

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 449**

Introduced by Avery, 28.

Read first time January 22, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend section 32-604, Revised  
2 Statutes Cumulative Supplement, 2012; to redefine high  
3 elective office for restrictions on multiple office  
4 holding; and to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-604, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3           32-604 (1) Except as provided in subsection (2) or (4) of  
4 this section, no person shall be precluded from being elected or  
5 appointed to or holding an elective office for the reason that he or  
6 she has been elected or appointed to or holds another elective  
7 office.

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

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

22           (4) No person serving in a high elective office shall  
23 simultaneously serve in any other high elective office, except that a  
24 county attorney may serve as the county attorney for more than one  
25 county if appointed under subsection (2) of section 23-1201.01.

1           (5) Notwithstanding subsection (4) of this section, any  
2 person holding more than one high elective office upon July 15, 2010,  
3 or the effective date of this act, shall be entitled to serve the  
4 remainder of all terms for which he or she was elected or appointed.

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

17           Sec. 2. Original section 32-604, Revised Statutes  
18 Cumulative Supplement, 2012, is repealed.