

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 716

Introduced by Avery, 28.

Read first time January 06, 2010

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to community colleges; to amend sections
2 32-603, 32-604, and 85-1512, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to the community
4 college boards of governors for community college areas;
5 to harmonize provisions; and to repeal the original
6 sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-603, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-603 (1) No candidate for member of the Legislature
4 or an elective office described in Article IV, section 1 or 20,
5 or Article VII, section 3 or 10, of the Constitution of Nebraska
6 shall be eligible to file as a candidate, to petition on the
7 ballot as a candidate, to accept a nomination by a political
8 party or by party convention, caucus, or committee to fill a
9 vacancy, or to be a declared write-in candidate for more than one
10 elective office to be filled at the same election except for the
11 position of delegate to a county, state, or national political
12 party convention. No candidate for any other high elective office
13 as defined in subsection ~~(6)~~ (5) of section 32-604 shall be
14 eligible to file as a candidate, to petition on the ballot as
15 a candidate, to accept a nomination by a political party or by
16 party convention, caucus, or committee to fill a vacancy, or to
17 be a declared write-in candidate for more than one high elective
18 office to be filled at the same election. Any such person who
19 has filed for a high elective office shall withdraw such filing
20 prior to filing for any other elective office to be filled at the
21 same election except for the position of delegate to a county,
22 state, or national political party convention. Any such person who
23 has won a nomination in a primary election and who is nominated
24 to any additional offices by a write-in vote or by a political
25 party convention or committee shall decline one of the nominations

1 pursuant to section 32-623 and shall do so within seven days after
2 receiving any subsequent nomination. If the candidate fails to take
3 such action, any subsequent nomination shall be declared void. Any
4 filing made in violation of this section shall be void, and the
5 Secretary of State, election commissioner, or county clerk shall
6 not place the name of any person on the ballot for any office for
7 which such person filed in violation of this section.

8 (2) If a filing officer determines that a candidate has
9 filed for more than one office in violation of subsection (1) of
10 this section, the filing officer shall notify the Secretary of
11 State, the Secretary of State shall determine the order of the
12 filings and notify the candidate that the subsequent filing is
13 invalid, and the candidate's name shall not be printed on the
14 ballot for such office. The Secretary of State shall notify the
15 filing officers of the counties involved of the action taken on
16 such subsequent filing.

17 (3) When the name of a candidate appears on the ballot
18 for more than one office during an election in violation of
19 subsection (1) of this section, the filing officer when possible
20 shall correct the error by removing the candidate's name from the
21 ballot and reprinting corrected ballots. When it is not possible
22 to print a corrected set of ballots in time for the election, all
23 votes cast for such candidate as a candidate for the subsequent
24 office appearing on the ballot shall not be counted, and no
25 certificate of nomination or election shall be issued to such

1 candidate for such subsequent office.

2 Sec. 2. Section 32-604, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-604 (1) Except as provided in subsection (2) or (4) of
5 this section, no person shall be precluded from being elected or
6 appointed to or holding an elective office for the reason that he
7 or she has been elected or appointed to or holds another elective
8 office.

9 (2) No person serving as a member of the Legislature or
10 in an elective office described in Article IV, section 1 or 20,
11 or Article VII, section 3 or 10, of the Constitution of Nebraska
12 shall simultaneously serve in any other elective office, except
13 that such a person may simultaneously serve in another elective
14 office which is filled at an election held in conjunction with the
15 annual meeting of a public body.

16 (3) Whenever an incumbent serving as a member of the
17 Legislature or in an elective office described in Article IV,
18 section 1 or 20, or Article VII, section 3 or 10, of the
19 Constitution of Nebraska assumes another elective office, except
20 an elective office filled at an election held in conjunction with
21 the annual meeting of a public body, the office first held by the
22 incumbent shall be deemed vacant.

23 (4) No person serving in a high elective office shall
24 simultaneously serve in any other high elective office, except that
25 a county attorney may serve as the county attorney for more than

1 one county if appointed under subsection (2) of section 23-1201.01.

2 ~~(5) Notwithstanding subsections (2) through (4) of this~~
3 ~~section, any person holding more than one high elective office upon~~
4 ~~September 13, 1997, shall be entitled to serve the remainder of all~~
5 ~~terms for which he or she was elected or appointed.~~

6 ~~(6)~~ (5) For purposes of this section, (a) elective office
7 has the meaning found in section 32-109 and includes an office
8 which is filled at an election held in conjunction with the annual
9 meeting of a public body created by an act of the Legislature
10 but does not include a member of a learning community coordinating
11 council appointed pursuant to subsection (5) or (7) of section
12 32-546.01 and (b) high elective office means a member of the
13 Legislature, an elective office described in Article IV, section
14 1 or 20, or Article VII, section 3 or 10, of the Constitution
15 of Nebraska, or a county, city, community college area, learning
16 community, or school district elective office.

17 Sec. 3. Section 85-1512, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 85-1512 Each board shall divide the community college
20 area into five election districts as nearly equal in population as
21 may be practicable and shall transmit the appropriate information
22 pertaining to such election districts to the Secretary of State
23 and to the appropriate election officials within the area. Board
24 members shall be nominated and elected as provided in section
25 32-514. To be eligible for membership on the board, a person

1 shall be a registered voter and shall have been a resident of
2 the area for six months and, for members representing a district,
3 a resident of the district for six months. ~~No person shall be~~
4 ~~eligible to membership on a community college board of governors~~
5 ~~who is an elected or appointed member of any other board relating~~
6 ~~to education.~~ Each member elected to represent a district shall be
7 a resident of the district.

8 Sec. 4. Original sections 32-603, 32-604, and 85-1512,
9 Reissue Revised Statutes of Nebraska, are repealed.