

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 871**

Introduced by Murante, 49.

Read first time January 11, 2016

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 32-401,  
2 32-1036, 32-1201, and 32-1207, Reissue Revised Statutes of Nebraska,  
3 sections 32-613, 32-614, 32-701, 32-809, and 32-1202, Revised  
4 Statutes Cumulative Supplement, 2014, and section 32-101, Revised  
5 Statutes Supplement, 2015; to provide for a presidential preference  
6 primary election; to change provisions relating to statewide primary  
7 elections; to provide for payment of costs as prescribed; to  
8 harmonize provisions; and to repeal the original sections.  
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Revised Statutes Supplement, 2015, is  
2 amended to read:

3 32-101 Sections 32-101 to 32-1551 and sections 3 and 8 of this act  
4 shall be known and may be cited as the Election Act.

5 Sec. 2. Section 32-401, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 32-401 The statewide primary election shall be held on the first  
8 Tuesday after the second Monday in May in even-numbered years. The  
9 statewide primary election shall be held for the purposes of (1)  
10 nominating all candidates to be voted for at the statewide general  
11 election except (a) candidates who were unopposed at the primary election  
12 and not required to be on the ballot and (b) candidates who petition on  
13 the ballot or are nominated by their political party, (2) electing  
14 delegates to the county, state, and national political party conventions,  
15 if applicable, and (3) in each presidential election year, voting on a  
16 preference for President of the United States, and (4) electing officers  
17 in political subdivisions which hold their general elections at the time  
18 of the statewide primary election.

19 Sec. 3. The presidential preference primary shall be held on the  
20 first Tuesday after the first Monday in March in each presidential  
21 election year. The presidential preference primary shall be held for the  
22 purpose of voting on a preference for President of the United States.

23 Sec. 4. Section 32-613, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:

25 32-613 Any petition to place a person's name on the presidential  
26 preference primary election ballot for President of the United States  
27 shall contain the names of not less than one hundred voters registered  
28 with the appropriate political party from each congressional district of  
29 the state, except that if the political party dissolves as provided in  
30 subsection (2) of section 32-720, the Secretary of State shall not accept  
31 a petition under this section. The name of the candidate for President

1 shall be placed upon the ballot only when written consent of such person  
2 has been filed with the Secretary of State not less than sixty days  
3 before the presidential preference primary election. The form of the  
4 petition shall comply with the requirements of section 32-628 and shall  
5 as nearly as possible conform to the form prescribed by the Secretary of  
6 State.

7 Sec. 5. Section 32-614, Revised Statutes Cumulative Supplement,  
8 2014, is amended to read:

9 32-614 The names of persons in the political party (1) who are  
10 presented by petition of their supporters to be party candidates for  
11 President of the United States or (2) who have been determined by the  
12 Secretary of State to be generally advocated or recognized as candidates  
13 in national news media throughout the United States shall be printed on  
14 the presidential preference primary election ballot for the office of  
15 President of the United States. This section does not apply if the  
16 political party dissolves as provided in subsection (2) of section  
17 32-720.

18 If a person does not want his or her name on the presidential  
19 preference Nebraska primary election ballot, he or she shall, by January  
20 ~~March~~ 10 of the presidential election year, execute and file an affidavit  
21 with the Secretary of State stating without qualification that he or she  
22 is not now and does not intend to become a candidate for office of  
23 President of the United States at the next presidential election in  
24 Nebraska or any other state. If a presidential candidate files such  
25 affidavit removing his or her name and subsequently becomes a  
26 presidential candidate in another state, the candidate's affidavit in  
27 Nebraska shall be purged and shall have no force and effect. The  
28 Secretary of State shall then place such candidate's name on the  
29 presidential preference primary election ballot.

30 Sec. 6. Section 32-701, Revised Statutes Cumulative Supplement,  
31 2014, is amended to read:

1           32-701 (1) Each political party which is organized in Nebraska shall  
2 file a copy of the party's plan for selecting delegates and alternate  
3 delegates to the party's national convention with the Secretary of State  
4 on or before December 1 of the calendar year prior to each presidential  
5 election year and shall include a summary of the contents of the plan.  
6 The delegate selection plan shall:

7           (a) Require that at least eighty percent of the delegates and  
8 alternate delegates are committed to a candidate for President of the  
9 United States based on the results of a caucus or the presidential  
10 preference primary election;

11           (b) Specify whether the delegates and alternate delegates are  
12 committed to a candidate for President of the United States based on the  
13 results of (i) a caucus system which is open to all Nebraska residents  
14 who are affiliated with the party for purposes of registering to vote in  
15 Nebraska, (ii) election at the presidential preference statewide primary  
16 election, or (iii) a combination of the methods listed in subdivisions  
17 (i) and (ii) of this subdivision;

18           (c) Specify how the delegates and alternate delegates are committed  
19 for purposes of voting for candidates for President of the United States  
20 based on the results of the caucus or presidential preference primary  
21 election; and

22           (d) Provide that the delegates and alternate delegates are either  
23 awarded to the winner of the caucus or presidential preference primary  
24 election or awarded proportionally, based on the number of votes received  
25 by each presidential candidate at the caucus or presidential preference  
26 primary election, to each presidential candidate who received at least  
27 fifteen percent of the votes for the nomination.

28           (2) When candidates for the office of President of the United States  
29 are to be nominated, every registered voter of a political party shall  
30 have the opportunity to vote his or her preference on his or her party  
31 nominating ballot for his or her choice for one person to be the

1 candidate of his or her political party for President of the United  
2 States by writing the name of the person of his or her choice for  
3 President in the blank space to be left upon the ballot for such purpose  
4 and making a cross or mark in the square or oval opposite the written  
5 name or by making a cross or mark in the square or oval opposite the  
6 printed name of the person of his or her choice.

7       Sec. 7. Section 32-809, Revised Statutes Cumulative Supplement,  
8 2014, is amended to read:

9       32-809 (1) The form of the official ballot at the statewide primary  
10 election shall be prescribed by the Secretary of State. At the top of the  
11 ballot and over all else shall be printed in boldface type the name of  
12 the political party, ..... Official Ballot, Primary Election 20.. .  
13 Each division containing the names of the office and a list of candidates  
14 for such office shall be separated from other groups by a bold line. The  
15 ballot shall list at-large candidates and subdistrict candidates under  
16 appropriate headings.

17       (2) All proposals for constitutional amendments, candidates for  
18 delegates to the national political party conventions, and candidates on  
19 the nonpartisan ballot shall be submitted on a ballot where bold lines  
20 separate one office or issue from another. Proposals for constitutional  
21 amendments proposed by the Legislature shall be placed on the ballot as  
22 provided in sections 49-201 to 49-211. Each candidate for delegate to the  
23 national political party convention shall have his or her preference for  
24 the candidacy for the office of President of the United States or the  
25 fact that he or she is uncommitted shown on the ballot in parenthesis and  
26 indented on the line immediately below the name of the candidate. All  
27 constitutional amendments shall be placed on a separate ballot when a  
28 paper ballot is used which requires the ballot after being voted to be  
29 folded before being deposited in a ballot box. When an optical-scan  
30 ballot is used which requires a ballot envelope or sleeve in which the  
31 ballot after being voted is placed before being deposited in a ballot

1 box, constitutional amendments may be printed on either side of the  
2 ballot and shall be separated from other offices or issues by a bold  
3 line. Constitutional amendments so arranged shall constitute a separate  
4 ballot.

5 (3) Except as otherwise provided in section 32-811, the statewide  
6 primary election ballot shall contain the name of every candidate filing  
7 ~~or recognized~~ under subsection (1) of section 32-606 and section sections  
8 ~~32-611, 32-613, and 32-614~~ and no other names. No name of a candidate for  
9 member of the Legislature or an elective office described in Article IV,  
10 section 1, of the Constitution of Nebraska shall appear on any ballot or  
11 any series of ballots at any primary election more than once except for  
12 the names of candidates for the office of delegate to a county, state, or  
13 national political party convention. When two or more of the last names  
14 of candidates for the same office at the primary election are the same in  
15 spelling or sound, the official ballots may, on the request of any such  
16 candidate, have his or her address printed immediately below his or her  
17 name in capital and lowercase letters in lightface type of the same size  
18 as the type in which the name of the candidate is printed.

19 Sec. 8. The form of the official ballot at the presidential  
20 preference primary election shall be prescribed by the Secretary of  
21 State. At the top of the ballot and over all else shall be printed in  
22 boldface type the name of the political party, ..... Official Ballot,  
23 Presidential Preference Primary Election 20.. . The ballot shall contain  
24 the name of every presidential candidate filing or recognized under  
25 sections 32-613 and 32-614 and no other names.

26 Sec. 9. Section 32-1036, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 32-1036 The election commissioner or county clerk shall report to  
29 the Secretary of State all election results of presidential preference  
30 primary elections, statewide primary elections, and statewide ~~and~~ general  
31 elections by precinct within eight weeks after the county canvass of such

1 elections for President, Vice President, United States Senate, United  
2 States House of Representatives, members of the Legislature, members of  
3 the Public Service Commission, and the offices of Governor, Lieutenant  
4 Governor, Secretary of State, Auditor of Public Accounts, State  
5 Treasurer, and Attorney General. The Secretary of State shall retain the  
6 election results for at least five years and shall collate, arrange,  
7 computerize, or publish reports arranging the election results. The  
8 Secretary of State may charge a fee as provided in section 33-101 for  
9 copies of such election results.

10 Sec. 10. Section 32-1201, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 32-1201 The county board shall draw warrants in payment of all bills  
13 submitted by the election commissioner or county clerk related to the  
14 cost of any election conducted by the office of the election commissioner  
15 or county clerk. Except as otherwise provided in subsection (4) of  
16 section 32-1203, the initial payment for bills submitted to the election  
17 commissioner or county clerk for the cost of preparing for and conducting  
18 elections shall be a county expense. The compensation of the election  
19 commissioner or county clerk, the deputy election commissioner or deputy  
20 county clerk for elections, and all permanent employees of the election  
21 commissioner or county clerk, the expenditures for the rental,  
22 furnishing, and equipping of the office of the election commissioner or  
23 county clerk, the expenditures for necessary office supplies, books,  
24 documents, and appurtenances relating to or used in performing the duties  
25 of the election commissioner or county clerk in relation to elections,  
26 and the cost of elections for county, state, and federal governments,  
27 other than presidential preference primary elections, shall be an  
28 apportioned county expense and shall not be chargeable to other political  
29 subdivisions.

30 Sec. 11. Section 32-1202, Revised Statutes Cumulative Supplement,  
31 2014, is amended to read:

1           32-1202 The cost of publication and posting of notices and ballots,  
2 the cost of precinct registration lists, the compensation of temporary  
3 employees, inspectors, judges and clerks of election, and members of  
4 counting boards, the overtime costs of all permanent employees of the  
5 election commissioner or county clerk relating to elections, the cost of  
6 renting, heating, lighting, and equipping polling places including  
7 placing and removing ballot boxes and other fixtures and equipment, the  
8 cost of printing and delivering ballots and sample ballots, the cost of  
9 postage, cards of instructions for voters, maps, voter books for the  
10 polling place, other election supplies, and electronic media, the expense  
11 of programming and operation of voting systems, and all other expenses of  
12 conducting statewide primary elections, statewide and general elections,  
13 and presidential preference primary elections not listed in section  
14 32-1201 shall be chargeable to the political subdivisions in and for  
15 which such elections are held or to the state for presidential preference  
16 primary elections.

17           Sec. 12. Section 32-1207, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19           32-1207 (1) The election commissioner or county clerk shall fix and  
20 certify the cost of elections pursuant to sections 32-1203 to 32-1206.

21           (2) The cost of elections shall be due and payable from each  
22 political subdivision within thirty days after the receipt of the  
23 statement certifying the cost of the election. All payments received by  
24 the election commissioner or county clerk from each political subdivision  
25 for the cost of elections shall be placed in the county general fund and  
26 shall be used to help defray the cost of elections.

27           (3) The cost of the presidential preference primary election shall  
28 be paid by the state. The election commissioner or county clerk shall  
29 certify the chargeable costs as provided in section 32-1202 to the State  
30 Treasurer.

31           Sec. 13. Original sections 32-401, 32-1036, 32-1201, and 32-1207,



1 Reissue Revised Statutes of Nebraska, sections 32-613, 32-614, 32-701,  
2 32-809, and 32-1202, Revised Statutes Cumulative Supplement, 2014, and  
3 section 32-101, Revised Statutes Supplement, 2015, are repealed.