

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 183

Introduced by Hughes, 44.

Read first time January 10, 2017

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 32-101,
2 32-517, 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524,
3 32-525, 32-526, 32-528, 32-529, 32-615, 32-810, 32-811, 32-813,
4 32-814, 32-815, and 32-817, Reissue Revised Statutes of Nebraska; to
5 change provisions relating to nomination and election of county
6 officers in certain counties; to harmonize provisions; and to repeal
7 the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-101 Sections 32-101 to 32-1551 and section 2 of this act shall be
4 known and may be cited as the Election Act.

5 Sec. 2. (1) All county officers elected pursuant to sections 32-517
6 to 32-529 shall be nominated and elected on a partisan ballot except as
7 otherwise provided in this section.

8 (2) The county board in counties with a population of fifteen
9 thousand or fewer inhabitants may adopt a resolution requiring the
10 submission of the question to the voters of the county regarding
11 nomination of all officers elected pursuant to sections 32-517 to 32-529
12 without a political party designation on a nonpartisan ballot and
13 election of such officers with a political party designation on the
14 general election ballot. The registered voters of a county with a
15 population of fifteen thousand or fewer inhabitants may file a petition
16 with the county clerk requesting the submission of the question to the
17 voters regarding nomination of all officers elected pursuant to sections
18 32-517 to 32-529 without a political party designation on a nonpartisan
19 ballot and election of such officers with a political party designation
20 on the general election ballot. The question shall be submitted at the
21 first statewide general election held at least sixty days after the
22 adoption of the resolution or the verification of signatures of
23 registered voters of the county on such petition equal in number to at
24 least five percent of the registered voters in the county at the
25 preceding statewide general election.

26 (3) If the vote on the question is in favor of the nomination and
27 election of all officers elected pursuant to sections 32-517 to 32-529,
28 such officers shall be so nominated and elected at all subsequent
29 elections even if the population of the county subsequently exceeds
30 fifteen thousand inhabitants, except as provided in subsection (4) of
31 this section.

1 (4) The question may be submitted to the voters to change the
2 nomination and election of all officers elected pursuant to sections
3 32-517 to 32-529 from the manner described in subsection (2) of this
4 section to nomination and election on the partisan ballot in the same
5 manner as provided in subsection (2) of this section.

6 (5) The question of changing the nomination and election of all
7 officers elected pursuant to sections 32-517 to 32-529 shall not be
8 submitted to the voters more often than once every three years.

9 Sec. 3. Section 32-517, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 32-517 Except as provided in section 22-417, a county clerk shall be
12 elected in each county having a population of four hundred thousand
13 inhabitants or less at the statewide general election in 1994 and each
14 four years thereafter and in counties having a population in excess of
15 four hundred thousand inhabitants at the statewide general election in
16 1996 and each four years thereafter. The county clerk shall meet the
17 qualifications found in sections 23-1301 and 23-3203 if applicable. ~~The~~
18 ~~county clerk shall be elected on the partisan ballot.~~

19 Sec. 4. Section 32-518, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 32-518 Except as provided in section 22-417, (1) a register of deeds
22 shall be elected in each county having a population of more than twenty
23 thousand and not more than four hundred thousand inhabitants at the
24 statewide general election in 1962 and each four years thereafter and in
25 counties having a population in excess of four hundred thousand
26 inhabitants at the statewide general election in 1964 and each four years
27 thereafter and (2) if the population of a county which has a separate
28 office of register of deeds pursuant to this section falls below twenty
29 thousand inhabitants after establishing such an office or if a county
30 which has a separate office of register of deeds immediately prior to
31 July 10, 1990, has a population of twenty thousand inhabitants or less,

1 the office of the register of deeds shall continue and the officer shall
2 be elected pursuant to this section as if the county had a population of
3 more than twenty thousand and not more than four hundred thousand
4 inhabitants. The term of the register of deeds shall be four years or
5 until his or her successor is elected and qualified. The register of
6 deeds shall meet the qualifications found in section 23-1501.—The
7 ~~register of deeds shall be elected on the partisan ballot.~~

8 Sec. 5. Section 32-519, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 32-519 (1) Except as provided in section 22-417, at the statewide
11 general election in 1990 and each four years thereafter, a county
12 assessor shall be elected in each county having a population of more than
13 three thousand five hundred inhabitants and more than one thousand two
14 hundred tax returns. The county assessor shall serve for a term of four
15 years.

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

1 the question are in favor of the election of a county assessor, the
2 office shall continue or a county assessor shall be elected at the next
3 statewide general election.

4 (3) The county assessor shall meet the qualifications found in
5 sections 23-3202 and 23-3204. ~~The county assessor shall be elected on the~~
6 ~~partisan ballot.~~

7 Sec. 6. Section 32-520, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-520 A county sheriff shall be elected in each county at the
10 statewide general election in 1990 and each four years thereafter. The
11 term of the county sheriff shall be four years or until his or her
12 successor is elected and qualified. The county sheriff shall meet the
13 qualifications found in sections 23-1701 and 23-1701.01. ~~The county~~
14 ~~sheriff shall be elected on the partisan ballot.~~

15 Sec. 7. Section 32-521, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 32-521 A county treasurer shall be elected in each county at the
18 statewide general election in 1990 and each four years thereafter. The
19 term of the county treasurer shall be four years or until his or her
20 successor is elected and qualified. The county treasurer shall meet the
21 qualifications found in section 23-1601.01. ~~The county treasurer shall be~~
22 ~~elected on the partisan ballot.~~

23 Sec. 8. Section 32-522, Reissue Revised Statutes of Nebraska, is
24 amended to read:

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

1 Sec. 9. Section 32-523, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-523 Except as otherwise provided in sections 23-3401 and 23-3404,
4 the public defender shall, in counties having a population in excess of
5 one hundred thousand inhabitants which have not elected a public defender
6 prior to July 10, 1984, be elected at the next statewide general election
7 following July 10, 1984, or the year in which the county attains a
8 population of one hundred thousand inhabitants and shall, in other
9 counties, be elected at the first statewide general election of county
10 officers following approval by the county board and every four years
11 thereafter. The term of the public defender shall be four years or until
12 his or her successor is elected and qualified. The public defender shall
13 meet the qualifications found in section 23-3401. ~~The public defender~~
14 ~~shall be elected on the partisan ballot.~~

15 Sec. 10. Section 32-524, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 32-524 (1) Except as provided in section 22-417:

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

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

31 (2) In any county upon presentation of a petition to the county

1 board (a) not less than sixty days before the statewide general election
2 in 1976 or every four years thereafter, (b) signed by registered voters
3 of the county equal in numbers to at least fifteen percent of the total
4 vote cast for Governor at the most recent gubernatorial election in the
5 county, secured in not less than two-fifths of the townships or precincts
6 of the county, and (c) asking that the question of not electing a clerk
7 of the district court in the county be submitted to the registered voters
8 therein, the county board, at the next statewide general election, shall
9 order the submission of the question to the registered voters of the
10 county. The form of submission upon the ballot shall be as follows:

11 For election of a clerk of the district court;

12 Against election of a clerk of the district court.

13 (3) If a majority of the votes cast on the question are against the
14 election of a clerk of the district court in such county, the duties of
15 the clerk of the district court shall be performed by the county clerk,
16 unless there is an agreement between the State Court Administrator and
17 the county board that the clerk of the county court for such county shall
18 be the ex officio clerk of the district court and perform such duties,
19 and the office of clerk of the district court shall either cease with the
20 expiration of the term of the incumbent or continue to be abolished if no
21 such office exists at such time.

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

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

30 Sec. 11. Section 32-525, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 32-525 (1) Except as provided in section 22-417 and except for
2 counties which vote not to elect the county surveyor as provided in
3 subsection (2) or (4) of this section, a county surveyor on either a
4 full-time or part-time basis, as determined by the county board in
5 accordance with section 23-1901, shall be elected in each county having a
6 population of less than one hundred fifty thousand inhabitants at the
7 statewide general election in 1990 and each four years thereafter.

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

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

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

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

1 subsection (2) of this section.

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

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

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

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

31 (5) The term of the county surveyor shall be four years or until his

1 or her successor is elected and qualified. The county surveyor shall meet
2 the qualifications found in sections 23-1901 and 23-1901.01. ~~The county~~
3 ~~surveyor shall be elected on the partisan ballot.~~

4 Sec. 12. 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.~~

13 Sec. 13. Section 32-528, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 32-528 (1) In counties having a county board of three commissioners,
16 two commissioners shall be elected at the statewide general election in
17 1994 and each four years thereafter, and one commissioner shall be
18 elected at the statewide general election in 1996 and each four years
19 thereafter. In counties having a county board of five commissioners,
20 three commissioners shall be elected at the statewide general election in
21 1994 and each four years thereafter, and two commissioners shall be
22 elected at the statewide general election in 1996 and each four years
23 thereafter. In counties having a county board of seven or more
24 commissioners, one commissioner shall be elected in each odd-numbered
25 commissioner district at the statewide general election in 1994 and each
26 four years thereafter, and one commissioner shall be elected in each
27 even-numbered commissioner district at the statewide general election in
28 1996 and each four years thereafter.

29 (2) Except for commissioners first elected after the county adopts
30 the commissioner form of government or has increased the number of
31 commissioners, the term of each county commissioner shall be four years

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

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

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

22 (c) In counties having more than four hundred thousand inhabitants
23 as determined by the most recent federal decennial census, one
24 commissioner shall be nominated and elected from each district by the
25 registered voters of the district.

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

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

9 (5) In counties having more than one hundred fifty thousand but not
10 more than four hundred thousand inhabitants as determined by the most
11 recent federal decennial census:

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

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

22 Sec. 14. Section 32-529, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 32-529 At the first general election after the adoption of township
25 organization by a county, one supervisor shall be elected in each
26 supervisor district. Thereafter one supervisor shall be elected in each
27 odd-numbered supervisor district at the general election two years after
28 the first general election and each four years thereafter, and one
29 supervisor shall be elected in each even-numbered supervisor district at
30 the general election four years after the first general election and each
31 four years thereafter. Each county supervisor shall be nominated and

1 elected by the registered voters of the district from which he or she is
2 elected. Except for supervisors first elected after the county has
3 adopted township organization, the term of each county supervisor shall
4 be four years or until his or her successor is elected and qualified. The
5 county supervisors shall meet the qualifications found in section 23-268.
6 ~~The county supervisors shall be elected on the partisan ballot.~~

7 Sec. 15. Section 32-615, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-615 (1) Except as otherwise provided in subsection (2) of this
10 section, any candidate engaged in or pursuing a write-in campaign shall
11 file a notarized affidavit of his or her intent together with the receipt
12 for any filing fee with the filing officer as provided in section 32-608
13 no earlier than December 1 and no later than the second Friday prior to
14 the election.

15 (2) For any county office elected pursuant to sections 32-517 to
16 32-529 which is subject to subdivision (1)(b) or (c) of section 32-811, a
17 candidate may engage in or pursue a write-in campaign if he or she files
18 a notarized affidavit of his or her intent together with the receipt for
19 the filing fee with the filing officer as provided in section 32-608 on
20 or before March 3 of the year of the statewide primary election. If such
21 an affidavit is filed as prescribed, the election commissioner or county
22 clerk shall place that county office on the statewide primary election
23 ballot with the names of the candidate properly filed for the nomination
24 of the applicable political party and a line for write-in candidates.

25 (3) A candidate submitting an affidavit under this section for a
26 partisan office shall be a registered voter of the political party named
27 in the affidavit unless the political party allows candidates not
28 affiliated with the party by not adopting a rule under section 32-702.

29 (4) A candidate who has been defeated as a candidate in the primary
30 election or defeated as a write-in candidate in the primary election
31 shall not be eligible as a write-in candidate for the same office in the

1 general election unless (a) a vacancy on the ballot exists pursuant to
2 section 32-625 or (b) the candidate was a candidate for an office
3 described in sections 32-512 to 32-550 and the candidate lost the
4 election as a result of a determination pursuant to section 32-1122 in
5 the case of a tie vote.

6 (5) A candidate who files a notarized affidavit shall be entitled to
7 all write-in votes for the candidate even if only the last name of the
8 candidate has been written if such last name is reasonably close to the
9 proper spelling.

10 Sec. 16. Section 32-810, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 32-810 (1) The election commissioner or county clerk shall place the
13 names of all partisan candidates certified to him or her by the Secretary
14 of State and of those partisan candidates filing in his or her office on
15 a primary election ballot headed with the political party designation.
16 The names of each nonpartisan candidate certified by the Secretary of
17 State, the names ~~and~~ of each nonpartisan candidate filing in the office
18 of the election commissioner or county clerk, and the names of candidates
19 for county office being nominated without a political party designation
20 on the ballot pursuant to section 2 of this act shall be placed on the
21 primary election ballot headed by the words Nonpartisan Ticket.

22 (2) If any office is not subject to the upcoming election, the
23 office shall be omitted from the ballot and the remaining offices shall
24 move up so that the same relative order is preserved. The order of any
25 offices may be altered to allow for the best utilization of ballot space
26 in order to avoid printing a second ballot when one ballot would be
27 sufficient if an optical-scan ballot is used. All proposals on the ballot
28 submitted by a political subdivision shall follow all offices on the
29 ballot for such political subdivision.

30 (3) The election commissioner or county clerk shall follow the order
31 of precincts or wards as set out in the official abstract book on file in

1 his or her office in preparing the official ballots. At the primary
2 election, on the first set of ballots for the first precinct or ward
3 shall be the names of candidates filing by date and hour as certified by
4 the Secretary of State and for local candidates the names of candidates
5 shall be listed in the order of filing by date and hour with the election
6 commissioner or county clerk. When there are more candidates than
7 vacancies for the same office, the names of all partisan and nonpartisan
8 candidates at a primary election, and the names of candidates for county
9 office being nominated without a political party designation on the
10 ballot pursuant to section 2 of this act shall be rotated precinct by
11 precinct in each office division in the order in which the precincts are
12 set out in the official abstract book. In making the changes of position,
13 the printer shall take the line of type at the head of each office
14 division and place it at the bottom of that division, shoving up the
15 column so that the name that was second shall be first after the change.

16 Sec. 17. Section 32-811, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 32-811 (1)(a) If the names of candidates properly filed for
19 nomination at the primary election for directors of natural resources
20 districts, directors of public power districts, members of airport
21 authority boards elected pursuant to sections 32-547 to 32-549, members
22 of the boards of governors of community college areas, members of the
23 boards of Class III or Class V school districts which nominate candidates
24 at a primary election, and officers of cities of the first or second
25 class and cities having a city manager plan of government do not exceed
26 two candidates for each position to be filled, any such candidates shall
27 be declared nominated and their names shall not appear on any primary
28 election ballots.

29 (b) If the number of candidates properly filed for the nomination of
30 a political party at the primary election for any county office officer
31 elected pursuant to sections 32-517 to 32-529 does not exceed the number

1 of candidates to be nominated by that party for that office, any such
2 properly filed candidates shall be declared nominated and their names
3 shall not appear on any primary election ballots.

4 (c) If the number of candidates properly filed for nomination at the
5 primary election for any county office elected pursuant to sections
6 32-517 to 32-529 without a political party designation pursuant to
7 section 2 of this act does not exceed the number of candidates to be
8 nominated for that office, any such properly filed candidates shall be
9 declared nominated and their names shall not appear on any primary
10 election ballots.

11 (d) ~~(e)~~ The official abstract of votes kept by the county or state
12 shall show the names of such candidates with the statement Nominated
13 Without Opposition. The election commissioner or county clerk shall place
14 the names of such automatically nominated candidates on the general
15 election ballot as provided in section 32-814 or 32-815.

16 (2) Candidates shall not appear on the ballot in the primary
17 election for the offices listed in subsection (2) of section 32-606.

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

23 Sec. 18. Section 32-813, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-813 (1) The names of all candidates and all proposals to be voted
26 upon at the general election shall be arranged upon the ballot in parts
27 separated from each other by bold lines in the order the offices and
28 proposals are set forth in this section. If any office is not subject to
29 the upcoming election, the office shall be omitted from the ballot and
30 the remaining offices shall move up so that the same relative order is
31 preserved. The order of any offices may be altered to allow for the best

1 utilization of ballot space in order to avoid printing a second ballot
2 when one ballot would be sufficient if an optical-scan ballot is used.
3 All proposals on the ballot submitted by a political subdivision shall
4 follow all offices on the ballot submitted by a political subdivision.

5 (2)(a) If the election is in a year in which a President of the
6 United States is to be elected, the names and spaces for voting for
7 candidates for President and Vice President shall be entitled
8 Presidential Ticket in boldface type.

9 (b) The names of candidates for President and Vice President for
10 each political party shall be grouped together, and each group shall be
11 enclosed with brackets with the political party name next to the brackets
12 and one square or oval opposite the names in which the voter indicates
13 his or her choice.

14 (c) The names of candidates for President and Vice President who
15 have successfully petitioned on the ballot for the general election shall
16 be grouped together with the candidates appearing on the same petition
17 being grouped together, and each group shall be enclosed with brackets
18 with the words "By Petition" next to the brackets and one square or oval
19 opposite the names in which the voter indicates his or her choice.

20 (d) Beneath the names of the candidates for President and Vice
21 President certified by the officers of the national political party
22 conventions pursuant to section 32-712 and beneath the names of all
23 candidates for President and Vice President placed on the general
24 election ballot by petition, two write-in lines shall be provided in
25 which the voter may fill in the names of the candidates of his or her
26 choice. The lines shall be enclosed with brackets with one square or oval
27 opposite the names in which the voter indicates his or her choice. The
28 name appearing on the top line shall be considered to be the candidate
29 for President, and the name appearing on the second line shall be
30 considered to be the candidate for Vice President.

31 (3) The names and spaces for voting for candidates for United States

1 Senator if any are to be elected shall be entitled United States
2 Senatorial Ticket in boldface type.

3 (4) The names and spaces for voting for candidates for
4 Representatives in Congress shall be entitled Congressional Ticket in
5 boldface type. Above the candidates' names, the office shall be
6 designated For Representative in Congress District.

7 (5) The names and spaces for voting for candidates for the various
8 state officers shall be entitled State Ticket in boldface type. Each set
9 of candidates shall be separated by lines across the column, and above
10 each set of candidates shall be designated the office for which they are
11 candidates, arranged in the order prescribed by the Secretary of State.
12 The candidates for Governor of each political party receiving the highest
13 number of votes in the primary election shall be grouped together with
14 their respective candidates for Lieutenant Governor. Each group shall be
15 enclosed with brackets with the political party name next to the brackets
16 and one square or oval opposite the names in which the voter indicates
17 his or her choice for Governor and Lieutenant Governor jointly. The
18 candidates for Governor and Lieutenant Governor who have successfully
19 petitioned on the general election ballot shall be grouped together with
20 the candidates appearing on the same petition being grouped together.
21 Each group shall be enclosed with brackets with the words "By Petition"
22 next to the brackets and one square or oval opposite the names in which
23 the voter indicates his or her choice for Governor and Lieutenant
24 Governor jointly. Beneath the names of the candidates for Governor
25 nominated at a primary election by political party and their respective
26 candidates for Lieutenant Governor and beneath the names of all
27 candidates for Governor and Lieutenant Governor placed on the general
28 election ballot by petition, one write-in line shall be provided in which
29 the registered voter may fill in the name of the candidate for Governor
30 of his or her choice and one square or oval opposite the line in which
31 the voter indicates his or her choice for Governor.

1 (6) The names and spaces for voting for nonpartisan candidates shall
2 be entitled Nonpartisan Ticket in boldface type. The names of all
3 nonpartisan candidates shall appear in the order listed in this
4 subsection, except that when using an optical-scan ballot, the order of
5 offices may be altered to allow for the best utilization of ballot space
6 to avoid printing a second ballot when one ballot would be sufficient:

7 (a) Legislature;

8 (b) State Board of Education;

9 (c) Board of Regents of the University of Nebraska;

10 (d) Chief Justice of the Supreme Court;

11 (e) Judge of the Supreme Court;

12 (f) Judge of the Court of Appeals;

13 (g) Judge of the Nebraska Workers' Compensation Court;

14 (h) Judge of the District Court;

15 (i) Judge of the Separate Juvenile Court;

16 (j) Judge of the County Court; and

17 (k) County officers other than county officers elected pursuant to
18 sections 32-517 to 32-529 in the order prescribed by the election
19 commissioner or county clerk.

20 (7) The names and spaces for voting for the various county offices
21 and for measures submitted to the county vote only or in only a part of
22 the county shall be entitled County Ticket in boldface type. If the
23 election commissioner or county clerk deems it advisable, the measures
24 may be submitted on a separate ballot if using a paper ballot or on
25 either side of an optical-scan ballot if the ballot is placed in a ballot
26 envelope or sleeve before being deposited in a ballot box.

27 (8) The candidates for office in the precinct only or in the city or
28 village only shall be printed on the ballot, except that if the election
29 commissioner or county clerk deems it advisable, candidates for these
30 offices may be submitted on a separate ballot if using a paper ballot or
31 on either side of an optical-scan ballot if the ballot is placed in a

1 ballot envelope or sleeve before being deposited in a ballot box.

2 (9) All proposals submitted by initiative or referendum and
3 proposals for constitutional amendments shall be placed on a separate
4 ballot when a paper ballot is used which requires that the ballot after
5 being voted be folded before being deposited in a ballot box. When an
6 optical-scan ballot is used which requires a ballot envelope or sleeve in
7 which the ballot after being voted is placed before being deposited in a
8 ballot box, initiative or referendum proposals and proposals for
9 constitutional amendments may be placed on either side of the ballot,
10 shall be separated by a bold line, and shall follow all other offices
11 placed on the same side of the ballot. Initiative or referendum proposals
12 and constitutional amendments so arranged shall constitute a separate
13 ballot. Proposals for constitutional amendments proposed by the
14 Legislature shall be placed on the ballot as provided in sections 49-201
15 to 49-211.

16 Sec. 19. Section 32-814, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 32-814 (1) The election commissioner or county clerk shall place the
19 names of all nonpartisan candidates and candidates nominated without a
20 political party designation pursuant to section 2 of this act upon the
21 same official general election ballot as the partisan candidates. The
22 names placed on the official and sample general election ballots shall be
23 the names of candidates nominated in the primary election, the names of
24 petition candidates if any, the names of automatically nominated
25 candidates as provided in section 32-811, and the names of candidates
26 filing as provided in subsection (2) of section 32-606. The names of the
27 candidates shall be placed under the proper titles.

28 (2) The election commissioner or county clerk shall place on the
29 official general election ballot in each office division no more than
30 twice as many names as there are places to be filled at the general
31 election unless more than one candidate has successfully petitioned on

1 the ballot to fill a vacancy after the primary election. The names of the
2 nonpartisan candidates and candidates nominated without a political party
3 designation pursuant to section 2 of this act who received the highest
4 number of votes for the office for which they were candidates in the
5 primary election shall be placed on the official ballot. If more than one
6 person was a candidate for the same position in the primary election, the
7 election commissioner or county clerk shall place on the official ballot
8 the names of the two persons who received the highest number of votes in
9 the primary election for the position for which they were candidates.

10 (3) When the name of a person is written in and voted for as a
11 candidate for an office for which he or she did not file in the primary
12 election, such person shall not be entitled to a certificate of
13 nomination at the primary election and shall not have his or her name
14 placed on the general election ballot unless he or she (a) receives at
15 least five percent of the total vote cast for Governor or for President
16 of the United States at the immediately preceding general election in the
17 political subdivision from which nominees for such position are to be
18 chosen, (b) is one of the candidates receiving the number of votes
19 qualifying him or her for nomination, and (c) meets the requirements for
20 the office.

21 (4) If there are more candidates than vacancies for the same office,
22 the election commissioner or county clerk shall rotate the names of the
23 nonpartisan candidates and candidates nominated without a political party
24 designation pursuant to section 2 of this act on the official general
25 election ballot. The election commissioner or county clerk shall follow
26 the order of precincts or wards as set out in the official abstract book
27 on file in his or her office in preparing the official ballots. The first
28 set of ballots for the first precinct or ward shall be the names of
29 candidates filing by date and hour or of those candidates filing
30 petitions, and for local candidates the names of candidates shall be
31 listed in the order of filing by date and hour with the election

1 commissioner or county clerk or of those candidates filing petitions.
2 Thereafter the names shall be rotated precinct by precinct in each office
3 division in the order in which the precincts are set out in the official
4 abstract book. In making the change of position, the printer shall take
5 the line of type at the head of each division and place it at the bottom
6 of that division, shoving up the column so that the name that was second
7 shall be first after the change.

8 Sec. 20. Section 32-815, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 32-815 (1) The names of candidates for each partisan elective office
11 shall be arranged on the ballot of the general election so that the
12 political party polling the highest number of votes at the last general
13 election for Governor will have the name of its nominee immediately
14 beneath the name of the office for which the candidate was nominated, the
15 political party polling the second highest number of votes will have the
16 second place, the political party having the third highest number of
17 votes will have the third place, and continuing with the political
18 parties in descending order of number of votes, leaving those candidates
19 whose names appear upon the ballot by petition to appear beneath all
20 other candidates placed there by nomination. For each office for which
21 there are more candidates than vacancies and there are two or more
22 nominees of the same political party, the election commissioner or county
23 clerk shall rotate the names of such candidates on the official ballot.
24 In printing the ballots for the various election districts, the positions
25 of the names shall be changed in each office division for each election
26 district. In making the change of position, the printer shall take the
27 line of type at the head of each division and place it at the bottom of
28 that division, shoving up the column so that the name that was second
29 shall be first after the change.

30 (2) The name of the person receiving the highest number of votes at
31 a primary election as the candidate of a political party for an office

1 shall be placed on the official ballot except as otherwise provided in
2 the Election Act. Except as provided in section 32-811 for automatically
3 nominated candidates, no person shall be certified as a candidate of any
4 political party for such office by the Secretary of State, election
5 commissioner, or county clerk unless the person receives a number of
6 votes at least equal to five percent of the total ballots cast at the
7 primary election by registered voters affiliated with that political
8 party in the district which the office serves and meets the requirements
9 for the office.

10 (3) This section does not apply to candidates nominated without a
11 political party designation pursuant to section 2 of this act.

12 Sec. 21. Section 32-817, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 32-817 The names of the candidates shall be set in boldface type
15 using capital and lowercase letters. A square or oval shall be printed
16 opposite the name of each candidate. At the general election, the name of
17 the party represented by a candidate for partisan office and a candidate
18 nominated without a political party designation pursuant to section 2 of
19 this act shall be printed in capital and lowercase letters next to the
20 name. Proposals submitted by initiative or referendum or for
21 constitutional amendments shall be printed in capital and lowercase
22 letters, but the title heading and number thereof shall be in boldface
23 type, and the square or oval for voting thereon shall be printed opposite
24 the text so that it is clear for which issue the voter is casting a vote.
25 Ballots shall be printed with substantially the same appearance,
26 including type and form, as the sample ballot furnished by the Secretary
27 of State.

28 Sec. 22. Original sections 32-101, 32-517, 32-518, 32-519, 32-520,
29 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, 32-615,
30 32-810, 32-811, 32-813, 32-814, 32-815, and 32-817, Reissue Revised
31 Statutes of Nebraska, are repealed.