

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 186

Introduced by Sullivan, 41.

Read first time January 07, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to county officers; to amend sections 32-517,
2 32-518, 32-520, 32-521, 32-522, 32-523, 32-525, 32-526,
3 32-528, and 32-529, Reissue Revised Statutes of Nebraska,
4 and sections 32-519 and 32-524, Revised Statutes
5 Cumulative Supplement, 2010; to require nonpartisan
6 ballots for nomination and election of county officers;
7 to harmonize provisions; and to repeal the original
8 sections.

9 Be it enacted by the people of the State of Nebraska,

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

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

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

14 32-518 Except as provided in section 22-417, (1) a
15 register of deeds shall be elected in each county having a population
16 of more than twenty thousand and not more than four hundred thousand
17 inhabitants at the statewide general election in 1962 and each four
18 years thereafter and in counties having a population in excess of
19 four hundred thousand inhabitants at the statewide general election
20 in 1964 and each four years thereafter and (2) if the population of a
21 county which has a separate office of register of deeds pursuant to
22 this section falls below twenty thousand inhabitants after
23 establishing such an office or if a county which has a separate
24 office of register of deeds immediately prior to July 10, 1990, has a
25 population of twenty thousand inhabitants or less, the office of the

1 register of deeds shall continue and the officer shall be elected
2 pursuant to this section as if the county had a population of more
3 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~~nonpartisan
8 ballot.

9 Sec. 3. Section 32-519, Revised Statutes Cumulative
10 Supplement, 2010, is amended to read:

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

17 (2) The county board of any county shall order the
18 submission of the question of electing a county assessor in the
19 county to the registered voters of the county at the next statewide
20 general election upon presentation of a petition to the county board
21 (a) conforming to the provisions of section 32-628, (b) not less than
22 sixty days before any statewide general election, (c) signed by at
23 least ten percent of the registered voters of the county secured in
24 not less than two-fifths of the townships or precincts of the county,
25 and (d) asking that the question be submitted to the registered

1 voters in the county. The form of submission upon the ballot shall be
2 as follows: For election of county assessor; Against election of
3 county assessor. If a majority of the votes cast on the question are
4 against the election of a county assessor in such county, the duties
5 of the county assessor shall be performed by the county clerk and the
6 office of county assessor shall either cease with the expiration of
7 the term of the incumbent or continue to be abolished if no such
8 office exists at such time. If a majority of the votes cast on the
9 question are in favor of the election of a county assessor, the
10 office shall continue or a county assessor shall be elected at the
11 next statewide general election.

12 (3) The county assessor shall meet the qualifications
13 found in sections 23-3202 and 23-3204. The county assessor shall be
14 elected on the ~~partisan~~ nonpartisan ballot.

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

17 32-520 A county sheriff shall be elected in each county
18 at the statewide general election in 1990 and each four years
19 thereafter. The term of the county sheriff shall be four years or
20 until his or her successor is elected and qualified. The county
21 sheriff shall meet the qualifications found in sections 23-1701 and
22 23-1701.01. The county sheriff shall be elected on the ~~partisan~~
23 nonpartisan ballot.

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

1 32-521 A county treasurer shall be elected in each county
2 at the statewide general election in 1990 and each four years
3 thereafter. The term of the county treasurer shall be four years or
4 until his or her successor is elected and qualified. The county
5 treasurer shall meet the qualifications found in section 23-1601.01.
6 The county treasurer shall be elected on the ~~partisan~~nonpartisan
7 ballot.

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

10 32-522 Except as provided in section 23-1201.01, a county
11 attorney shall be elected in each county at the statewide general
12 election in 1990 and each four years thereafter. The term of the
13 county attorney shall be four years or until his or her successor is
14 elected and qualified. Candidates for the office of county attorney
15 shall meet the qualifications found in sections 23-1201.01 and
16 23-1201.02. The county attorney shall be elected on the ~~partisan~~
17 nonpartisan ballot.

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

20 32-523 Except as otherwise provided in sections 23-3401
21 and 23-3404, the public defender shall, in counties having a
22 population in excess of one hundred thousand inhabitants which have
23 not elected a public defender prior to July 10, 1984, be elected at
24 the next statewide general election following July 10, 1984, or the
25 year in which the county attains a population of one hundred thousand

1 inhabitants and shall, in other counties, be elected at the first
2 statewide general election of county officers following approval by
3 the county board and every four years thereafter. The term of the
4 public defender shall be four years or until his or her successor is
5 elected and qualified. The public defender shall meet the
6 qualifications found in section 23-3401. The public defender shall be
7 elected on the ~~partisan~~ nonpartisan ballot.

8 Sec. 8. Section 32-524, Revised Statutes Cumulative
9 Supplement, 2010, is amended to read:

10 32-524 (1) Except as provided in section 22-417:

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

15 (b) In counties having a population of less than seven
16 thousand inhabitants, there shall be elected a clerk of the district
17 court at the first statewide general election following a
18 determination by the county board and the district judge for the
19 county that such officer should be elected and each four years
20 thereafter. When such a determination is not made in such a county,
21 the county clerk shall be ex officio clerk of the district court and
22 perform the duties by law devolving upon that officer.

23 (2) In any county upon presentation of a petition to the
24 county board (a) not less than sixty days before the statewide
25 general election in 1976 or every four years thereafter, (b) signed

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

10 For election of a clerk of the district court;

11 Against election of a clerk of the district court.

12 (3) If a majority of the votes cast on the question are
13 against the election of a clerk of the district court in such county,
14 the duties of the clerk of the district court shall be performed by
15 the county clerk and the office of clerk of the district court shall
16 either cease with the expiration of the term of the incumbent or
17 continue to be abolished if no such office exists at such time.

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

23 (5) The term of the clerk of the district court shall be
24 four years or until his or her successor is elected and qualified.
25 The clerk of the district court shall meet the qualifications found

1 in section 24-337.04. The clerk of the district court shall be
2 elected on the ~~partisan~~ nonpartisan ballot.

3 Sec. 9. Section 32-525, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-525 Except as provided in section 22-417, when there
6 is a qualified surveyor within a county who will accept the office of
7 county surveyor if elected, a county surveyor on either a full-time
8 or part-time basis, as determined by the county board in accordance
9 with section 23-1901, shall be elected in each county having a
10 population of less than one hundred fifty thousand inhabitants at the
11 statewide general election in 1990 and each four years thereafter.
12 The term of the county surveyor shall be four years or until his or
13 her successor is elected and qualified. The county surveyor shall
14 meet the qualifications found in sections 23-1901 and 23-1901.01. The
15 county surveyor shall be elected on the ~~partisan~~ nonpartisan ballot.

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

18 32-526 Except as provided in section 22-417, a county
19 engineer shall be elected in each county having a population of one
20 hundred fifty thousand inhabitants or more at the statewide general
21 election in 1990 and each four years thereafter. The term of the
22 county engineer shall be four years or until his or her successor is
23 elected and qualified. The county engineer shall meet the
24 qualifications found in section 23-1901. The county engineer shall be
25 elected on the ~~partisan~~ nonpartisan ballot.

1 Sec. 11. Section 32-528, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-528 (1) In counties having a county board of three
4 commissioners, two commissioners shall be elected at the statewide
5 general election in 1994 and each four years thereafter, and one
6 commissioner shall be elected at the statewide general election in
7 1996 and each four years thereafter. In counties having a county
8 board of five commissioners, three commissioners shall be elected at
9 the statewide general election in 1994 and each four years
10 thereafter, and two commissioners shall be elected at the statewide
11 general election in 1996 and each four years thereafter. In counties
12 having a county board of seven or more commissioners, one
13 commissioner shall be elected in each odd-numbered commissioner
14 district at the statewide general election in 1994 and each four
15 years thereafter, and one commissioner shall be elected in each even-
16 numbered commissioner district at the statewide general election in
17 1996 and each four years thereafter.

18 (2) Except for commissioners first elected after the
19 county adopts the commissioner form of government or has increased
20 the number of commissioners, the term of each county commissioner
21 shall be four years or until his or her successor is elected and
22 qualified. At the first election held to choose the board of
23 commissioners in any county having three commissioners, the person
24 having the highest number of votes shall serve for four years and the
25 two receiving the next highest number of votes shall serve for two

1 years, and if any three or more persons have the same number of
2 votes, their terms of office shall be determined by the county
3 canvassing board. The county commissioners shall meet the
4 qualifications found in section 23-150. Nothing in this section shall
5 be construed to prohibit the reelection of a commissioner holding
6 office if the commissioner is reelected to represent his or her
7 respective district. The county commissioners shall be elected on the
8 ~~partisan~~ nonpartisan ballot.

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

12 (b) Until 2010, in counties having a population of more
13 than one hundred fifty thousand but not more than three hundred
14 thousand inhabitants, one commissioner shall be nominated from each
15 district by the registered voters of the district and shall be
16 elected by the registered voters of the entire county. Beginning in
17 2010 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
21 this section.

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

25 (4) In counties in which a majority has voted to have

1 five commissioners as provided in section 23-148, the three
2 commissioners of such county whose terms of office will expire after
3 the election shall continue in office until the expiration of the
4 terms for which they were elected and until their successors are
5 elected and qualified. Two commissioners shall be appointed pursuant
6 to section 32-567 to serve until the first Thursday after the first
7 Tuesday in January following the next statewide general election. At
8 the next statewide general election, commissioners shall be elected
9 to fill the positions of any commissioners appointed under this
10 section. At the first primary election after such appointments,
11 filings shall be accepted for terms of two years and for terms of
12 four years so that two commissioners will be elected to four-year
13 terms at one election and three commissioners will be elected to
14 four-year terms at the next election.

15 (5) In counties having more than one hundred fifty
16 thousand but not more than three hundred thousand inhabitants which
17 are changing from nominating by district and electing at large to
18 nominating and electing by district as provided in subdivision (3)(b)
19 of this section, the commissioners shall continue in office until the
20 expiration of the terms for which they were elected and until their
21 successors are elected and qualified. At the primary election in
22 2010, one commissioner in such counties shall be nominated from each
23 odd-numbered district. At the ensuing general election, one
24 commissioner shall be elected from each odd-numbered district. At the
25 primary election in 2012, one commissioner in such counties shall be

1 nominated from each even-numbered district. At the ensuing general
2 election, one commissioner shall be elected from each even-numbered
3 district.

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

6 32-529 At the first general election after the adoption
7 of township organization by a county, one supervisor shall be elected
8 in each supervisor district. Thereafter one supervisor shall be
9 elected in each odd-numbered supervisor district at the general
10 election two years after the first general election and each four
11 years thereafter, and one supervisor shall be elected in each even-
12 numbered supervisor district at the general election four years after
13 the first general election and each four years thereafter. Each
14 county supervisor shall be nominated and elected by the registered
15 voters of the district from which he or she is elected. Except for
16 supervisors first elected after the county has adopted township
17 organization, the term of each county supervisor shall be four years
18 or until his or her successor is elected and qualified. The county
19 supervisors shall meet the qualifications found in section 23-268.
20 The county supervisors shall be elected on the ~~partisan~~nonpartisan
21 ballot.

22 Sec. 13. Original sections 32-517, 32-518, 32-520,
23 32-521, 32-522, 32-523, 32-525, 32-526, 32-528, and 32-529, Reissue
24 Revised Statutes of Nebraska, and sections 32-519 and 32-524, Revised
25 Statutes Cumulative Supplement, 2010, are repealed.