

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 268

Introduced By: McGill, 26; Avery, 28; Chambers, 11; Cornett, 45;
Kopplin, 3; Nantkes, 46; Pedersen, 39; Preister,
5; Schimek, 27; Wallman, 30

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 and
2 32-528, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to election of county boards; to
4 harmonize provisions; and to repeal the original sections.

5 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 and
7 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 a
13 substantially equal division of the population of the county. District
14 boundary lines shall not be subject to alteration more than once every
15 ten years unless the county has a change in population requiring it
16 to be redistricted pursuant to subdivision (3)(a) of this section or
17 unless there is a vote to change from three to five districts as
18 provided for in sections 23-148 and 23-149.

19 (3)(a) ~~In counties having more than three hundred thousand~~
20 ~~inhabitants, the~~ The establishment of district boundary lines
21 pursuant to subsection (1) of this section shall be completed ~~not~~
22 ~~later than October 1, 1991, or~~ within one year after ~~the~~ a county
23 attains a population of more than three hundred thousand
24 inhabitants, ~~, whichever occurs later.~~ Beginning in 2001 and every
25 ten years thereafter, the district boundary lines of any county having
26 more than three hundred thousand inhabitants shall be redrawn, if
27 necessary to maintain substantially equal district populations, by the

1 date specified in section 32-553.

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

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

13 (5) Commissioners shall be elected as provided in section
14 32-528. Elections shall be conducted as provided in the Election Act.

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

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

1 general election in 1994 and each four years thereafter, and one
2 commissioner shall be elected in each even-numbered commissioner
3 district at the statewide general election in 1996 and each four years
4 thereafter.

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

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

24 (b) Until 2008, ~~except that~~ in counties having a
25 population of more than one hundred fifty thousand but not more than
26 three hundred thousand inhabitants, one commissioner shall be
27 nominated from each district by the registered voters of the district

1 and shall be elected by the registered voters of the entire county.
2 Beginning in 1992 in 2008 in counties having a population of more
3 than one hundred fifty thousand but not more than three hundred
4 thousand inhabitants, one commissioner shall be nominated and elected
5 from each district by the registered voters of the district as
6 provided in subsection (5) of this section.

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

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

25 (5) In counties having more than one hundred fifty thousand
26 but not more than three hundred thousand inhabitants which are
27 changing from nominating by district and electing at large to

1 ~~nominating and electing by district as provided in subdivision (3)(b)~~
2 ~~of this section, the three commissioners whose terms of office~~
3 ~~will expire in 1995~~ shall continue in office until the expiration of
4 the terms for which they were elected and until their successors are
5 elected and qualified. At the primary election in ~~1992,~~ 2008, one
6 commissioner in such counties shall be nominated from each
7 ~~odd-numbered~~ even-numbered district. At the ensuing general
8 election, one commissioner shall be elected from each ~~odd-numbered~~
9 even-numbered district. At the primary election in ~~1994,~~ 2010,
10 one commissioner in such counties shall be nominated from each
11 ~~even-numbered~~ odd-numbered district. At the ensuing general
12 election, one commissioner shall be elected from each ~~even-numbered~~
13 odd-numbered district. ~~Beginning in 1992, each commissioner in~~
14 ~~such counties shall hold office for four years or until his or her~~
15 ~~successor is elected and qualified. Nothing in this subsection shall~~
16 ~~be construed to prohibit the reelection of a commissioner holding~~
17 ~~office in 1992 or 1994 if such commissioner is reelected to represent~~
18 ~~the district in which he or she resides.~~

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