

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 635**

Introduced by Cavanaugh, J., 9.

Read first time January 20, 2021

Committee:

1 A BILL FOR AN ACT relating to elections; to amend sections 32-314,  
2 32-401, 32-502, 32-503, 32-506, 32-507, 32-509, 32-605, 32-611,  
3 32-612, 32-619.01, 32-623, 32-627, 32-702, 32-716, 32-720, 32-801,  
4 32-809, 32-810, 32-811, 32-813, 32-814, 32-815, and 32-912, Reissue  
5 Revised Statutes of Nebraska, and sections 32-312 and 32-610,  
6 Revised Statutes Cumulative Supplement, 2020; to change provisions  
7 relating to nomination and election of certain partisan candidates  
8 as prescribed; to harmonize provisions; to provide an operative  
9 date; and to repeal the original sections.  
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-312, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 32-312 The registration application prescribed by the Secretary of  
4 State pursuant to section 32-304 or 32-311.01 shall provide the  
5 instructional statements and request the information from the applicant  
6 as provided in this section.

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

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

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

16 NAME—the name of the applicant giving the first and last name in  
17 full, the middle name in full or the middle initial, and the maiden name  
18 of the applicant, if applicable.

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

29 POSTAL ADDRESS—the address at which the applicant receives mail if  
30 different from the residence address.

31 ADDRESS OF LAST REGISTRATION—the name and number of the street,

1 avenue, or other location of the dwelling from which the applicant last  
2 registered.

3 TELEPHONE NUMBERS—the telephone numbers of the applicant. At the  
4 request of the applicant, a designation shall be made that a telephone  
5 number is an unlisted number, and such designation shall preclude the  
6 listing of such telephone number on any list of voter registrations.

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

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

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

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

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

29 REGISTRATION TAKEN BY—show the signature of the authorized official  
30 or staff member accepting the application pursuant to section 32-309 or  
31 32-310 or at least one of the deputy registrars taking the application

1 pursuant to section 32-306, if applicable.

2 PARTY AFFILIATION—show the party affiliation of the applicant as  
3 Democrat, Republican, or Other ..... or show no party affiliation as  
4 Nonpartisan. (Note: If you wish to vote in both partisan and nonpartisan  
5 primary elections for ~~state~~ and local offices, you must indicate a  
6 political party affiliation on the registration application. If you  
7 register without a political party affiliation (nonpartisan), you will  
8 receive only the nonpartisan ballots for ~~state~~ and local offices at  
9 primary elections. If you register without a political party affiliation,  
10 you may vote in ~~partisan~~ primary elections for state and congressional  
11 offices.)

12 OTHER—information the Secretary of State determines will assist in  
13 the proper and accurate registration of the voter.

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

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

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

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

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

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

26 Any registrant who signs this application knowing that any of the  
27 information in the application is false shall be guilty of a Class IV  
28 felony under section 32-1502 of the statutes of Nebraska. The penalty for  
29 a Class IV felony is up to two years imprisonment and twelve months post-  
30 release supervision, a fine of up to ten thousand dollars, or both.

31 APPLICANT'S SIGNATURE—require the applicant to affix his or her

1 signature to the application.

2 Sec. 2. Section 32-314, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 32-314 (1) Any person going into another territory or state and  
5 registering to vote or voting in that territory or state shall lose his  
6 or her eligibility to vote in this state. Any person going into another  
7 county of this state and registering to vote or voting in that county  
8 shall lose his or her eligibility to vote in the county where he or she  
9 was registered.

10 (2) A registered voter who changes his or her residence in one  
11 county to a residence address in a different county in the state shall  
12 register again or update his or her voter registration record in order to  
13 be eligible to vote.

14 (3) A registered voter who changes his or her name or residence  
15 within the county and has retained legal residence in the county since  
16 the date of his or her last registration shall register again or update  
17 his or her voter registration record to avoid additional requirements at  
18 the time of voting as provided in sections 32-914 and 32-915 and may be  
19 entitled to vote pursuant to section 32-914.01, 32-914.02, or 32-915.

20 (4) A registered voter who wants to change his or her party  
21 affiliation for purposes of a primary election for partisan county, city,  
22 or village offices or presidential preference vote shall complete a  
23 registration application pursuant to section 32-312.04 and submit it to  
24 the election commissioner or county clerk as provided in and prior to the  
25 deadline prescribed by section 32-302 or 32-321.

26 Sec. 3. Section 32-401, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 32-401 (1) The statewide primary election shall be held on the  
29 first Tuesday after the second Monday in May in even-numbered years. The  
30 statewide primary election shall be held for the purposes of (a) ~~(1)~~  
31 nominating all candidates to be voted for at the statewide general

1 election except (i) ~~(a)~~ candidates who were unopposed at the primary  
2 election and not required to be on the ballot and (ii) ~~(b)~~ candidates who  
3 petition on the ballot or are nominated by their political party, (b) ~~(2)~~  
4 electing delegates to the county, state, and national political party  
5 conventions, if applicable, (c) ~~(3)~~ in each presidential election year,  
6 voting on a preference for President of the United States, and (d) ~~(4)~~  
7 electing officers in political subdivisions which hold their general  
8 elections at the time of the statewide primary election.

9 (2) The ballot at the statewide primary election shall only  
10 designate political party affiliation for partisan county, city, and  
11 village offices and for presidential and vice presidential candidates and  
12 shall not in any way refer to or designate the political party  
13 affiliation of a candidate for any other partisan or nonpartisan office  
14 on the ballot. Except as otherwise specifically provided in the Election  
15 Act, the two candidates for an office, other than a partisan county,  
16 city, or village office, who receive the most votes at the statewide  
17 primary election shall be placed on the ballot at the statewide general  
18 election, and if the office is a partisan office, the political party  
19 affiliation of each candidate or the candidate's nonpartisan status as  
20 stated on the candidate filing form shall be noted on the ballot at the  
21 statewide general election next to the candidate's name.

22 Sec. 4. Section 32-502, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 32-502 Two United States Senators shall be elected for terms of six  
25 years at the statewide general election. One senator shall be elected in  
26 1994 and every six years thereafter, and one senator shall be elected in  
27 1996 and every six years thereafter. Candidates for the United States  
28 Senate shall meet the qualifications found in Article I, section 3, of  
29 the Constitution of the United States. The senators shall be nominated  
30 without a party affiliation designated on the ballot and elected with a  
31 party or nonpartisan affiliation designated on the elected on the

1 ~~partisan~~ ballot.

2       Sec. 5. Section 32-503, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       32-503 The United States Representatives in Congress shall be  
5 elected from the three congressional districts established in section  
6 32-504 for terms of two years at the statewide general election in each  
7 even-numbered year. Candidates for the United States House of  
8 Representatives shall meet the qualifications found in Article I, section  
9 2, of the Constitution of the United States. The representatives shall be  
10 nominated without a party affiliation designated on the ballot and  
11 elected with a party or nonpartisan affiliation designated on the  
12 ~~on the partisan~~ ballot. The representatives shall be elected in  
13 accordance with the laws of the United States.

14       Sec. 6. Section 32-506, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16       32-506 The Governor and Lieutenant Governor shall be elected at the  
17 statewide general election in 1994 and each four years thereafter. Such  
18 officers shall serve for terms of four years or until their successors  
19 are elected and qualified. Candidates for Governor and Lieutenant  
20 Governor shall meet the qualifications found in Article IV, sections 1  
21 and 2, of the Constitution of Nebraska. The Governor and Lieutenant  
22 Governor shall be nominated without a party affiliation designated on the  
23 ballot and elected with a party or nonpartisan affiliation designated on  
24 the ~~elected on the partisan~~ ballot.

25       Sec. 7. Section 32-507, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27       32-507 The State Treasurer, Auditor of Public Accounts, Secretary of  
28 State, and Attorney General shall be elected at the statewide general  
29 election in 1994 and each four years thereafter. Such officers shall  
30 serve for terms of four years or until their successors are elected and  
31 qualified. Candidates for State Treasurer shall meet the qualifications

1 found in Article IV, section 3, of the Constitution of Nebraska. Such  
2 officers shall be nominated without a party affiliation designated on the  
3 ballot and elected with a party or nonpartisan affiliation designated on  
4 the elected on the partisan ballot.

5 Sec. 8. Section 32-509, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 32-509 (1) The State of Nebraska is divided into five public service  
8 commissioner districts as provided and described in sections 75-101.01  
9 and 75-101.02. A candidate for the office of public service commissioner  
10 shall meet the qualifications found in section 75-101. The commissioners  
11 shall be nominated without a party affiliation designated on the ballot  
12 and elected with a party or nonpartisan affiliation designated on the  
13 elected on the partisan ballot.

14 (2) Each public service commissioner shall be elected for a term of  
15 six years. One public service commissioner from public service  
16 commissioner district number one and one public service commissioner from  
17 public service commissioner district number three shall be elected at the  
18 statewide general election in 1994 and each six years thereafter. One  
19 public service commissioner from public service commissioner district  
20 number four and one public service commissioner from public service  
21 commissioner district number five shall be elected at the statewide  
22 general election in 1992 and each six years thereafter. One public  
23 service commissioner from public service commissioner district number two  
24 shall be elected at the statewide general election in 1996 and each six  
25 years thereafter.

26 Sec. 9. Section 32-605, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 32-605 No candidate defeated at a primary election shall be  
29 permitted to file an affidavit declaring a write-in candidacy, file by  
30 petition, or file a nomination, if nominated by party convention or  
31 committee for a county, city, or village office, for the following



1 general election for the same office except as provided in section  
2 32-615, 32-616, or 32-625.

3 Sec. 10. Section 32-610, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5 32-610 No person shall be allowed to file a candidate filing form as  
6 a partisan candidate or to have his or her name placed upon a primary  
7 election ballot of a political party for a partisan county, city, or  
8 village office if subsection (2) of section 32-720 applies to the  
9 political party. For any other political party, no person shall be  
10 allowed to file a candidate filing form as a partisan candidate or to  
11 have his or her name placed upon a primary election ballot of a political  
12 party for a partisan county, city, or village office unless (1) he or she  
13 is a registered voter of the political party if required pursuant to  
14 section 32-702 and (2)(a) the political party has at least ten thousand  
15 persons affiliated as indicated by voter registration records in Nebraska  
16 or (b) at one of the two immediately preceding statewide general  
17 elections, (i) a candidate nominated by the political party polled at  
18 least five percent of the entire vote in the state in a statewide race or  
19 (ii) a combination of candidates nominated by the political party for a  
20 combination of districts that encompass all of the voters of the entire  
21 state polled at least five percent of the vote in each of their  
22 respective districts. A candidate filing form filed in violation of this  
23 section shall be void.

24 Sec. 11. Section 32-611, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 32-611 Twenty-five registered voters of the same political party may  
27 seek to have a person's name placed on the primary election ballot as a  
28 partisan candidate for a partisan county, city, or village office by  
29 filing an affidavit stating that they are registered voters, the  
30 political party with which they are registered, the name of the proposed  
31 candidate, and that the proposed candidate is a registered voter of the

1 same political party. The affidavit shall be filed in the same manner and  
2 with the same filing officer as provided for candidate filing forms. The  
3 proposed candidate shall, within five days from the date of the filing of  
4 the affidavit, file a candidate filing form as provided in section 32-607  
5 stating that he or she is a registered voter and is affiliated with the  
6 political party named in the affidavit. If the candidate filing form is  
7 not filed within such five-day period, the name of the candidate shall  
8 not be placed upon the primary election ballot.

9 Sec. 12. Section 32-612, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 32-612 (1) A change of political party affiliation by a registered  
12 voter so as to affiliate with the political party named in the candidate  
13 filing form or in an affidavit as a write-in candidate pursuant to  
14 section 32-615 after the first Friday in December prior to the statewide  
15 primary election shall not be effective to meet the requirements of  
16 section 32-610 or 32-611 or subsection (4) of this section for a partisan  
17 county, city, or village office, except that any person may change his or  
18 her political party affiliation after the first Friday in December prior  
19 to the statewide primary election to become a candidate of a new  
20 political party which has successfully completed the petition process  
21 required by section 32-716.

22 (2) No registered voter, candidate, or proposed candidate shall  
23 swear falsely as to political party affiliation or shall swear that he or  
24 she affiliates with two or more political parties. Any candidate who  
25 swears falsely as to political party affiliation or swears that he or she  
26 affiliates with two or more political parties shall not be the candidate  
27 of such party for a partisan county, city, or village office at the  
28 following general election, shall not be entitled to have his or her name  
29 on the ballot at the following general election, and shall not be  
30 entitled to assume the office for which he or she filed even if he or she  
31 receives a majority or plurality of the votes therefor at the following

1 general election.

2 (3) The name of a candidate shall not appear printed on more than  
3 one political party ballot. A candidate who is the nominee of one  
4 political party shall not accept the nomination of another political  
5 party.

6 (4) In order to count write-in votes on a political party ballot in  
7 the primary election for a partisan county, city, or village office, the  
8 candidate who receives the votes must be a registered voter of that  
9 political party unless the political party allows candidates not  
10 affiliated with the party by not adopting a rule under section 32-702.

11 Sec. 13. Section 32-619.01, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 32-619.01 The two candidates ~~candidate~~ for Governor ~~of each~~  
14 ~~political party~~ receiving the highest number of votes in the primary  
15 election shall each select a candidate for Lieutenant Governor ~~of the~~  
16 ~~same political party~~ by filing an affidavit indicating such ~~his or her~~  
17 choice with the Secretary of State. The candidate for Lieutenant Governor  
18 shall file a written consent with the Secretary of State. Both the  
19 affidavit and the written consent shall be filed on or before September 1  
20 for the names to be on the general election ballot. The written consent  
21 shall be in lieu of a candidate filing form, and no filing fees shall be  
22 required for the candidate for Lieutenant Governor.

23 Sec. 14. Section 32-623, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 32-623 (1) If any person nominated for a partisan ~~elective~~ office  
26 for the general election notifies the filing officer with whom the  
27 candidate filing form or other acceptance of nomination was filed by  
28 filing a statement, in writing and duly acknowledged, that he or she  
29 declines such nomination on or before September 1 before the election,  
30 the person's name shall not be printed on the ballot, but no declination  
31 shall be effective after such date. Such declination shall create a

1 vacancy on the ballot which may be filled pursuant to subsection (3) or  
2 (4) of section 32-627.

3 (2) For a partisan county, city, or village office, the ~~The~~ filing  
4 officer shall inform one or more persons whose names are attached to the  
5 nomination if the candidate was nominated by a political party convention  
6 or committee or, if nominated at a primary election, the chairperson or  
7 secretary of the campaign or political party committee of his or her  
8 political party if there is one within the jurisdiction of the filing  
9 officer and, if not, at least three of the prominent members of the  
10 candidate's political party within the jurisdiction of the filing officer  
11 that such candidate has declined the nomination by mailing or delivering  
12 to them personally notice of such fact. Such declination shall create a  
13 vacancy on the ballot which may be filled pursuant to subsections (1) and  
14 (2) of section 32-627.

15 (3) In lieu of filing a declination with the Secretary of State, the  
16 person so nominated may file a declination with the election commissioner  
17 or county clerk in the county in which he or she resides. Any election  
18 commissioner or county clerk receiving such a declination shall within  
19 five days after its receipt forward a copy of the written declination  
20 statement to the Secretary of State. The Secretary of State shall make  
21 notifications required by this section for all individuals for whom he or  
22 she receives a copy of the written declination statement.

23 Sec. 15. Section 32-627, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 32-627 (1) If a vacancy on the ballot arises for any partisan  
26 county, city, or village office except President and Vice President of  
27 the United States before a general election, the vacancy shall be filled  
28 by the majority vote of the proper committee of the same political party.  
29 Only ~~If the vacancy exists for an office serving only a particular~~  
30 ~~district of the state, only~~ those members of the political party  
31 committee who are eligible to vote for the candidate reside within that

1 ~~district~~ shall participate in selecting the candidate to fill the  
2 vacancy. No vacancy on the ballot shall be deemed to have occurred if a  
3 political party makes no nomination of a candidate at the primary  
4 election for the county, city, or village office. ~~If a vacancy on the~~  
5 ~~ballot arises for Governor, the vacancy shall be filled by the majority~~  
6 ~~vote of the proper committee of the same political party, and the~~  
7 ~~candidate for Governor shall select a person of the same political party~~  
8 ~~to be the candidate for Lieutenant Governor on the general election~~  
9 ~~ballot. If a vacancy on the ballot arises for the Lieutenant Governor on~~  
10 ~~or before September 1, the candidate for Governor shall select a new~~  
11 ~~candidate for Lieutenant Governor in the same manner as required in~~  
12 ~~section 32-619.01.~~

13 (2) The chairperson and secretary of the executive committee for the  
14 political party shall make and file with the filing officer a certificate  
15 setting forth the cause of the vacancy, the name of the person so  
16 nominated, the county, city, or village office for which he or she was  
17 nominated, the name of the person for which the new nominee is to be  
18 substituted, the place of residence of the person so nominated, the  
19 street and number of the residence or place of business of the person so  
20 nominated if such person resides in a city, and the name of the political  
21 party with which the person so nominated affiliates which such committee  
22 represents. The certificate shall be signed by the chairperson and  
23 secretary with the name and places of their residences and sworn to by  
24 them before some officer authorized to administer oaths. If there is no  
25 executive committee of the political party or in lieu of the executive  
26 committee filling such vacancy, a mass convention of the political party  
27 may fill the vacancy and the chairperson and secretary of such convention  
28 shall make and file with the filing officer a certificate in form and  
29 manner substantially as is required to be filed by the chairperson and  
30 secretary of the executive committee under this subsection. The  
31 certificate shall be filed by September 1 for a general election and have

1 the same force and effect as the candidate filing form provided for in  
2 section 32-607. The filing fee charged to candidates for such offices  
3 shall accompany the filing of the certificate.

4 (3) If a vacancy on the ballot for the statewide general election  
5 arises for Governor because one of the two candidates who received the  
6 most votes for Governor at the statewide primary election ceases for any  
7 reason to be a candidate, the vacancy may be filled by a petition  
8 candidate after the primary election pursuant to sections 32-617 and  
9 32-618, and the candidate for Governor shall select a person to be the  
10 candidate for Lieutenant Governor on the general election ballot. If a  
11 vacancy on the ballot arises for the Lieutenant Governor on or before  
12 September 1, the candidate for Governor shall select a new candidate for  
13 Lieutenant Governor in the same manner as required in section 32-619.01.

14 (4) If a vacancy on the ballot for the statewide general election  
15 arises for any partisan office not covered by subsections (1) and (3) of  
16 this section because one of the two candidates who received the most  
17 votes for the office at the statewide primary election ceases for any  
18 reason to be a candidate, the vacancy may be filled by a petition  
19 candidate after the primary election pursuant to sections 32-617 and  
20 32-618.

21 Sec. 16. Section 32-702, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 32-702 Any political party may, by the adoption of a rule, require  
24 that any individual whose name is placed on such party's partisan primary  
25 election ballot for a county, city, or village office be a registered  
26 voter affiliated with such party. If the political party adopts or  
27 revokes the rule and notifies the Secretary of State by filing the rule  
28 or notice of the revocation with the Secretary of State prior to December  
29 1 of the calendar year before a statewide primary election, the rule or  
30 revocation is effective for the next and subsequent statewide primary  
31 elections. If a rule or notice of revocation is filed with the Secretary

1 of State on or after December 1 of the calendar year before a statewide  
2 primary election and on or before the day of the statewide primary  
3 election, the rule or revocation is effective for the subsequent  
4 statewide primary elections.

5 Sec. 17. Section 32-716, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 32-716 (1) Any person, group, or association desiring to form a new  
8 political party shall present to the Secretary of State petitions  
9 containing signatures totaling not less than one percent of the total  
10 votes cast for Governor at the most recent general election for such  
11 office. The signatures of registered voters on such petitions shall be so  
12 distributed as to include registered voters totaling at least one percent  
13 of the votes cast for Governor in the most recent gubernatorial election  
14 in each of the three congressional districts in this state. Petition  
15 signers and petition circulators shall conform to the requirements of  
16 sections 32-629 and 32-630. The petitions shall be filed with the  
17 Secretary of State no later than February 1 before any statewide primary  
18 election for the new political party to be entitled to have ballot  
19 position for a county, city, or village office in the primary election of  
20 that year. If the new political party desires to be established and have  
21 ballot position for the general election and not in the primary election  
22 of that year, the petitions shall be filed with the Secretary of State on  
23 or before August 1 of that year. Prior to the circulation of petitions to  
24 form a new political party, a sample copy of the petitions shall be filed  
25 with the Secretary of State by the person, group, or association seeking  
26 to establish the new party. The sample petition shall be accompanied by  
27 the name and address of the person or the names and addresses of the  
28 members of the group or association sponsoring the petition to form a new  
29 political party.

30 (2) The petition shall conform to the requirements of section  
31 32-628. The Secretary of State shall prescribe the form of the petition

1 for the formation of a new political party. The petition shall be  
2 addressed to and filed with the Secretary of State and shall state its  
3 purpose and the name of the party to be formed. Such name shall not be or  
4 include the name of any political party then in existence or any word  
5 forming any part of the name of any political party then in existence,  
6 and in order to avoid confusion regarding party affiliation of a  
7 candidate or registered voter, the name of the party to be formed shall  
8 not include the word "independent" or "nonpartisan". The petition shall  
9 contain a statement substantially as follows:

10 We, the undersigned registered voters of the State of Nebraska and  
11 the county of ....., being severally qualified to sign this  
12 petition, respectfully request that the above-named new political party  
13 be formed in the State of Nebraska, and each for himself or herself says:  
14 I have personally signed this petition on the date opposite my name; I am  
15 a registered voter of the State of Nebraska and county of .....  
16 and am qualified to sign this petition; and my date of birth and city,  
17 village, or post office address and my street and number or voting  
18 precinct are correctly written after my name.

19 Sec. 18. Section 32-720, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 32-720 (1) In case of a division of any political party, the  
22 Secretary of State shall give the preference of party name to the  
23 convention held at the time and place designated in the call of the  
24 regularly constituted political party authorities, and if the other  
25 faction presents no other party name, the Secretary of State shall select  
26 a name or title and place the same on the ballot before the list of  
27 candidates of such faction for county, city, or village offices. The  
28 action of the preceding national convention of such party, regularly  
29 called, shall determine the action of the Secretary of State or the court  
30 in its decision. The Secretary of State may be compelled by peremptory  
31 order of mandamus to perform such duty.



1 (2) A political party may dissolve by filing a notice of dissolution  
2 with the Secretary of State. The notice shall be filed by the executive  
3 committee or state central committee of the political party or, if no  
4 such committee exists, by an officer of the political party. If the  
5 notice is filed prior to December 1 of the calendar year before the  
6 statewide primary election, the Secretary of State shall not accept any  
7 filings for the political party for any primary or general election or  
8 place the political party on the statewide primary election ballot for  
9 county, city, or village offices to be nominated or elected at the  
10 statewide primary election.

11 Sec. 19. Section 32-801, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 32-801 At least fifty days before any statewide primary or general  
14 election, the Secretary of State shall transmit in ballot form to each  
15 election commissioner or county clerk a certification of the candidates,  
16 offices, and issues that appear on the state ballot. The certification  
17 prior to the primary election shall name the office to be filled, the  
18 length of the term, the number of candidates to be voted for, the name of  
19 each candidate for whom candidate filing forms or petitions have been  
20 filed in the office of the Secretary of State and who is entitled to be  
21 voted for at such primary election, and no party affiliation or  
22 nonpartisan status for any congressional or state partisan or nonpartisan  
23 office and the party affiliation or nonpartisan status of each candidate  
24 for any partisan county, city, or village office or President and Vice  
25 President. A separate statement of the city or village of residence of  
26 each candidate shall be included with the certification, but the city or  
27 village of residence shall not appear on the official ballot. The  
28 certification prior to the general election shall name the office to be  
29 filled, the length of the term, the number of candidates to be voted for,  
30 the name of each candidate who was nominated at the primary election or  
31 who filed by petition as shown by the records in the office of the

1 Secretary of State and who is entitled to be voted for at the general  
2 election, and the party affiliation or nonpartisan status of each  
3 candidate for partisan offices.

4 Sec. 20. Section 32-809, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

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

14 (2) All proposals for constitutional amendments, candidates for  
15 delegates to the national political party conventions, candidates for  
16 congressional or state partisan offices with no party affiliation nor  
17 partisan status indicated, and candidates on the nonpartisan ballot shall  
18 be submitted on a ballot where bold lines separate one office or issue  
19 from another. Proposals for constitutional amendments proposed by the  
20 Legislature shall be placed on the ballot as provided in sections 49-201  
21 to 49-211. Each candidate for delegate to the national political party  
22 convention shall have his or her preference for the candidacy for the  
23 office of President of the United States or the fact that he or she is  
24 uncommitted shown on the ballot in parenthesis and indented on the line  
25 immediately below the name of the candidate. All constitutional  
26 amendments shall be placed on a separate ballot when a paper ballot is  
27 used which requires the ballot after being voted to be folded before  
28 being deposited in a ballot box. When an optical-scan ballot is used  
29 which requires a ballot envelope or sleeve in which the ballot after  
30 being voted is placed before being deposited in a ballot box,  
31 constitutional amendments may be printed on either side of the ballot and

1 shall be separated from other offices or issues by a bold line.  
2 Constitutional amendments so arranged shall constitute a separate ballot.

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

17 Sec. 21. Section 32-810, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 32-810 (1) The election commissioner or county clerk shall place the  
20 names of all partisan candidates for President or Vice President  
21 certified to him or her by the Secretary of State and of those partisan  
22 candidates filing in his or her office for county, city, or village  
23 offices on a primary election ballot headed with the political party  
24 designation. The name of each candidate for any other partisan office  
25 certified by the Secretary of State and the name of each candidate for  
26 any other partisan office filing in the office of election commissioner  
27 or county clerk shall be placed on the primary election ballot headed by  
28 the words Partisan Ticket. The ~~name~~ names of each nonpartisan candidate  
29 certified by the Secretary of State and of each nonpartisan candidate  
30 filing in the office of the election commissioner or county clerk shall  
31 be placed on the primary election ballot headed by the words Nonpartisan

1 Ticket.

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

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

25 Sec. 22. Section 32-811, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

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

1 boards of Class III or Class V school districts which nominate candidates  
2 at a primary election, and officers of cities of the first or second  
3 class and cities having a city manager plan of government do not exceed  
4 two candidates for each position to be filled, any such candidates shall  
5 be declared nominated and their names shall not appear on any primary  
6 election ballots for such offices.

7 (b) If the number of candidates properly filed for the nomination of  
8 a political party at the primary election for any county officer elected  
9 pursuant to sections 32-517 to 32-529 does not exceed the number of  
10 candidates to be nominated by that party for that office, any such  
11 properly filed candidates shall be declared nominated and their names  
12 shall not appear on any primary election ballots for such offices.

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

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

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

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

27 32-813 (1) The names of all candidates and all proposals to be voted  
28 upon at the general election shall be arranged upon the ballot in parts  
29 separated from each other by bold lines in the order the offices and  
30 proposals are set forth in this section. If any office is not subject to  
31 the upcoming election, the office shall be omitted from the ballot and

1 the remaining offices shall move up so that the same relative order is  
2 preserved. The order of any offices may be altered to allow for the best  
3 utilization of ballot space in order to avoid printing a second ballot  
4 when one ballot would be sufficient if an optical-scan ballot is used.  
5 All proposals on the ballot submitted by a political subdivision shall  
6 follow all offices on the ballot submitted by a political subdivision.

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

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

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

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

1 considered to be the candidate for Vice President.

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

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

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

1 of the candidate for Governor of his or her choice and one square or oval  
2 opposite the line in which the voter indicates his or her choice for  
3 Governor.

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

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

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

29 (8) The candidates for office in the precinct only or in the city or  
30 village only shall be printed on the ballot, except that if the election  
31 commissioner or county clerk deems it advisable, candidates for these



1 offices may be submitted on a separate ballot if using a paper ballot or  
2 on either side of an optical-scan ballot if the ballot is placed in a  
3 ballot envelope or sleeve before being deposited in a ballot box.

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

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

20 32-814 (1) The election commissioner or county clerk shall place the  
21 names of all nonpartisan candidates upon the same official general  
22 election ballot as the partisan candidates. The names placed on the  
23 official and sample general election ballots shall be the names of  
24 candidates nominated in the primary election, the names of petition  
25 candidates if any, the names of automatically nominated candidates as  
26 provided in section 32-811, and the names of candidates filing as  
27 provided in subsection (2) of section 32-606. The names of the candidates  
28 shall be placed under the proper titles.

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

1 election unless more than one candidate has successfully petitioned on  
2 the ballot to fill a vacancy after the primary election. The names of the  
3 partisan and nonpartisan candidates who received the highest number of  
4 votes for the office for which they were candidates in the primary  
5 election shall be placed on the official ballot except as otherwise  
6 provided in the Election Act. If more than one person was a candidate for  
7 the same position in the primary election, the election commissioner or  
8 county clerk shall place on the official ballot the names of the two  
9 persons who received the highest number of votes in the primary election  
10 for the position for which they were candidates.

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

22 (4) If there are more candidates than vacancies for the same office,  
23 the election commissioner or county clerk shall rotate the names of the  
24 nonpartisan candidates on the official general election ballot. The  
25 election commissioner or county clerk shall follow the order of precincts  
26 or wards as set out in the official abstract book on file in his or her  
27 office in preparing the official ballots. The first set of ballots for  
28 the first precinct or ward shall be the names of candidates filing by  
29 date and hour or of those candidates filing petitions, and for local  
30 candidates the names of candidates shall be listed in the order of filing  
31 by date and hour with the election commissioner or county clerk or of

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

7 Sec. 25. Section 32-815, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 32-815 (1) The names of candidates for each partisan elective office  
10 shall be arranged on the ballot of the general election so that the  
11 political party polling the highest number of votes at the last general  
12 election for Governor will have the name of its nominee immediately  
13 beneath the name of the office for which the candidate was nominated, the  
14 political party polling the second highest number of votes will have the  
15 second place, the political party having the third highest number of  
16 votes will have the third place, and continuing with the political  
17 parties in descending order of number of votes, leaving those candidates  
18 whose names appear upon the ballot by petition to appear beneath all  
19 other candidates placed there by nomination. For each office for which  
20 there are more candidates than vacancies or ~~and~~ there are two or more  
21 nominees of the same political party, the election commissioner or county  
22 clerk shall rotate the names of such candidates on the official ballot.  
23 In printing the ballots for the various election districts, the positions  
24 of the names shall be changed in each office division for each election  
25 district. In making the change of position, the printer shall take the  
26 line of type at the head of each division and place it at the bottom of  
27 that division, shoving up the column so that the name that was second  
28 shall be first after the change.

29 (2) The name of the person receiving the highest number of votes at  
30 a primary election as the candidate of a political party for a partisan  
31 county, city, or village ~~an~~ office shall be placed on the official ballot

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

9 Sec. 26. Section 32-912, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 32-912 (1) Any registered voter desiring to vote in a primary  
12 election held under the Election Act shall be entitled to participate in  
13 such primary election upon presenting himself or herself at the polling  
14 place for his or her residence. A registered voter who is affiliated with  
15 a political party shall receive from the receiving board all nonpartisan  
16 ballots and the partisan ballot of the political party indicated on his  
17 or her voter registration. Except as provided in subsection ~~subsections~~  
18 (2) ~~and (3)~~ of this section, a registered voter who is not affiliated  
19 with any political party shall receive only nonpartisan ballots at a  
20 primary election.

21 (2) Any political party may allow registered voters who are not  
22 affiliated with a political party to vote in the primary election for any  
23 elective office for which the party has candidates except for the office  
24 of delegate to the party's county, state, or national convention. Any  
25 political party desiring to permit such registered voters to vote for  
26 candidates of that party in the primary election shall file a letter  
27 stating that the governing body of the political party has adopted a rule  
28 allowing registered voters who are not affiliated with a political party  
29 to vote in the primary election for candidates of that party. The letter  
30 and copy of the adopted rule shall be filed with the Secretary of State  
31 at least sixty days before the primary election. The Secretary of State

1 shall notify the appropriate election commissioners and county clerks in  
2 writing that the political party filing the letter will allow registered  
3 voters who are not affiliated with a political party to vote in the  
4 primary election for candidates of that party. Once filed, the rule  
5 allowing such voters to vote in such primary election shall be  
6 irrevocable and shall apply only to the primary election immediately  
7 following the adoption of the rule.

8 ~~(3) A registered voter who is not affiliated with a political party~~  
9 ~~and who desires to vote in the primary election for the office of United~~  
10 ~~States Senator or United States Representative may request a partisan~~  
11 ~~ballot for either or both of such offices from any political party. The~~  
12 ~~election commissioner or county clerk shall post a notice in a~~  
13 ~~conspicuous location, easily visible and readable by voters prior to~~  
14 ~~approaching the receiving board, that a registered voter who is not~~  
15 ~~affiliated with a political party may request such ballots. No such~~  
16 ~~registered voter shall receive more than one such partisan ballot.~~

17 (3) ~~(4)~~ The registered voters residing in a political subdivision  
18 may cast their ballots for candidates for the offices in that subdivision  
19 and for issues proposed for that subdivision, except that when officers  
20 are to be nominated or elected from a subdistrict of the political  
21 subdivision, the registered voters residing in the subdistrict may only  
22 vote for candidates from the subdistrict and for candidates for officers  
23 to be elected at large from the whole political subdivision.

24 Sec. 27. This act becomes operative on January 1, 2022.

25 Sec. 28. Original sections 32-314, 32-401, 32-502, 32-503, 32-506,  
26 32-507, 32-509, 32-605, 32-611, 32-612, 32-619.01, 32-623, 32-627,  
27 32-702, 32-716, 32-720, 32-801, 32-809, 32-810, 32-811, 32-813, 32-814,  
28 32-815, and 32-912, Reissue Revised Statutes of Nebraska, and sections  
29 32-312 and 32-610, Revised Statutes Cumulative Supplement, 2020, are  
30 repealed.