

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 139**

Introduced by Crawford, 45.

Read first time January 09, 2017

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to county officers; 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, and 32-529, Reissue Revised Statutes of  
4 Nebraska; to authorize voters to vote regarding partisan or  
5 nonpartisan ballots for nomination and election of county officers;  
6 to harmonize provisions; and to repeal the original sections.

7 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) A county board may adopt a resolution requiring the submission  
9 of the question to the voters of the county regarding nomination and  
10 election of all officers elected pursuant to sections 32-517 to 32-529 on  
11 a nonpartisan ballot. The registered voters of a county may file a  
12 petition with the county clerk requesting the submission of the question  
13 to the voters regarding nomination and election of all officers elected  
14 pursuant to sections 32-517 to 32-529 on a nonpartisan ballot. The  
15 question shall be submitted at the first statewide general election held  
16 at least sixty days after the adoption of the resolution or the  
17 verification of signatures of registered voters of the county on such  
18 petition equal in number to at least five percent of the registered  
19 voters in the county at the preceding statewide general election.

20 (3) If the vote on the question is in favor of the nomination and  
21 election of all officers elected pursuant to sections 32-517 to 32-529 on  
22 a nonpartisan ballot, such officers shall be so nominated and elected at  
23 all subsequent elections except as provided in subsection (4) of this  
24 section.

25 (4) The question may be submitted to the voters to change the  
26 nomination and election of all officers elected pursuant to sections  
27 32-517 to 32-529 from the nonpartisan ballot to the partisan ballot in  
28 the same manner as provided in subsection (2) of this section.

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

1           Sec. 3. 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.

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

13          32-518 Except as provided in section 22-417, (1) a register of deeds  
14 shall be elected in each county having a population of more than twenty  
15 thousand and not more than four hundred thousand inhabitants at the  
16 statewide general election in 1962 and each four years thereafter and in  
17 counties having a population in excess of four hundred thousand  
18 inhabitants at the statewide general election in 1964 and each four years  
19 thereafter and (2) if the population of a county which has a separate  
20 office of register of deeds pursuant to this section falls below twenty  
21 thousand inhabitants after establishing such an office or if a county  
22 which has a separate office of register of deeds immediately prior to  
23 July 10, 1990, has a population of twenty thousand inhabitants or less,  
24 the office of the register of deeds shall continue and the officer shall  
25 be elected pursuant to this section as if the county had a population of  
26 more than twenty thousand and not more than four hundred thousand  
27 inhabitants. The term of the register of deeds shall be four years or  
28 until his or her successor is elected and qualified. The register of  
29 deeds shall meet the qualifications found in section 23-1501.—The  
30 register of deeds shall be elected on the partisan ballot.

31          Sec. 5. Section 32-519, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2       32-519 (1) Except as provided in section 22-417, at the statewide  
3 general election in 1990 and each four years thereafter, a county  
4 assessor shall be elected in each county having a population of more than  
5 three thousand five hundred inhabitants and more than one thousand two  
6 hundred tax returns. The county assessor shall serve for a term of four  
7 years.

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

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

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

1           32-520 A county sheriff shall be elected in each county at the  
2 statewide general election in 1990 and each four years thereafter. The  
3 term of the county sheriff shall be four years or until his or her  
4 successor is elected and qualified. The county sheriff shall meet the  
5 qualifications found in sections 23-1701 and 23-1701.01.—The county  
6 ~~sheriff shall be elected on the partisan ballot.~~

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

9           32-521 A county treasurer 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 treasurer shall be four years or until his or her  
12 successor is elected and qualified. The county treasurer shall meet the  
13 qualifications found in section 23-1601.01.—The county treasurer shall be  
14 ~~elected on the partisan ballot.~~

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

17           32-522 Except as provided in section 23-1201.01, a county attorney  
18 shall be elected in each county at the statewide general election in 1990  
19 and each four years thereafter. The term of the county attorney shall be  
20 four years or until his or her successor is elected and qualified.  
21 Candidates for the office of county attorney shall meet the  
22 qualifications found in sections 23-1201.01 and 23-1201.02.—The county  
23 ~~attorney shall be elected on the partisan ballot.~~

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

26           32-523 Except as otherwise provided in sections 23-3401 and 23-3404,  
27 the public defender shall, in counties having a population in excess of  
28 one hundred thousand inhabitants which have not elected a public defender  
29 prior to July 10, 1984, be elected at the next statewide general election  
30 following July 10, 1984, or the year in which the county attains a  
31 population of one hundred thousand inhabitants and shall, in other

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

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

9 32-524 (1) Except as provided in section 22-417:

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

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

23 (2) In any county upon presentation of a petition to the county  
24 board (a) not less than sixty days before the statewide general election  
25 in 1976 or every four years thereafter, (b) signed by registered voters  
26 of the county equal in numbers to at least fifteen percent of the total  
27 vote cast for Governor at the most recent gubernatorial election in the  
28 county, secured in not less than two-fifths of the townships or precincts  
29 of the county, and (c) asking that the question of not electing a clerk  
30 of the district court in the county be submitted to the registered voters  
31 therein, the county board, at the next statewide general election, shall

1 order the submission of the question to the registered voters of the  
2 county. The form of submission upon the ballot shall be as follows:

3 For election of a clerk of the district court;

4 Against election of a clerk of the district court.

5 (3) If a majority of the votes cast on the question are against the  
6 election of a clerk of the district court in such county, the duties of  
7 the clerk of the district court shall be performed by the county clerk,  
8 unless there is an agreement between the State Court Administrator and  
9 the county board that the clerk of the county court for such county shall  
10 be the ex officio clerk of the district court and perform such duties,  
11 and the office of clerk of the district court shall either cease with the  
12 expiration of the term of the incumbent or continue to be abolished if no  
13 such office exists at such time.

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

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

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

24 32-525 (1) Except as provided in section 22-417 and except for  
25 counties which vote not to elect the county surveyor as provided in  
26 subsection (2) or (4) of this section, a county surveyor on either a  
27 full-time or part-time basis, as determined by the county board in  
28 accordance with section 23-1901, shall be elected in each county having a  
29 population of less than one hundred fifty thousand inhabitants at the  
30 statewide general election in 1990 and each four years thereafter.

31 (2)(a) Except as provided in section 22-417 and in subsection (3) of

1 this section, in each county having a population of less than one hundred  
2 fifty thousand inhabitants, the question of electing a county surveyor in  
3 the county shall be submitted to the registered voters of the county at  
4 the statewide general election in 2020. The form of submission upon the  
5 ballot shall be as follows: For election of county surveyor; Against  
6 election of county surveyor.

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

13 (c) If a majority of the votes cast on the question are in favor of  
14 the election of a county surveyor, the office shall continue to be  
15 elected as provided in subsection (1) of this section or, if no elected  
16 county surveyor is in office, a county surveyor shall be elected at the  
17 next statewide general election as provided in subsection (1) of this  
18 section.

19 (3) If a county having a population of less than one hundred fifty  
20 thousand inhabitants has an elected county surveyor in office on January  
21 1, 2020, the county board may, prior to February 1, 2020, following a  
22 public hearing, adopt a resolution to continue to elect the county  
23 surveyor for the county and not to submit the question pursuant to  
24 subsection (2) of this section.

25 (4)(a) Beginning in 2021, in each county having a population of less  
26 than one hundred fifty thousand inhabitants, the county board shall  
27 submit the question of electing a county surveyor in the county to the  
28 registered voters of the county at the next statewide general election if  
29 (i) the county board, by majority vote of all the members of the county  
30 board, adopts a resolution on or before September 1 prior to the next  
31 statewide general election to submit the question to the voters or (ii) a



1 petition conforming to section 32-628 asking for the submission of the  
2 question to the voters is presented to the election commissioner or  
3 county clerk on or before September 1 prior to the next statewide general  
4 election signed by at least ten percent of the registered voters of the  
5 county. The election commissioner or county clerk shall verify the  
6 signatures pursuant to section 32-631 and place the question on the  
7 ballot if he or she determines that at least ten percent of the  
8 registered voters of the county have signed the petition.

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

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

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

23 (5) The term of the county surveyor shall be four years or until his  
24 or her successor is elected and qualified. The county surveyor shall meet  
25 the qualifications found in sections 23-1901 and 23-1901.01. ~~The county~~  
26 ~~surveyor shall be elected on the partisan ballot.~~

27 Sec. 12. Section 32-526, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 32-526 Except as provided in section 22-417, a county engineer shall  
30 be elected in each county having a population of one hundred fifty  
31 thousand inhabitants or more at the statewide general election in 1990

1 and each four years thereafter. The term of the county engineer shall be  
2 four years or until his or her successor is elected and qualified. The  
3 county engineer shall meet the qualifications found in section 23-1901.  
4 ~~The county engineer shall be elected on the partisan ballot.~~

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

7 32-528 (1) In counties having a county board of three commissioners,  
8 two commissioners shall be elected at the statewide general election in  
9 1994 and each four years thereafter, and one commissioner shall be  
10 elected at the statewide general election in 1996 and each four years  
11 thereafter. In counties having a county board of five commissioners,  
12 three commissioners shall be elected at the statewide general election in  
13 1994 and each four years thereafter, and two commissioners shall be  
14 elected at the statewide general election in 1996 and each four years  
15 thereafter. In counties having a county board of seven or more  
16 commissioners, one commissioner shall be elected in each odd-numbered  
17 commissioner district at the statewide general election in 1994 and each  
18 four years thereafter, and one commissioner shall be elected in each  
19 even-numbered commissioner district at the statewide general election in  
20 1996 and each four years thereafter.

21 (2) Except for commissioners first elected after the county adopts  
22 the commissioner form of government or has increased the number of  
23 commissioners, the term of each county commissioner shall be four years  
24 or until his or her successor is elected and qualified. At the first  
25 election held to choose the board of commissioners in any county having  
26 three commissioners, the person having the highest number of votes shall  
27 serve for four years and the two receiving the next highest number of  
28 votes shall serve for two years, and if any three or more persons have  
29 the same number of votes, their terms of office shall be determined by  
30 the county canvassing board. The county commissioners shall meet the  
31 qualifications found in section 23-150. Nothing in this section shall be

1 construed to prohibit the reelection of a commissioner holding office if  
2 the commissioner is reelected to represent his or her respective  
3 district. ~~The county commissioners shall be elected on the partisan~~  
4 ~~ballot.~~

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

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

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

18 (4) In counties in which a majority has voted to have five  
19 commissioners as provided in section 23-148, the three commissioners of  
20 such county whose terms of office will expire after the election shall  
21 continue in office until the expiration of the terms for which they were  
22 elected and until their successors are elected and qualified. Two  
23 commissioners shall be appointed pursuant to sections 32-567 and 32-574  
24 to serve until the first Thursday after the first Tuesday in January  
25 following the next statewide general election. At the next statewide  
26 general election, commissioners shall be elected to fill the positions of  
27 any commissioners appointed under this section. At the first primary  
28 election after such appointments, filings shall be accepted for terms of  
29 two years and for terms of four years so that two commissioners will be  
30 elected to four-year terms at one election and three commissioners will  
31 be elected to four-year terms at the next election.

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

4 (a) At the primary election in 2010, one commissioner shall be  
5 nominated from each odd-numbered district, and at the ensuing general  
6 election, one commissioner shall be elected from each odd-numbered  
7 district. Their successors shall be nominated and elected every four  
8 years thereafter; and

9 (b) At the primary election in 2012, one commissioner shall be  
10 nominated from each even-numbered district, and at the ensuing general  
11 election, one commissioner shall be elected from each even-numbered  
12 district. Their successors shall be nominated and elected every four  
13 years thereafter.

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

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

30 Sec. 15. Original sections 32-101, 32-517, 32-518, 32-519, 32-520,  
31 32-521, 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, and 32-529,

1 Reissue Revised Statutes of Nebraska, are repealed.