

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 268**

FINAL READING

Introduced by McGill, 26; Avery, 28; Chambers, 11; Cornett, 45;  
Kopplin, 3; Nantkes, 46; Pedersen, 39; Preister, 5;  
Schimek, 27; Wallman, 30; Gay, 14.

Read first time January 10, 2007

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to counties; to amend sections 23-151  
2 and 32-528, Reissue Revised Statutes of Nebraska; to  
3 change provisions relating to election of county boards;  
4 to harmonize provisions; and to repeal the original  
5 sections.

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

1           Section 1. Section 23-151, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           23-151 (1) Each county under commissioner organization  
4 having not more than three hundred thousand inhabitants shall be  
5 divided into three districts numbered respectively, one, two, and  
6 three, or into five districts as provided for in sections 23-148  
7 and 23-149 numbered respectively, one, two, three, four, and five.  
8 ~~Beginning October 1, 1991, each~~ Each county having more than three  
9 hundred thousand inhabitants shall be divided into seven districts  
10 numbered respectively, one, two, three, four, five, six, and seven.

11           (2) Such districts shall consist of two or more voting  
12 precincts comprising compact and contiguous territory and embracing  
13 a substantially equal division of the population of the county.  
14 District boundary lines shall not be subject to alteration more  
15 than once every ten years unless the county has a change in  
16 population requiring it to be redistricted pursuant to subdivision  
17 (3) (a) of this section or unless there is a vote to change from  
18 three to five districts as provided for in sections 23-148 and  
19 23-149.

20           (3) (a) ~~In counties having more than three hundred~~  
21 ~~thousand inhabitants, the~~ The establishment of district boundary  
22 lines pursuant to subsection (1) of this section shall be completed  
23 ~~not later than October 1, 1991, or~~ within one year after the a  
24 county attains a population of more than three hundred thousand  
25 inhabitants.  ~~whichever occurs later. Beginning in 2001 and~~

1 every ten years thereafter, the district boundary lines of any  
2 county having more than three hundred thousand inhabitants shall  
3 be redrawn, if necessary to maintain substantially equal district  
4 populations, by the date specified in section 32-553.

5 (b) The establishment of district boundary lines and any  
6 alteration thereof under this subsection shall be done by the  
7 county board. If the county board fails to do so by the applicable  
8 deadline, district boundaries shall be drawn by the election  
9 commissioner within six months after the deadline established for  
10 the drawing or redrawing of district boundaries by the county  
11 board. If the election commissioner fails to meet such deadline,  
12 the remedies established in subsection (3) of section 32-555 shall  
13 apply.

14 (4) The district boundary lines shall not be changed at  
15 any session of the county board unless all of the commissioners are  
16 present at such session.

17 (5) Commissioners shall be elected as provided in section  
18 32-528. Elections shall be conducted as provided in the Election  
19 Act.

20 Sec. 2. Section 32-528, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

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

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

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

1 her respective district. The county commissioners shall be elected  
2 on the partisan ballot.

3 (3) (a) In counties having not more than ~~three hundred~~  
4 one hundred fifty thousand inhabitants, one commissioner shall be  
5 nominated and elected from each district by the registered voters  
6 of the district.

7 (b) Until 2010, except that in counties having a  
8 population of more than one hundred fifty thousand but not more  
9 than three hundred thousand inhabitants, one commissioner shall  
10 be nominated from each district by the registered voters of the  
11 district and shall be elected by the registered voters of the  
12 entire county. Beginning in ~~1992 in~~ 2010 in counties having a  
13 population of more than one hundred fifty thousand but not more  
14 than three hundred thousand inhabitants, one commissioner shall be  
15 nominated and elected from each district by the registered voters  
16 of the district as provided in subsection (5) of this section.

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

20 (4) In counties in which a majority has voted to have  
21 five commissioners as provided in section 23-148, the three  
22 commissioners of such county whose terms of office will expire  
23 after the election shall continue in office until the expiration of  
24 the terms for which they were elected and until their successors  
25 are elected and qualified. Two commissioners shall be appointed

1 pursuant to section 32-567 to serve until the first Thursday after  
2 the first Tuesday in January following the next statewide general  
3 election. At the next statewide general election, commissioners  
4 shall be elected to fill the positions of any commissioners  
5 appointed under this section. At the first primary election after  
6 such appointments, filings shall be accepted for terms of two years  
7 and for terms of four years so that two commissioners will be  
8 elected to four-year terms at one election and three commissioners  
9 will be elected to four-year terms at the next election.

10 (5) In counties having more than one hundred fifty  
11 thousand but not more than three hundred thousand inhabitants  
12 which are changing from nominating by district and electing  
13 at large to nominating and electing by district as provided  
14 in subdivision (3)(b) of this section, the ~~three~~ commissioners  
15 whose terms of office will expire in 1995 shall continue in  
16 office until the expiration of the terms for which they were  
17 elected and until their successors are elected and qualified.  
18 At the primary election in 1992, 2010, one commissioner in such  
19 counties shall be nominated from each odd-numbered district. At  
20 the ensuing general election, one commissioner shall be elected  
21 from each odd-numbered district. At the primary election in ~~1994~~,  
22 2012, one commissioner in such counties shall be nominated from  
23 each even-numbered district. At the ensuing general election, one  
24 commissioner shall be elected from each even-numbered district.  
25 ~~Beginning in 1992, each commissioner in such counties shall hold~~

1 office for four years or until his or her successor is elected  
2 and qualified. Nothing in this subsection shall be construed to  
3 prohibit the reelection of a commissioner holding office in 1992 or  
4 1994 if such commissioner is reelected to represent the district in  
5 which he or she resides.

6           Sec. 3. Original sections 23-151 and 32-528, Reissue  
7 Revised Statutes of Nebraska, are repealed.