an optical-scan ballot if the ballot is placed in a ballot  
26 envelope or sleeve before being deposited in a ballot box.

27 (8) The candidates for office in the precinct only or in the city or  
28 village only shall be printed on the ballot, except that if the election  
29 commissioner or county clerk deems it advisable, candidates for these  
30 offices may be submitted on a separate ballot if using a paper ballot or  
31 on either side of an optical-scan ballot if the ballot is placed in a

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

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

16 Sec. 19. Section 32-814, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 32-814 (1) The election commissioner or county clerk shall place the  
19 names of all nonpartisan candidates and candidates nominated without a  
20 political party designation pursuant to section 2 of this act upon the  
21 same official general election ballot as the partisan candidates. The  
22 names placed on the official and sample general election ballots shall be  
23 the names of candidates nominated in the primary election, the names of  
24 petition candidates if any, the names of automatically nominated  
25 candidates as provided in section 32-811, and the names of candidates  
26 filing as provided in subsection (2) of section 32-606. The names of the  
27 candidates shall be placed under the proper titles.

28 (2) The election commissioner or county clerk shall place on the  
29 official general election ballot in each office division no more than  
30 twice as many names as there are places to be filled at the general  
31 election unless more than one candidate has successfully petitioned on

1 the ballot to fill a vacancy after the primary election. The names of the  
2 nonpartisan candidates and candidates nominated without a political party  
3 designation pursuant to section 2 of this act who received the highest  
4 number of votes for the office for which they were candidates in the  
5 primary election shall be placed on the official ballot. If more than one  
6 person was a candidate for the same position in the primary election, the  
7 election commissioner or county clerk shall place on the official ballot  
8 the names of the two persons who received the highest number of votes in  
9 the primary election for the position for which they were candidates.

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

21 (4) If there are more candidates than vacancies for the same office,  
22 the election commissioner or county clerk shall rotate the names of the  
23 nonpartisan candidates and candidates nominated without a political party  
24 designation pursuant to section 2 of this act on the official general  
25 election ballot. The election commissioner or county clerk shall follow  
26 the order of precincts or wards as set out in the official abstract book  
27 on file in his or her office in preparing the official ballots. The first  
28 set of ballots for the first precinct or ward shall be the names of  
29 candidates filing by date and hour or of those candidates filing  
30 petitions, and for local candidates the names of candidates shall be  
31 listed in the order of filing by date and hour with the election

1 commissioner or county clerk or of those candidates filing petitions.  
2 Thereafter the names shall be rotated precinct by precinct in each office  
3 division in the order in which the precincts are set out in the official  
4 abstract book. In making the change of position, the printer shall take  
5 the line of type at the head of each division and place it at the bottom  
6 of that division, shoving up the column so that the name that was second  
7 shall be first after the change.

8       Sec. 20. Section 32-815, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10       32-815 (1) The names of candidates for each partisan elective office  
11 shall be arranged on the ballot of the general election so that the  
12 political party polling the highest number of votes at the last general  
13 election for Governor will have the name of its nominee immediately  
14 beneath the name of the office for which the candidate was nominated, the  
15 political party polling the second highest number of votes will have the  
16 second place, the political party having the third highest number of  
17 votes will have the third place, and continuing with the political  
18 parties in descending order of number of votes, leaving those candidates  
19 whose names appear upon the ballot by petition to appear beneath all  
20 other candidates placed there by nomination. For each office for which  
21 there are more candidates than vacancies and there are two or more  
22 nominees of the same political party, the election commissioner or county  
23 clerk shall rotate the names of such candidates on the official ballot.  
24 In printing the ballots for the various election districts, the positions  
25 of the names shall be changed in each office division for each election  
26 district. In making the change of position, the printer shall take the  
27 line of type at the head of each division and place it at the bottom of  
28 that division, shoving up the column so that the name that was second  
29 shall be first after the change.

30       (2) The name of the person receiving the highest number of votes at  
31 a primary election as the candidate of a political party for an office

1 shall be placed on the official ballot except as otherwise provided in  
2 the Election Act. Except as provided in section 32-811 for automatically  
3 nominated candidates, no person shall be certified as a candidate of any  
4 political party for such office by the Secretary of State, election  
5 commissioner, or county clerk unless the person receives a number of  
6 votes at least equal to five percent of the total ballots cast at the  
7 primary election by registered voters affiliated with that political  
8 party in the district which the office serves and meets the requirements  
9 for the office.

10 (3) This section does not apply to candidates nominated without a  
11 political party designation pursuant to section 2 of this act.

12 Sec. 21. Section 32-817, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 32-817 The names of the candidates shall be set in boldface type  
15 using capital and lowercase letters. A square or oval shall be printed  
16 opposite the name of each candidate. At the general election, the name of  
17 the party represented by a candidate for partisan office shall be printed  
18 in capital and lowercase letters next to the name and the name of the  
19 party represented by a candidate without a political party designation  
20 pursuant to section 2 of this act shall be printed in capital and  
21 lowercase letters next to the name. Proposals submitted by initiative or  
22 referendum or for constitutional amendments shall be printed in capital  
23 and lowercase letters, but the title heading and number thereof shall be  
24 in boldface type, and the square or oval for voting thereon shall be  
25 printed opposite the text so that it is clear for which issue the voter  
26 is casting a vote. Ballots shall be printed with substantially the same  
27 appearance, including type and form, as the sample ballot furnished by  
28 the Secretary of State.

29 Sec. 22. Original sections 32-517, 32-518, 32-519, 32-520, 32-521,  
30 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, 32-615, 32-810,  
31 32-811, 32-813, 32-814, 32-815, and 32-817, Reissue Revised Statutes of

1 Nebraska, and section 32-101, Revised Statutes Cumulative Supplement,  
2 2018, are repealed.