

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 7

Introduced by Wightman, 36.

Read first time January 8, 2009

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to clerks of the district court; to amend
2 section 32-524, Reissue Revised Statutes of Nebraska; to
3 provide a residency requirement; to harmonize provisions;
4 and to repeal the original section.

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

1 Section 1. A clerk of the district court elected after
 2 2008 need not be a resident of the county when he or she files
 3 for election as clerk of the district court, but a clerk of the
 4 district court shall reside in a county for which he or she holds
 5 office.

6 Sec. 2. Section 32-524, Reissue Revised Statutes of
 7 Nebraska, is amended to read:

8 32-524 (1) Except as provided in section 22-417:

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

13 (b) In counties having a population of less than seven
 14 thousand inhabitants, there shall be elected a clerk of the
 15 district court at the first statewide general election following a
 16 determination by the county board and the district judge for the
 17 county that such officer should be elected and each four years
 18 thereafter. When such a determination is not made in such a county,
 19 the county clerk shall be ex officio clerk of the district court
 20 and perform the duties by law devolving upon that officer.

21 (2) In any county upon presentation of a petition to the
 22 county board (a) not less than sixty days before the statewide
 23 general election in 1976 or every four years thereafter, (b) signed
 24 by registered voters of the county equal in numbers to at least
 25 fifteen percent of the total vote cast for Governor at the most

1 recent gubernatorial election in the county, secured in not less
2 than two-fifths of the townships or precincts of the county, and
3 (c) asking that the question of not electing a clerk of the
4 district court in the county be submitted to the registered voters
5 therein, the county board, at the next statewide general election,
6 shall order the submission of the question to the registered voters
7 of the county. The form of submission upon the ballot shall be as
8 follows:

9 For election of a clerk of the district court;

10 Against election of a clerk of the district court.

11 (3) If a majority of the votes cast on the question are
12 against the election of a clerk of the district court in such
13 county, the duties of the clerk of the district court shall be
14 performed by the county clerk and the office of clerk of the
15 district court shall either cease with the expiration of the term
16 of the incumbent or continue to be abolished if no such office
17 exists at such time.

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

23 (5) The term of the clerk of the district court shall be
24 four years or until his or her successor is elected and qualified.
25 The clerk of the district court shall meet the qualifications found

1 in section 1 of this act. The clerk of the district court shall be
2 elected on the partisan ballot.

3 Sec. 3. Original section 32-524, Reissue Revised Statutes
4 of Nebraska, is repealed.