

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 541

Introduced by Lowe, 37; Aguilar, 35; Brewer, 43; Clements, 2; Dorn, 30;
Dover, 19; Erdman, 47; Halloran, 33; Hansen, B., 16;
Hardin, 48; Jacobson, 42; Kauth, 31; Murman, 38; Riepe, 12;
von Gillern, 4.

Read first time January 17, 2023

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to elections; to amend sections 32-512 and
- 2 32-609, Reissue Revised Statutes of Nebraska, and sections 32-404,
- 3 32-606, and 70-611, Revised Statutes Cumulative Supplement, 2022; to
- 4 provide for nomination and election of the board of directors of a
- 5 public power district or a public power and irrigation district on
- 6 the partisan ballot; to harmonize provisions; and to repeal the
- 7 original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-404, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 32-404 (1) When any political subdivision holds an election in
4 conjunction with the statewide primary or general election, the election
5 shall be held as provided in the Election Act. Any other election held by
6 a political subdivision shall be held as provided in the act unless
7 otherwise provided by the charter, code, or bylaws of the political
8 subdivision.

9 (2) No later than December 1 of each odd-numbered year, the
10 Secretary of State, election commissioner, or county clerk shall give
11 notice to each political subdivision of the filing deadlines for the
12 statewide primary election. No later than January 5 of each even-numbered
13 year, the governing board of each political subdivision which will hold
14 an election in conjunction with a statewide primary election shall
15 certify to the Secretary of State, the election commissioner, or the
16 county clerk the name of the subdivision, the number of officers to be
17 elected, the length of the terms of office, the vacancies to be filled by
18 election and length of remaining term, and the number of votes to be cast
19 by a registered voter for each office.

20 (3) No later than June 15 of each even-numbered year, the governing
21 board of each reclamation district, county weed district, village, county
22 under township organization, ~~public power district receiving annual gross~~
23 ~~revenue of less than forty million dollars,~~ or educational service unit
24 which will hold an election in conjunction with a statewide general
25 election shall certify to the Secretary of State, the election
26 commissioner, or the county clerk the name of the subdivision, the number
27 of officers to be elected, the length of the terms of office, the
28 vacancies to be filled by election and length of remaining term, and the
29 number of votes to be cast by a registered voter for each office.

30 (4) The Secretary of State shall prescribe the forms to be used for
31 certification to him or her, and the election commissioner or county

1 clerk shall prescribe the forms to be used for certification to him or
2 her.

3 Sec. 2. Section 32-512, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-512 (1) After the selection of the original board of directors of
6 a public power district as provided for in sections 70-803 and 70-805 or
7 a district as provided for in sections 70-604 and 70-609, their
8 successors shall be nominated and elected on the partisan ~~nonpartisan~~
9 ballot, ~~except that in districts receiving annual gross revenue of less~~
10 ~~than forty million dollars, the candidates for the board of directors~~
11 ~~shall not appear on the ballot in the primary election.~~ The term of each
12 elected director shall be not more than six years or until his or her
13 successor is elected and qualified. Candidates for the board of directors
14 shall meet the qualifications found in sections 70-610 and 70-619.

15 (2) Registered voters residing within the chartered territory and
16 registered voters duly certified in accordance with section 70-604.03
17 shall be qualified to vote in the district as certified pursuant to
18 section 70-611. The registered voters of a subdivision created under
19 subsection (1) of section 70-612 may only cast their ballots for
20 candidates for directors to be elected from such subdivision and for
21 candidates for directors to be elected at large from the whole district.
22 The registered voters of a subdivision created under subsection (2) or
23 (3) of section 70-612 may only cast their ballots for candidates for
24 directors to be elected from such subdivision.

25 Sec. 3. Section 32-606, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 32-606 (1) Any candidate may place his or her name on the primary
28 election ballot by filing a candidate filing form prescribed by the
29 Secretary of State as provided in section 32-607. Except as otherwise
30 provided in subsection (4) of this section, if a candidate for an
31 elective office is an incumbent of any elective office, the filing period

1 for filing the candidate filing form shall be between January 5 and
2 February 15 prior to the date of the primary election. No incumbent who
3 resigns from elective office prior to the expiration of his or her term
4 shall file for any office after February 15 of that election year. All
5 other candidates shall file for office between January 5 and March 1
6 prior to the date of the primary election. A candidate filing form and a
7 copy of payment of the filing fee, if applicable, may be transmitted by
8 facsimile for the offices listed in subdivision (1) of section 32-607 if
9 (a) the transmission is received in the office of the filing officer by
10 the filing deadline and (b) the original filing form and payment of the
11 filing fee, if applicable, is mailed to the filing officer with a legible
12 postmark bearing a date on or prior to the filing deadline and is in the
13 office of the filing officer no later than seven days after the filing
14 deadline.

15 (2) Any candidate for a township office in a county under township
16 organization, the board of trustees of a village, the board of directors
17 of a reclamation district, the county weed district board, ~~the board of~~
18 ~~directors of a public power district receiving annual gross revenue of~~
19 ~~less than forty million dollars,~~ or the board of an educational service
20 unit may place his or her name on the general election ballot by filing a
21 candidate filing form prescribed by the Secretary of State as provided in
22 section 32-607. Except as otherwise provided in subsection (4) of this
23 section, if a candidate for an elective office is an incumbent of any
24 elective office, the filing period for filing the candidate filing form
25 shall be between January 5 and July 15 prior to the date of the general
26 election. No incumbent who resigns from elective office prior to the
27 expiration of his or her term shall file for any office after July 15 of
28 that election year. All other candidates shall file for office between
29 January 5 and August 1 prior to the date of the general election. A
30 candidate filing form may be transmitted by facsimile for the offices
31 listed in subdivision (1) of section 32-607 if (a) the transmission is

1 received in the office of the filing officer by the filing deadline and
2 (b) the original filing form is mailed to the filing officer with a
3 legible postmark bearing a date on or prior to the filing deadline and is
4 in the office of the filing officer no later than seven days after the
5 filing deadline.

6 (3) Any city having a home rule charter may provide for filing
7 deadlines for any person desiring to be a candidate for the office of
8 council member or mayor.

9 (4) If a candidate for an elective office was appointed to an
10 elective office to fill a vacancy after the deadline for an incumbent to
11 file a candidate filing form in subsection (1) or (2) of this section but
12 before the deadline for all other candidates, the candidate may file a
13 candidate filing form for any office on or before the deadline for all
14 other candidates.

15 Sec. 4. Section 32-609, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 32-609 The candidate filing form filed pursuant to sections 32-606
18 and 32-607 by each candidate for the State Board of Education, member of
19 the Legislature, Regent of the University of Nebraska, director of a
20 ~~public power and irrigation district,~~ reclamation district, or natural
21 resources district, every other nonpartisan office created by law, member
22 of a school board of a Class IV or V school district, and candidate for
23 elective office of a city of the first or second class or a village shall
24 not in any way refer to or designate the political affiliation of the
25 candidate except as otherwise provided pursuant to section 32-557.

26 Sec. 5. Section 70-611, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 70-611 (1) Not later than January 5 in each even-numbered year, the
29 secretary of the district ~~in districts grossing forty million dollars or~~
30 ~~more annually~~ shall certify to the Secretary of State on forms prescribed
31 by the Secretary of State the names of the counties in which all

1 registered voters are eligible to vote for public power district
2 candidates and for other counties the names of the election precincts
3 within each county excluding the municipalities in which voters are not
4 eligible to vote on public power district candidates. The secretary shall
5 also certify the number of directors to be elected and the length of
6 terms for which each is to be elected.

7 ~~(2) Districts grossing less than forty million dollars annually~~
8 ~~shall prepare the same type of certification as districts grossing over~~
9 ~~forty million dollars annually and file such certification with the~~
10 ~~Secretary of State not later than June 15 of each even-numbered year.~~

11 (2) ~~(3)~~ The secretary of each district shall, at the time of filing
12 the certification, cause to be published once in a newspaper or
13 newspapers of general circulation within the district a list of the
14 incumbent directors and naming the counties or election precincts
15 excluding those municipalities in which voters are not eligible to vote
16 for public power district candidates in the same general form as the
17 certification filed with the Secretary of State. A certified copy of the
18 published notice shall be filed with the Secretary of State within ten
19 days after such publication.

20 Sec. 6. Original sections 32-512 and 32-609, Reissue Revised
21 Statutes of Nebraska, and sections 32-404, 32-606, and 70-611, Revised
22 Statutes Cumulative Supplement, 2022, are repealed.