

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 241

Introduced by Sullivan, 41.

Read first time January 16, 2013

Committee:

A BILL

1 FOR AN ACT relating to county officers; to amend sections 32-517,
2 32-518, 32-520, 32-521, 32-522, 32-523, 32-525, 32-526,
3 32-528, and 32-529, Reissue Revised Statutes of Nebraska,
4 and sections 32-101, 32-519, and 32-524, Revised Statutes
5 Cumulative Supplement, 2012; to authorize voters to vote
6 regarding partisan or nonpartisan ballots for nomination
7 and election of county officers in certain counties; to
8 harmonize provisions; and to repeal the original
9 sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

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

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

8 (2) The county board in counties with a population of ten
9 thousand or fewer inhabitants may adopt a resolution requiring the
10 submission of the question to the voters of the county regarding
11 nomination and election of all officers elected pursuant to sections
12 32-517 to 32-529 on a nonpartisan ballot. The registered voters of a
13 county with a population of ten thousand or fewer inhabitants may
14 file a petition with the county clerk requesting the submission of
15 the question to the voters regarding nomination and election of all
16 officers elected pursuant to sections 32-517 to 32-529 on a
17 nonpartisan ballot. The question shall be submitted at the first
18 statewide general election held at least sixty days after the
19 adoption of the resolution or the verification of signatures of
20 registered voters of the county on such petition equal in number to
21 at least five percent of the registered voters in the county at the
22 preceding statewide general election.

23 (3) If the vote on the question is in favor of the
24 nomination and election of all officers elected pursuant to sections
25 32-517 to 32-529 on a nonpartisan ballot, such officers shall be so

1 nominated and elected at all subsequent elections except as provided
2 in subsection (4) of this section.

3 (4) The question may be submitted to the voters to change
4 the nomination and election of all officers elected pursuant to
5 sections 32-517 to 32-529 from the nonpartisan ballot to the partisan
6 ballot in the same manner as provided in subsection (2) of this
7 section.

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

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

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

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

25 32-518 Except as provided in section 22-417, (1) a

1 register of deeds shall be elected in each county having a population
2 of more than twenty thousand and not more than four hundred thousand
3 inhabitants at the statewide general election in 1962 and each four
4 years thereafter and in counties having a population in excess of
5 four hundred thousand inhabitants at the statewide general election
6 in 1964 and each four years thereafter and (2) if the population of a
7 county which has a separate office of register of deeds pursuant to
8 this section falls below twenty thousand inhabitants after
9 establishing such an office or if a county which has a separate
10 office of register of deeds immediately prior to July 10, 1990, has a
11 population of twenty thousand inhabitants or less, the office of the
12 register of deeds shall continue and the officer shall be elected
13 pursuant to this section as if the county had a population of more
14 than twenty thousand and not more than four hundred thousand
15 inhabitants. The term of the register of deeds shall be four years or
16 until his or her successor is elected and qualified. The register of
17 deeds shall meet the qualifications found in section 23-1501. ~~The~~
18 ~~register of deeds shall be elected on the partisan ballot.~~

19 Sec. 5. Section 32-519, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 32-519 (1) Except as provided in section 22-417, at the
22 statewide general election in 1990 and each four years thereafter, a
23 county assessor shall be elected in each county having a population
24 of more than three thousand five hundred inhabitants and more than
25 one thousand two hundred tax returns. The county assessor shall serve

1 for a term of four years.

2 (2) The county board of any county shall order the
3 submission of the question of electing a county assessor in the
4 county to the registered voters of the county at the next statewide
5 general election upon presentation of a petition to the county board
6 (a) conforming to the provisions of section 32-628, (b) not less than
7 sixty days before any statewide general election, (c) signed by at
8 least ten percent of the registered voters of the county secured in
9 not less than two-fifths of the townships or precincts of the county,
10 and (d) asking that the question be submitted to the registered
11 voters in the county. The form of submission upon the ballot shall be
12 as follows: For election of county assessor; Against election of
13 county assessor. If a majority of the votes cast on the question are
14 against the election of a county assessor in such county, the duties
15 of the county assessor shall be performed by the county clerk and the
16 office of county assessor shall either cease with the expiration of
17 the term of the incumbent or continue to be abolished if no such
18 office exists at such time. If a majority of the votes cast on the
19 question are in favor of the election of a county assessor, the
20 office shall continue or a county assessor shall be elected at the
21 next statewide general election.

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

25 Sec. 6. Section 32-520, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 32-520 A county sheriff shall be elected in each county
3 at the statewide general election in 1990 and each four years
4 thereafter. The term of the county sheriff shall be four years or
5 until his or her successor is elected and qualified. The county
6 sheriff shall meet the qualifications found in sections 23-1701 and
7 23-1701.01. ~~The county sheriff shall be elected on the partisan~~
8 ~~ballet.~~

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

11 32-521 A county treasurer shall be elected in each county
12 at the statewide general election in 1990 and each four years
13 thereafter. The term of the county treasurer shall be four years or
14 until his or her successor is elected and qualified. The county
15 treasurer shall meet the qualifications found in section 23-1601.01.
16 ~~The county treasurer shall be elected on the partisan ballot.~~

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

19 32-522 Except as provided in section 23-1201.01, a county
20 attorney shall be elected in each county at the statewide general
21 election in 1990 and each four years thereafter. The term of the
22 county attorney shall be four years or until his or her successor is
23 elected and qualified. Candidates for the office of county attorney
24 shall meet the qualifications found in sections 23-1201.01 and
25 23-1201.02. ~~The county attorney shall be elected on the partisan~~

1 ~~ballot.~~

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

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

17 Sec. 10. Section 32-524, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 32-524 (1) Except as provided in section 22-417:

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

24 (b) In counties having a population of less than seven
25 thousand inhabitants, there shall be elected a clerk of the district

1 court at the first statewide general election following a
2 determination by the county board and the district judge for the
3 county that such officer should be elected and each four years
4 thereafter. When such a determination is not made in such a county,
5 the county clerk shall be ex officio clerk of the district court and
6 perform the duties by law devolving upon that officer, unless there
7 is an agreement between the State Court Administrator and the county
8 board that the clerk of the county court for such county shall be the
9 ex officio clerk of the district court and perform such duties.

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

22 For election of a clerk of the district court;

23 Against election of a clerk of the district court.

24 (3) If a majority of the votes cast on the question are
25 against the election of a clerk of the district court in such county,

1 the duties of the clerk of the district court shall be performed by
2 the county clerk, unless there is an agreement between the State
3 Court Administrator and the county board that the clerk of the county
4 court for such county shall be the ex officio clerk of the district
5 court and perform such duties, and the office of clerk of the
6 district court shall either cease with the expiration of the term of
7 the incumbent or continue to be abolished if no such office exists at
8 such time.

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

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

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

21 32-525 Except as provided in section 22-417, when there
22 is a qualified surveyor within a county who will accept the office of
23 county surveyor if elected, a county surveyor on either a full-time
24 or part-time basis, as determined by the county board in accordance
25 with section 23-1901, shall be elected in each county having a

1 population of less than one hundred fifty thousand inhabitants at the
2 statewide general election in 1990 and each four years thereafter.
3 The term of the county surveyor shall be four years or until his or
4 her successor is elected and qualified. The county surveyor shall
5 meet the qualifications found in sections 23-1901 and 23-1901.01. ~~The~~
6 ~~county surveyor shall be elected on the partisan ballot.~~

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

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

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

19 32-528 (1) In counties having a county board of three
20 commissioners, two commissioners shall be elected at the statewide
21 general election in 1994 and each four years thereafter, and one
22 commissioner shall be elected at the statewide general election in
23 1996 and each four years thereafter. In counties having a county
24 board of five commissioners, three commissioners shall be elected at
25 the statewide general election in 1994 and each four years

1 thereafter, and two commissioners shall be elected at the statewide
2 general election in 1996 and each four years thereafter. In counties
3 having a county board of seven or more commissioners, one
4 commissioner shall be elected in each odd-numbered commissioner
5 district at the statewide general election in 1994 and each four
6 years thereafter, and one commissioner shall be elected in each even-
7 numbered commissioner district at the statewide general election in
8 1996 and each four years thereafter.

9 (2) Except for commissioners first elected after the
10 county adopts the commissioner form of government or has increased
11 the number of commissioners, the term of each county commissioner
12 shall be four years or until his or her successor is elected and
13 qualified. At the first election held to choose the board of
14 commissioners in any county having three commissioners, the person
15 having the highest number of votes shall serve for four years and the
16 two receiving the next highest number of votes shall serve for two
17 years, and if any three or more persons have the same number of
18 votes, their terms of office shall be determined by the county
19 canvassing board. The county commissioners shall meet the
20 qualifications found in section 23-150. Nothing in this section shall
21 be construed to prohibit the reelection of a commissioner holding
22 office if the commissioner is reelected to represent his or her
23 respective district. ~~The county commissioners shall be elected on the~~
24 ~~partisan ballot.~~

25 (3)(a) In counties having not more than one hundred fifty

1 thousand inhabitants, one commissioner shall be nominated and elected
2 from each district by the registered voters of the district.

3 (b) Until 2010, in counties having a population of more
4 than one hundred fifty thousand but not more than three hundred
5 thousand inhabitants, one commissioner shall be nominated from each
6 district by the registered voters of the district and shall be
7 elected by the registered voters of the entire county. Beginning in
8 2010 in counties having a population of more than one hundred fifty
9 thousand but not more than three hundred thousand inhabitants, one
10 commissioner shall be nominated and elected from each district by the
11 registered voters of the district as provided in subsection (5) of
12 this section.

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

16 (4) In counties in which a majority has voted to have
17 five commissioners as provided in section 23-148, the three
18 commissioners of such county whose terms of office will expire after
19 the election shall continue in office until the expiration of the
20 terms for which they were elected and until their successors are
21 elected and qualified. Two commissioners shall be appointed pursuant
22 to section 32-567 to serve until the first Thursday after the first
23 Tuesday in January following the next statewide general election. At
24 the next statewide general election, commissioners shall be elected
25 to fill the positions of any commissioners appointed under this

1 section. At the first primary election after such appointments,
2 filings shall be accepted for terms of two years and for terms of
3 four years so that two commissioners will be elected to four-year
4 terms at one election and three commissioners will be elected to
5 four-year terms at the next election.

6 (5) In counties having more than one hundred fifty
7 thousand but not more than three hundred thousand inhabitants which
8 are changing from nominating by district and electing at large to
9 nominating and electing by district as provided in subdivision (3)(b)
10 of this section, the commissioners shall continue in office until the
11 expiration of the terms for which they were elected and until their
12 successors are elected and qualified. At the primary election in
13 2010, one commissioner in such counties shall be nominated from each
14 odd-numbered district. At the ensuing general election, one
15 commissioner shall be elected from each odd-numbered district. At the
16 primary election in 2012, one commissioner in such counties shall be
17 nominated from each even-numbered district. At the ensuing general
18 election, one commissioner shall be elected from each even-numbered
19 district.

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

22 32-529 At the first general election after the adoption
23 of township organization by a county, one supervisor shall be elected
24 in each supervisor district. Thereafter one supervisor shall be
25 elected in each odd-numbered supervisor district at the general

1 election two years after the first general election and each four
2 years thereafter, and one supervisor shall be elected in each even-
3 numbered supervisor district at the general election four years after
4 the first general election and each four years thereafter. Each
5 county supervisor shall be nominated and elected by the registered
6 voters of the district from which he or she is elected. Except for
7 supervisors first elected after the county has adopted township
8 organization, the term of each county supervisor shall be four years
9 or until his or her successor is elected and qualified. The county
10 supervisors shall meet the qualifications found in section 23-268.
11 ~~The county supervisors shall be elected on the partisan ballot.~~

12 Sec. 15. Original sections 32-517, 32-518, 32-520,
13 32-521, 32-522, 32-523, 32-525, 32-526, 32-528, and 32-529, Reissue
14 Revised Statutes of Nebraska, and sections 32-101, 32-519, and
15 32-524, Revised Statutes Cumulative Supplement, 2012, are repealed.