

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 779**

Introduced by Schumacher, 22.

Read first time January 07, 2016

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 32-517,  
2 32-518, 32-520, 32-521, 32-522, 32-523, 32-526, 32-529, and 32-557,  
3 Reissue Revised Statutes of Nebraska, sections 32-519, 32-524,  
4 32-525, and 32-707, Revised Statutes Cumulative Supplement, 2014,  
5 and section 32-528, Revised Statutes Supplement, 2015; to change  
6 provisions relating to the partisan status of certain offices; to  
7 provide powers and duties; to harmonize provisions; and to repeal  
8 the original sections.  
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-517, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 32-517 Except as provided in section 22-417, a county clerk shall be  
4 elected in each county having a population of four hundred thousand  
5 inhabitants or less at the statewide general election in 1994 and each  
6 four years thereafter and in counties having a population in excess of  
7 four hundred thousand inhabitants at the statewide general election in  
8 1996 and each four years thereafter. The county clerk shall meet the  
9 qualifications found in sections 23-1301 and 23-3203 if applicable. The  
10 county clerk shall be elected on the partisan ballot except as otherwise  
11 provided in section 32-707.

12 Sec. 2. Section 32-518, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 32-518 Except as provided in section 22-417, (1) a register of deeds  
15 shall be elected in each county having a population of more than twenty  
16 thousand and not more than four hundred thousand inhabitants at the  
17 statewide general election in 1962 and each four years thereafter and in  
18 counties having a population in excess of four hundred thousand  
19 inhabitants at the statewide general election in 1964 and each four years  
20 thereafter and (2) if the population of a county which has a separate  
21 office of register of deeds pursuant to this section falls below twenty  
22 thousand inhabitants after establishing such an office or if a county  
23 which has a separate office of register of deeds immediately prior to  
24 July 10, 1990, has a population of twenty thousand inhabitants or less,  
25 the office of the register of deeds shall continue and the officer shall  
26 be elected pursuant to this section as if the county had a population of  
27 more than twenty thousand and not more than four hundred thousand  
28 inhabitants. The term of the register of deeds shall be four years or  
29 until his or her successor is elected and qualified. The register of  
30 deeds shall meet the qualifications found in section 23-1501. The  
31 register of deeds shall be elected on the partisan ballot except as

1 otherwise provided in section 32-707.

2       Sec. 3. Section 32-519, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4       32-519 (1) Except as provided in section 22-417, at the statewide  
5 general election in 1990 and each four years thereafter, a county  
6 assessor shall be elected in each county having a population of more than  
7 three thousand five hundred inhabitants and more than one thousand two  
8 hundred tax returns. The county assessor shall serve for a term of four  
9 years.

10       (2) The county board of any county shall order the submission of the  
11 question of electing a county assessor in the county to the registered  
12 voters of the county at the next statewide general election upon  
13 presentation of a petition to the county board (a) conforming to the  
14 provisions of section 32-628, (b) not less than sixty days before any  
15 statewide general election, (c) signed by at least ten percent of the  
16 registered voters of the county secured in not less than two-fifths of  
17 the townships or precincts of the county, and (d) asking that the  
18 question be submitted to the registered voters in the county. The form of  
19 submission upon the ballot shall be as follows: For election of county  
20 assessor; Against election of county assessor. If a majority of the votes  
21 cast on the question are against the election of a county assessor in  
22 such county, the duties of the county assessor shall be performed by the  
23 county clerk and the office of county assessor shall either cease with  
24 the expiration of the term of the incumbent or continue to be abolished  
25 if no such office exists at such time. If a majority of the votes cast on  
26 the question are in favor of the election of a county assessor, the  
27 office shall continue or a county assessor shall be elected at the next  
28 statewide general election.

29       (3) The county assessor shall meet the qualifications found in  
30 sections 23-3202 and 23-3204. The county assessor shall be elected on the  
31 partisan ballot except as otherwise provided in section 32-707.

1           Sec. 4. Section 32-520, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           32-520 A county sheriff shall be elected in each county at the  
4 statewide general election in 1990 and each four years thereafter. The  
5 term of the county sheriff shall be four years or until his or her  
6 successor is elected and qualified. The county sheriff shall meet the  
7 qualifications found in sections 23-1701 and 23-1701.01. The county  
8 sheriff shall be elected on the partisan ballot except as otherwise  
9 provided in section 32-707.

10          Sec. 5. Section 32-521, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12          32-521 A county treasurer shall be elected in each county at the  
13 statewide general election in 1990 and each four years thereafter. The  
14 term of the county treasurer shall be four years or until his or her  
15 successor is elected and qualified. The county treasurer shall meet the  
16 qualifications found in section 23-1601.01. The county treasurer shall be  
17 elected on the partisan ballot except as otherwise provided in section  
18 32-707.

19          Sec. 6. Section 32-522, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21          32-522 Except as provided in section 23-1201.01, a county attorney  
22 shall be elected in each county at the statewide general election in 1990  
23 and each four years thereafter. The term of the county attorney shall be  
24 four years or until his or her successor is elected and qualified.  
25 Candidates for the office of county attorney shall meet the  
26 qualifications found in sections 23-1201.01 and 23-1201.02. The county  
27 attorney shall be elected on the partisan ballot except as otherwise  
28 provided in section 32-707.

29          Sec. 7. Section 32-523, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31          32-523 Except as otherwise provided in sections 23-3401 and 23-3404,

1 the public defender shall, in counties having a population in excess of  
2 one hundred thousand inhabitants which have not elected a public defender  
3 prior to July 10, 1984, be elected at the next statewide general election  
4 following July 10, 1984, or the year in which the county attains a  
5 population of one hundred thousand inhabitants and shall, in other  
6 counties, be elected at the first statewide general election of county  
7 officers following approval by the county board and every four years  
8 thereafter. The term of the public defender shall be four years or until  
9 his or her successor is elected and qualified. The public defender shall  
10 meet the qualifications found in section 23-3401. The public defender  
11 shall be elected on the partisan ballot except as otherwise provided in  
12 section 32-707.

13 Sec. 8. Section 32-524, Revised Statutes Cumulative Supplement,  
14 2014, is amended to read:

15 32-524 (1) Except as provided in section 22-417:

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

19 (b) In counties having a population of less than seven thousand  
20 inhabitants, there shall be elected a clerk of the district court at the  
21 first statewide general election following a determination by the county  
22 board and the district judge for the county that such officer should be  
23 elected and each four years thereafter. When such a determination is not  
24 made in such a county, the county clerk shall be ex officio clerk of the  
25 district court and perform the duties by law devolving upon that officer,  
26 unless there is an agreement between the State Court Administrator and  
27 the county board that the clerk of the county court for such county shall  
28 be the ex officio clerk of the district court and perform such duties.

29 (2) In any county upon presentation of a petition to the county  
30 board (a) not less than sixty days before the statewide general election  
31 in 1976 or every four years thereafter, (b) signed by registered voters

1 of the county equal in numbers to at least fifteen percent of the total  
2 vote cast for Governor at the most recent gubernatorial election in the  
3 county, secured in not less than two-fifths of the townships or precincts  
4 of the county, and (c) asking that the question of not electing a clerk  
5 of the district court in the county be submitted to the registered voters  
6 therein, the county board, at the next statewide general election, shall  
7 order the submission of the question to the registered voters of the  
8 county. The form of submission upon the ballot shall be as 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 against the  
12 election of a clerk of the district court in such county, the duties of  
13 the clerk of the district court shall be performed by the county clerk,  
14 unless there is an agreement between the State Court Administrator and  
15 the county board that the clerk of the county court for such county shall  
16 be the ex officio clerk of the district court and perform such duties,  
17 and the office of clerk of the district court shall either cease with the  
18 expiration of the term of the incumbent or continue to be abolished if no  
19 such office exists at such time.

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

24 (5) The term of the clerk of the district court shall be four years  
25 or until his or her successor is elected and qualified. The clerk of the  
26 district court shall meet the qualifications found in section 24-337.04.  
27 The clerk of the district court shall be elected on the partisan ballot  
28 except as otherwise provided in section 32-707.

29 Sec. 9. Section 32-525, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:

31 32-525 (1) Except as provided in section 22-417 and except for

1 counties which vote not to elect the county surveyor as provided in  
2 subsection (2) or (4) of this section, a county surveyor on either a  
3 full-time or part-time basis, as determined by the county board in  
4 accordance with section 23-1901, shall be elected in each county having a  
5 population of less than one hundred fifty thousand inhabitants at the  
6 statewide general election in 1990 and each four years thereafter.

7 (2)(a) Except as provided in section 22-417 and in subsection (3) of  
8 this section, in each county having a population of less than one hundred  
9 fifty thousand inhabitants, the question of electing a county surveyor in  
10 the county shall be submitted to the registered voters of the county at  
11 the statewide general election in 2020. The form of submission upon the  
12 ballot shall be as follows: For election of county surveyor; Against  
13 election of county surveyor.

14 (b) If a majority of the votes cast on the question are against the  
15 election of a county surveyor in such county, the office of county  
16 surveyor shall cease as an elected office with the expiration of the term  
17 of the incumbent or shall remain as it exists if no elected official  
18 holds that office. In such counties, the office shall be filled as  
19 provided in subsection (2) of section 23-1901.01.

20 (c) If a majority of the votes cast on the question are in favor of  
21 the election of a county surveyor, the office shall continue to be  
22 elected as provided in subsection (1) of this section or, if no elected  
23 county surveyor is in office, a county surveyor shall be elected at the  
24 next statewide general election as provided in subsection (1) of this  
25 section.

26 (3) If a county having a population of less than one hundred fifty  
27 thousand inhabitants has an elected county surveyor in office on January  
28 1, 2020, the county board may, prior to February 1, 2020, following a  
29 public hearing, adopt a resolution to continue to elect the county  
30 surveyor for the county and not to submit the question pursuant to  
31 subsection (2) of this section.

1           (4)(a) Beginning in 2021, in each county having a population of less  
2 than one hundred fifty thousand inhabitants, the county board shall  
3 submit the question of electing a county surveyor in the county to the  
4 registered voters of the county at the next statewide general election if  
5 (i) the county board, by majority vote of all the members of the county  
6 board, adopts a resolution on or before September 1 prior to the next  
7 statewide general election to submit the question to the voters or (ii) a  
8 petition conforming to section 32-628 asking for the submission of the  
9 question to the voters is presented to the election commissioner or  
10 county clerk on or before September 1 prior to the next statewide general  
11 election signed by at least ten percent of the registered voters of the  
12 county. The election commissioner or county clerk shall verify the  
13 signatures pursuant to section 32-631 and place the question on the  
14 ballot if he or she determines that at least ten percent of the  
15 registered voters of the county have signed the petition.

16           (b) The form of submission upon the ballot shall be as follows: For  
17 election of county surveyor; Against election of county surveyor.

18           (c) If a majority of the votes cast on the question are against the  
19 election of a county surveyor in such county, the office of county  
20 surveyor shall cease as an elected office with the expiration of the term  
21 of the incumbent or shall remain as it exists if no elected official  
22 holds that office. In such counties, the office shall be filled as  
23 provided in subsection (2) of section 23-1901.01.

24           (d) If a majority of the votes cast on the question are in favor of  
25 the election of a county surveyor, the office shall continue to be  
26 elected as provided in subsection (1) of this section or, if no elected  
27 county surveyor is in office, a county surveyor shall be elected at the  
28 next statewide general election as provided in subsection (1) of this  
29 section.

30           (5) The term of the county surveyor shall be four years or until his  
31 or her successor is elected and qualified. The county surveyor shall meet



1 the qualifications found in sections 23-1901 and 23-1901.01. The county  
2 surveyor shall be elected on the partisan ballot except as otherwise  
3 provided in section 32-707.

4 Sec. 10. Section 32-526, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 32-526 Except as provided in section 22-417, a county engineer shall  
7 be elected in each county having a population of one hundred fifty  
8 thousand inhabitants or more at the statewide general election in 1990  
9 and each four years thereafter. The term of the county engineer shall be  
10 four years or until his or her successor is elected and qualified. The  
11 county engineer shall meet the qualifications found in section 23-1901.  
12 The county engineer shall be elected on the partisan ballot except as  
13 otherwise provided in section 32-707.

14 Sec. 11. Section 32-528, Revised Statutes Supplement, 2015, is  
15 amended to read:

16 32-528 (1) In counties having a county board of three commissioners,  
17 two commissioners shall be elected at the statewide general election in  
18 1994 and each four years thereafter, and one commissioner shall be  
19 elected at the statewide general election in 1996 and each four years  
20 thereafter. In counties having a county board of five commissioners,  
21 three commissioners shall be elected at the statewide general election in  
22 1994 and each four years thereafter, and two commissioners shall be  
23 elected at the statewide general election in 1996 and each four years  
24 thereafter. In counties having a county board of seven or more  
25 commissioners, one commissioner shall be elected in each odd-numbered  
26 commissioner district at the statewide general election in 1994 and each  
27 four years thereafter, and one commissioner shall be elected in each  
28 even-numbered commissioner district at the statewide general election in  
29 1996 and each four years thereafter.

30 (2) Except for commissioners first elected after the county adopts  
31 the commissioner form of government or has increased the number of

1 commissioners, the term of each county commissioner shall be four years  
2 or until his or her successor is elected and qualified. At the first  
3 election held to choose the board of commissioners in any county having  
4 three commissioners, the person having the highest number of votes shall  
5 serve for four years and the two receiving the next highest number of  
6 votes shall serve for two years, and if any three or more persons have  
7 the same number of votes, their terms of office shall be determined by  
8 the county canvassing board. The county commissioners shall meet the  
9 qualifications found in section 23-150. Nothing in this section shall be  
10 construed to prohibit the reelection of a commissioner holding office if  
11 the commissioner is reelected to represent his or her respective  
12 district. The county commissioners shall be elected on the partisan  
13 ballot except as otherwise provided in section 32-707.

14 (3)(a) In counties having not more than one hundred fifty thousand  
15 inhabitants, one commissioner shall be nominated and elected from each  
16 district by the registered voters of the district.

17 (b) In counties having a population of more than one hundred fifty  
18 thousand but not more than three hundred thousand inhabitants, one  
19 commissioner shall be nominated and elected from each district by the  
20 registered voters of the district as provided in subsection (5) of this  
21 section.

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

25 (4) In counties in which a majority has voted to have five  
26 commissioners as provided in section 23-148, the three commissioners of  
27 such county whose terms of office will expire after the election shall  
28 continue in office until the expiration of the terms for which they were  
29 elected and until their successors are elected and qualified. Two  
30 commissioners shall be appointed pursuant to sections 32-567 and 32-574  
31 to serve until the first Thursday after the first Tuesday in January

1 following the next statewide general election. At the next statewide  
2 general election, commissioners shall be elected to fill the positions of  
3 any commissioners appointed under this section. At the first primary  
4 election after such appointments, filings shall be accepted for terms of  
5 two years and for terms of four years so that two commissioners will be  
6 elected to four-year terms at one election and three commissioners will  
7 be elected to four-year terms at the next election.

8 (5) In counties having more than one hundred fifty thousand but not  
9 more than three hundred thousand inhabitants:

10 (a) At the primary election in 2010, one commissioner shall be  
11 nominated from each odd-numbered district, and at the ensuing general  
12 election, one commissioner shall be elected from each odd-numbered  
13 district. Their successors shall be nominated and elected every four  
14 years thereafter; and

15 (b) At the primary election in 2012, one commissioner shall be  
16 nominated from each even-numbered district, and at the ensuing general  
17 election, one commissioner shall be elected from each even-numbered  
18 district. Their successors shall be nominated and elected every four  
19 years thereafter.

20 Sec. 12. Section 32-529, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 32-529 At the first general election after the adoption of township  
23 organization by a county, one supervisor shall be elected in each  
24 supervisor district. Thereafter one supervisor shall be elected in each  
25 odd-numbered supervisor district at the general election two years after  
26 the first general election and each four years thereafter, and one  
27 supervisor shall be elected in each even-numbered supervisor district at  
28 the general election four years after the first general election and each  
29 four years thereafter. Each county supervisor shall be nominated and  
30 elected by the registered voters of the district from which he or she is  
31 elected. Except for supervisors first elected after the county has

1 adopted township organization, the term of each county supervisor shall  
2 be four years or until his or her successor is elected and qualified. The  
3 county supervisors shall meet the qualifications found in section 23-268.  
4 The county supervisors shall be elected on the partisan ballot except as  
5 otherwise provided in section 32-707.

6 Sec. 13. Section 32-557, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 32-557 (1) Except as otherwise provided in section 32-707, all All  
9 elective city, village, and school officers shall be nominated and  
10 elected on a nonpartisan ballot unless a city or village provides for a  
11 partisan ballot by ordinance. No ordinance providing for nomination and  
12 election on a partisan ballot shall permit affiliation with any party not  
13 recognized as a political party for purposes of the Election Act. Such  
14 ordinance providing for nomination and election on a partisan ballot  
15 shall be adopted and effective not less than sixty days prior to the  
16 filing deadline.

17 Sec. 14. Section 32-707, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 32-707 (1) A political party may conduct county conventions at an  
20 hour and place to be designated by a political party. The political party  
21 shall cause to be published, at least seven days prior to the date of the  
22 county convention, an official notice of the date, time, and place of the  
23 convention. The political party may elect to have delegates to the county  
24 convention register with the election commissioner or county clerk.

25 (2) If a political party elects to have delegates to the county  
26 convention register with the election commissioner or county clerk, such  
27 delegates shall register with the election commissioner or county clerk  
28 on or before March 1 of each year in which the political party conducts a  
29 county convention. The election commissioner or county clerk shall  
30 deliver to the state chairperson of a political party the roll, properly  
31 certified, showing the name, address, and precinct of each delegate

1 registered for such convention, no later than March 15 of each  
2 presidential election year. If there is not a full quota of delegates for  
3 the county convention as established by the political party, the  
4 delegates at the county convention may select delegates to fill the quota  
5 from the registered voters affiliated with the political party in the  
6 county.

7 (3)(a) Unless at least one of the two political parties which polled  
8 the most votes cast for Governor in the most recent gubernatorial  
9 election (i) holds a county convention in an even-numbered year and (ii)  
10 has attendance at such county convention of at least two percent of the  
11 registered voters affiliated with that party in that county as certified  
12 to the election commissioner or county clerk by the state chairperson of  
13 the political party, all offices in the county shall be nonpartisan  
14 beginning in the following even-numbered year except as provided in  
15 subdivision (b) of this subsection.

16 (b) If the offices in the county are nonpartisan pursuant to  
17 subdivision (a) of this subsection and at least one of the two political  
18 parties which polled the most votes cast for Governor in the most recent  
19 gubernatorial election (i) holds a county convention in an even-numbered  
20 year and (ii) has attendance at such county convention of at least two  
21 percent of the registered voters affiliated with that party in that  
22 county as certified to the election commissioner or county clerk by the  
23 state chairperson of the political party, then offices in the county  
24 shall be partisan as otherwise provided by law beginning in the following  
25 even-numbered year.

26 Sec. 15. Original sections 32-517, 32-518, 32-520, 32-521, 32-522,  
27 32-523, 32-526, 32-529, and 32-557, Reissue Revised Statutes of Nebraska,  
28 sections 32-519, 32-524, 32-525, and 32-707, Revised Statutes Cumulative  
29 Supplement, 2014, and section 32-528, Revised Statutes Supplement, 2015,  
30 are repealed.