

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1035**

Final Reading

Introduced by Sullivan, 41.

Read first time January 17, 2012

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-610 and  
2 32-1031, Reissue Revised Statutes of Nebraska, and  
3 section 32-811, Revised Statutes Supplement, 2011; to  
4 change and eliminate provisions relating to political  
5 parties and filing for office; to provide for automatic  
6 nomination of candidates for airport authority boards as  
7 prescribed; to change provisions relating to the canvass  
8 of votes; to repeal the original sections; and to  
9 outright repeal section 32-718, Reissue Revised Statutes  
10 of Nebraska.  
11 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-610, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-610 No person shall be allowed to file a candidate  
4 filing form as a partisan candidate or to have his or her name placed  
5 upon a primary election ballot of a political party unless (1) he or  
6 she is a registered voter of the political party if required pursuant  
7 to section 32-702 and (2) at the last election one of the two  
8 immediately preceding statewide general elections, (a) a candidate  
9 nominated by the political party polled at least five percent of the  
10 entire vote in the state, county, political subdivision, or district  
11 in which the candidate seeks the nomination for office. in a  
12 statewide race or (b) a combination of candidates nominated by the  
13 political party for a combination of districts that encompass all of  
14 the voters of the entire state polled at least five percent of the  
15 vote in each of their respective districts. A candidate filing form  
16 filed in violation of this section shall be void.

17           Sec. 2. Section 32-811, Revised Statutes Supplement,  
18 2011, is amended to read:

19           32-811 (1) If the names of candidates properly filed for  
20 nomination at the primary election for directors of natural resources  
21 districts, directors of public power districts, directors of  
22 reclamation districts, members of airport authority boards elected  
23 pursuant to sections 32-547 to 32-549, members of the boards of  
24 governors of community college areas, members of the boards of Class  
25 III or Class V school districts which nominate candidates at a

1 primary election, and officers of cities of the first or second class  
2 and cities having a city manager plan of government do not exceed two  
3 candidates for each position to be filled, any such candidates shall  
4 be declared nominated and their names shall not appear on any primary  
5 election ballots. The official abstract of votes kept by the county  
6 or state shall show the names of such candidates with the statement  
7 Nominated Without Opposition. The election commissioner or county  
8 clerk shall place the names of such automatically nominated  
9 candidates on the general election ballot as provided in section  
10 32-814.

11 (2) Candidates shall not appear on the ballot in the  
12 primary election for the board of directors in public power districts  
13 receiving annual gross revenue of less than forty million dollars,  
14 for county weed district boards, and for the board of trustees in  
15 villages.

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

21 Sec. 3. Section 32-1031, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 32-1031 (1) After counting the ballots under section  
24 32-1027, the county canvassing board shall proceed with the official  
25 canvass of votes cast on election day. If in the process of

1 canvassing the votes for any candidate or measure in any precinct the  
2 election commissioner or county clerk or the canvassing board  
3 determines that there is an obvious error in the certification of the  
4 votes, the error shall be corrected. The county canvassing board may  
5 open the ballots-cast container and recount the ballots for any  
6 candidate or any measure which appears to be in error. If the county  
7 canvassing board finds and corrects any such error, it shall make the  
8 correction entry in the precinct sign-in register, the precinct list  
9 of registered voters, and the official summary or summaries of votes  
10 cast and shall attach a letter of explanation to each book where the  
11 correction was made. The letter shall be signed by all members of the  
12 county canvassing board.

13           (2) When it has been determined that the returns in all  
14 precincts are correct, the county canvassing board shall ~~enter the~~  
15 ~~same in a permanent ledger. The permanent ledger shall be preserved~~  
16 ~~by~~ provide a record of the results to the election commissioner or  
17 county clerk either in a ledger or by using a computer printout. The  
18 election commissioner or county clerk shall preserve the record of  
19 the results for the period of time specified by the State Records  
20 Administrator pursuant to the Records Management Act, and then it may  
21 be transferred to the State Archives of the Nebraska State Historical  
22 Society for permanent preservation.

23           (3) Any recesses or adjournments of the county canvassing  
24 board shall be to a fixed time and publicly announced. When a recess  
25 is called, all ballots that have not been counted and all other

1 supplies shall be placed in a fireproof safe or other suitable  
2 location which is locked until such board reconvenes.

3           Sec. 4. Original sections 32-610 and 32-1031, Reissue  
4 Revised Statutes of Nebraska, and section 32-811, Revised Statutes  
5 Supplement, 2011, are repealed.

6           Sec. 5. The following section is outright repealed:  
7 Section 32-718, Reissue Revised Statutes of Nebraska.