

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1005

Introduced by McCollister, 20.

Read first time January 15, 2020

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend sections 32-314,
2 32-401, 32-502, 32-503, 32-506, 32-507, 32-509, 32-605, 32-611,
3 32-612, 32-619.01, 32-623, 32-627, 32-702, 32-716, 32-720, 32-801,
4 32-809, 32-810, 32-811, 32-813, 32-814, 32-815, and 32-912, Reissue
5 Revised Statutes of Nebraska, and sections 32-312 and 32-610,
6 Revised Statutes Cumulative Supplement, 2018; to change provisions
7 relating to nomination and election of certain partisan candidates
8 as prescribed; to harmonize provisions; to provide an operative
9 date; and to repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-312, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 32-312 The registration application prescribed by the Secretary of
4 State pursuant to section 32-304 or 32-311.01 shall provide the
5 instructional statements and request the information from the applicant
6 as provided in this section.

7 CITIZENSHIP—"Are you a citizen of the United States of America?"
8 with boxes to check to indicate whether the applicant is or is not a
9 citizen of the United States.

10 AGE—"Are you at least eighteen years of age or will you be eighteen
11 years of age on or before the first Tuesday following the first Monday of
12 November of this year?" with boxes to check to indicate whether or not
13 the applicant will be eighteen years of age or older on election day.

14 WARNING—"If you checked 'no' in response to either of these
15 questions, do not complete this application."

16 NAME—the name of the applicant giving the first and last name in
17 full, the middle name in full or the middle initial, and the maiden name
18 of the applicant, if applicable.

19 RESIDENCE—the name and number of the street, avenue, or other
20 location of the dwelling where the applicant resides if there is a
21 number. If the registrant resides in a hotel, apartment, tenement house,
22 or institution, such additional information shall be included as will
23 give the exact location of such registrant's place of residence. If the
24 registrant lives in an incorporated or unincorporated area not identified
25 by the use of roads, road names, or house numbers, the registrant shall
26 state the section, township, and range of his or her residence and the
27 corporate name of the school district as described in section 79-405 in
28 which he or she is located.

29 POSTAL ADDRESS—the address at which the applicant receives mail if
30 different from the residence address.

31 ADDRESS OF LAST REGISTRATION—the name and number of the street,

1 avenue, or other location of the dwelling from which the applicant last
2 registered.

3 TELEPHONE NUMBERS—the telephone number of the applicant at work and
4 at home. At the request of the applicant, a designation shall be made
5 that the telephone number is an unlisted number, and such designation
6 shall preclude the listing of the applicant's telephone number on any
7 list of voter registrations.

8 EMAIL ADDRESS—an email address of the applicant. At the request of
9 the applicant, a designation shall be made that the email address is
10 private, and such designation shall preclude the listing of the
11 applicant's email address on any list of voter registrations.

12 DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY
13 NUMBER—if the applicant has a Nebraska driver's license, the license
14 number, and if the applicant does not have a Nebraska driver's license,
15 the last four digits of the applicant's social security number.

16 DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when
17 the applicant presented himself or herself for registration, when the
18 applicant completed and signed the registration application if the
19 application was submitted by mail or delivered to the election official
20 by the applicant's personal messenger or personal agent, or when the
21 completed application was submitted if the registration application was
22 completed pursuant to section 32-304.

23 PLACE OF BIRTH—show the state, country, kingdom, empire, or dominion
24 where the applicant was born.

25 DATE OF BIRTH—show the date of the applicant's birth. The applicant
26 shall be at least eighteen years of age or attain eighteen years of age
27 on or before the first Tuesday after the first Monday in November to have
28 the right to register and vote in any election in the present calendar
29 year.

30 REGISTRATION TAKEN BY—show the signature of the authorized official
31 or staff member accepting the application pursuant to section 32-309 or

1 32-310 or at least one of the deputy registrars taking the application
2 pursuant to section 32-306, if applicable.

3 PARTY AFFILIATION—show the party affiliation of the applicant as
4 Democrat, Republican, or Other or show no party affiliation as
5 Nonpartisan. (Note: If you wish to vote in both partisan and nonpartisan
6 primary elections for ~~state~~ and local offices, you must indicate a
7 political party affiliation on the registration application. If you
8 register without a political party affiliation (nonpartisan), you will
9 receive only the nonpartisan ballots for ~~state~~ and local offices at
10 primary elections. If you register without a political party affiliation,
11 you may vote in ~~partisan~~ primary elections for state and congressional
12 offices.)

13 OTHER—information the Secretary of State determines will assist in
14 the proper and accurate registration of the voter.

15 Immediately following the spaces for inserting information as
16 provided in this section, the following statement shall be printed:

17 To the best of my knowledge and belief, I declare under penalty of
18 election falsification that:

19 (1) I live in the State of Nebraska at the address provided in this
20 application;

21 (2) I have not been convicted of a felony or, if convicted, it has
22 been at least two years since I completed my sentence for the felony,
23 including any parole term;

24 (3) I have not been officially found to be non compos mentis
25 (mentally incompetent); and

26 (4) I am a citizen of the United States.

27 Any registrant who signs this application knowing that any of the
28 information in the application is false shall be guilty of a Class IV
29 felony under section 32-1502 of the statutes of Nebraska. The penalty for
30 a Class IV felony is up to two years imprisonment and twelve months post-
31 release supervision, a fine of up to ten thousand dollars, or both.

1 APPLICANT'S SIGNATURE—require the applicant to affix his or her
2 signature to the application.

3 Sec. 2. Section 32-314, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-314 (1) Any person going into another territory or state and
6 registering to vote or voting in that territory or state shall lose his
7 or her eligibility to vote in this state. Any person going into another
8 county of this state and registering to vote or voting in that county
9 shall lose his or her eligibility to vote in the county where he or she
10 was registered.

11 (2) A registered voter who changes his or her residence in one
12 county to a residence address in a different county in the state shall
13 register again or update his or her voter registration record in order to
14 be eligible to vote.

15 (3) A registered voter who changes his or her name or residence
16 within the county and has retained legal residence in the county since
17 the date of his or her last registration shall register again or update
18 his or her voter registration record to avoid additional requirements at
19 the time of voting as provided in sections 32-914 and 32-915 and may be
20 entitled to vote pursuant to section 32-914.01, 32-914.02, or 32-915.

21 (4) A registered voter who wants to change his or her party
22 affiliation for purposes of a primary election for partisan county, city,
23 or village offices or presidential preference vote shall complete a
24 registration application pursuant to section 32-312.04 and submit it to
25 the election commissioner or county clerk as provided in and prior to the
26 deadline prescribed by section 32-302 or 32-321.

27 Sec. 3. Section 32-401, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 32-401 (1) The statewide primary election shall be held on the
30 first Tuesday after the second Monday in May in even-numbered years. The
31 statewide primary election shall be held for the purposes of (a) ~~(1)~~

1 nominating all candidates to be voted for at the statewide general
2 election except (i) ~~(a)~~ candidates who were unopposed at the primary
3 election and not required to be on the ballot and (ii) ~~(b)~~ candidates who
4 petition on the ballot or are nominated by their political party, (b) ~~(2)~~
5 electing delegates to the county, state, and national political party
6 conventions, if applicable, (c) ~~(3)~~ in each presidential election year,
7 voting on a preference for President of the United States, and (d) ~~(4)~~
8 electing officers in political subdivisions which hold their general
9 elections at the time of the statewide primary election.

10 (2) The ballot at the statewide primary election shall only
11 designate political party affiliation for partisan county, city, and
12 village offices and for presidential and vice presidential candidates and
13 shall not in any way refer to or designate the political party
14 affiliation of a candidate for any other partisan or nonpartisan office
15 on the ballot. Except as otherwise specifically provided in the Election
16 Act, the two candidates for an office, other than a partisan county,
17 city, or village office, who receive the most votes at the statewide
18 primary election shall be placed on the ballot at the statewide general
19 election, and if the office is a partisan office, the political party
20 affiliation of each candidate or the candidate's nonpartisan status as
21 stated on the candidate filing form shall be noted on the ballot at the
22 statewide general election next to the candidate's name.

23 Sec. 4. Section 32-502, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-502 Two United States Senators shall be elected for terms of six
26 years at the statewide general election. One senator shall be elected in
27 1994 and every six years thereafter, and one senator shall be elected in
28 1996 and every six years thereafter. Candidates for the United States
29 Senate shall meet the qualifications found in Article I, section 3, of
30 the Constitution of the United States. The senators shall be nominated
31 without a party affiliation designated on the ballot and elected with a

1 ~~party or nonpartisan affiliation designated on the elected on the~~
2 ~~partisan~~ ballot.

3 Sec. 5. Section 32-503, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 32-503 The United States Representatives in Congress shall be
6 elected from the three congressional districts established in section
7 32-504 for terms of two years at the statewide general election in each
8 even-numbered year. Candidates for the United States House of
9 Representatives shall meet the qualifications found in Article I, section
10 2, of the Constitution of the United States. The representatives shall be
11 nominated without a party affiliation designated on the ballot and
12 elected with a party or nonpartisan affiliation designated on the elected
13 ~~on the partisan~~ ballot. The representatives shall be elected in
14 accordance with the laws of the United States.

15 Sec. 6. Section 32-506, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 32-506 The Governor and Lieutenant Governor shall be elected at the
18 statewide general election in 1994 and each four years thereafter. Such
19 officers shall serve for terms of four years or until their successors
20 are elected and qualified. Candidates for Governor and Lieutenant
21 Governor shall meet the qualifications found in Article IV, sections 1
22 and 2, of the Constitution of Nebraska. The Governor and Lieutenant
23 Governor shall be nominated without a party affiliation designated on the
24 ballot and elected with a party or nonpartisan affiliation designated on
25 the elected on the partisan ballot.

26 Sec. 7. Section 32-507, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 32-507 The State Treasurer, Auditor of Public Accounts, Secretary of
29 State, and Attorney General shall be elected at the statewide general
30 election in 1994 and each four years thereafter. Such officers shall
31 serve for terms of four years or until their successors are elected and

1 qualified. Candidates for State Treasurer shall meet the qualifications
2 found in Article IV, section 3, of the Constitution of Nebraska. Such
3 officers shall be nominated without a party affiliation designated on the
4 ballot and elected with a party or nonpartisan affiliation designated on
5 the elected-on-the-partisan ballot.

6 Sec. 8. Section 32-509, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 32-509 (1) The State of Nebraska is divided into five public service
9 commissioner districts as provided and described in sections 75-101.01
10 and 75-101.02. A candidate for the office of public service commissioner
11 shall meet the qualifications found in section 75-101. The commissioners
12 shall be nominated without a party affiliation designated on the ballot
13 and elected with a party or nonpartisan affiliation designated on the
14 elected-on-the-partisan ballot.

15 (2) Each public service commissioner shall be elected for a term of
16 six years. One public service commissioner from public service
17 commissioner district number one and one public service commissioner from
18 public service commissioner district number three shall be elected at the
19 statewide general election in 1994 and each six years thereafter. One
20 public service commissioner from public service commissioner district
21 number four and one public service commissioner from public service
22 commissioner district number five shall be elected at the statewide
23 general election in 1992 and each six years thereafter. One public
24 service commissioner from public service commissioner district number two
25 shall be elected at the statewide general election in 1996 and each six
26 years thereafter.

27 Sec. 9. Section 32-605, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 32-605 No candidate defeated at a primary election shall be
30 permitted to file an affidavit declaring a write-in candidacy, file by
31 petition, or file a nomination, if nominated by party convention or

1 committee for a county, city, or village office, for the following
2 general election for the same office except as provided in section
3 32-615, 32-616, or 32-625.

4 Sec. 10. Section 32-610, Revised Statutes Cumulative Supplement,
5 2018, is amended to read:

6 32-610 No person shall be allowed to file a candidate filing form as
7 a partisan candidate or to have his or her name placed upon a primary
8 election ballot of a political party for a partisan county, city, or
9 village office if subsection (2) of section 32-720 applies to the
10 political party. For any other political party, no person shall be
11 allowed to file a candidate filing form as a partisan candidate or to
12 have his or her name placed upon a primary election ballot of a political
13 party for a partisan county, city, or village office unless (1) he or she
14 is a registered voter of the political party if required pursuant to
15 section 32-702 and (2)(a) the political party has at least ten thousand
16 persons affiliated as indicated by voter registration records in Nebraska
17 or (b) at one of the two immediately preceding statewide general
18 elections, (i) a candidate nominated by the political party polled at
19 least five percent of the entire vote in the state in a statewide race or
20 (ii) a combination of candidates nominated by the political party for a
21 combination of districts that encompass all of the voters of the entire
22 state polled at least five percent of the vote in each of their
23 respective districts. A candidate filing form filed in violation of this
24 section shall be void.

25 Sec. 11. Section 32-611, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 32-611 Twenty-five registered voters of the same political party may
28 seek to have a person's name placed on the primary election ballot as a
29 partisan candidate for a partisan county, city, or village office by
30 filing an affidavit stating that they are registered voters, the
31 political party with which they are registered, the name of the proposed

1 candidate, and that the proposed candidate is a registered voter of the
2 same political party. The affidavit shall be filed in the same manner and
3 with the same filing officer as provided for candidate filing forms. The
4 proposed candidate shall, within five days from the date of the filing of
5 the affidavit, file a candidate filing form as provided in section 32-607
6 stating that he or she is a registered voter and is affiliated with the
7 political party named in the affidavit. If the candidate filing form is
8 not filed within such five-day period, the name of the candidate shall
9 not be placed upon the primary election ballot.

10 Sec. 12. Section 32-612, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 32-612 (1) A change of political party affiliation by a registered
13 voter so as to affiliate with the political party named in the candidate
14 filing form or in an affidavit as a write-in candidate pursuant to
15 section 32-615 after the first Friday in December prior to the statewide
16 primary election shall not be effective to meet the requirements of
17 section 32-610 or 32-611 or subsection (4) of this section for a partisan
18 county, city, or village office, except that any person may change his or
19 her political party affiliation after the first Friday in December prior
20 to the statewide primary election to become a candidate of a new
21 political party which has successfully completed the petition process
22 required by section 32-716.

23 (2) No registered voter, candidate, or proposed candidate shall
24 swear falsely as to political party affiliation or shall swear that he or
25 she affiliates with two or more political parties. Any candidate who
26 swears falsely as to political party affiliation or swears that he or she
27 affiliates with two or more political parties shall not be the candidate
28 of such party for a partisan county, city, or village office at the
29 following general election, shall not be entitled to have his or her name
30 on the ballot at the following general election, and shall not be
31 entitled to assume the office for which he or she filed even if he or she

1 receives a majority or plurality of the votes therefor at the following
2 general election.

3 (3) The name of a candidate shall not appear printed on more than
4 one political party ballot. A candidate who is the nominee of one
5 political party shall not accept the nomination of another political
6 party.

7 (4) In order to count write-in votes on a political party ballot in
8 the primary election for a partisan county, city, or village office, the
9 candidate who receives the votes must be a registered voter of that
10 political party unless the political party allows candidates not
11 affiliated with the party by not adopting a rule under section 32-702.

12 Sec. 13. Section 32-619.01, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 32-619.01 The two candidates ~~candidate~~ for Governor ~~of each~~
15 ~~political party~~ receiving the highest number of votes in the primary
16 election shall each select a candidate for Lieutenant Governor ~~of the~~
17 ~~same political party~~ by filing an affidavit indicating the ~~his or her~~
18 choice with the Secretary of State. The candidate for Lieutenant Governor
19 shall file a written consent with the Secretary of State. Both the
20 affidavit and the written consent shall be filed on or before September 1
21 for the names to be on the general election ballot. The written consent
22 shall be in lieu of a candidate filing form, and no filing fees shall be
23 required for the candidate for Lieutenant Governor.

24 Sec. 14. Section 32-623, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 32-623 (1) If any person nominated for a partisan ~~elective~~ office
27 for the general election notifies the filing officer with whom the
28 candidate filing form or other acceptance of nomination was filed by
29 filing a statement, in writing and duly acknowledged, that he or she
30 declines such nomination on or before September 1 before the election,
31 the person's name shall not be printed on the ballot, but no declination

1 shall be effective after such date. Such declination shall create a
2 vacancy on the ballot which may be filled pursuant to subsection (3) or
3 (4) of section 32-627.

4 (2) For a partisan county, city, or village office, the ~~The~~ filing
5 officer shall inform one or more persons whose names are attached to the
6 nomination if the candidate was nominated by a political party convention
7 or committee or, if nominated at a primary election, the chairperson or
8 secretary of the campaign or political party committee of his or her
9 political party if there is one within the jurisdiction of the filing
10 officer and, if not, at least three of the prominent members of the
11 candidate's political party within the jurisdiction of the filing officer
12 that such candidate has declined the nomination by mailing or delivering
13 to them personally notice of such fact. Such declination shall create a
14 vacancy on the ballot which may be filled pursuant to subsections (1) and
15 (2) of section 32-627.

16 (3) In lieu of filing a declination with the Secretary of State, the
17 person so nominated may file a declination with the election commissioner
18 or county clerk in the county in which he or she resides. Any election
19 commissioner or county clerk receiving such a declination shall within
20 five days after its receipt forward a copy of the written declination
21 statement to the Secretary of State. The Secretary of State shall make
22 notifications required by this section for all individuals for whom he or
23 she receives a copy of the written declination statement.

24 Sec. 15. Section 32-627, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 32-627 (1) If a vacancy on the ballot arises for any partisan
27 county, city, or village office ~~except President and Vice President of~~
28 ~~the United States~~ before a general election, the vacancy shall be filled
29 by the majority vote of the proper committee of the same political party.
30 Only ~~If the vacancy exists for an office serving only a particular~~
31 ~~district of the state,~~ only those members of the political party

1 ~~committee who are eligible to vote for the candidate reside within that~~
2 ~~district shall participate in selecting the candidate to fill the~~
3 ~~vacancy. No vacancy on the ballot shall be deemed to have occurred if a~~
4 ~~political party makes no nomination of a candidate at the primary~~
5 ~~election for the county, city, or village office. If a vacancy on the~~
6 ~~ballot arises for Governor, the vacancy shall be filled by the majority~~
7 ~~vote of the proper committee of the same political party, and the~~
8 ~~candidate for Governor shall select a person of the same political party~~
9 ~~to be the candidate for Lieutenant Governor on the general election~~
10 ~~ballot. If a vacancy on the ballot arises for the Lieutenant Governor on~~
11 ~~or before September 1, the candidate for Governor shall select a new~~
12 ~~candidate for Lieutenant Governor in the same manner as required in~~
13 ~~section 32-619.01.~~

14 (2) The chairperson and secretary of the executive committee for the
15 political party shall make and file with the filing officer a certificate
16 setting forth the cause of the vacancy, the name of the person so
17 nominated, the county, city, or village office for which he or she was
18 nominated, the name of the person for which the new nominee is to be
19 substituted, the place of residence of the person so nominated, the
20 street and number of the residence or place of business of the person so
21 nominated if such person resides in a city, and the name of the political
22 party with which the person so nominated affiliates which such committee
23 represents. The certificate shall be signed by the chairperson and
24 secretary with the name and places of their residences and sworn to by
25 them before some officer authorized to administer oaths. If there is no
26 executive committee of the political party or in lieu of the executive
27 committee filling such vacancy, a mass convention of the political party
28 may fill the vacancy and the chairperson and secretary of such convention
29 shall make and file with the filing officer a certificate in form and
30 manner substantially as is required to be filed by the chairperson and
31 secretary of the executive committee under this subsection. The

1 certificate shall be filed by September 1 for a general election and have
2 the same force and effect as the candidate filing form provided for in
3 section 32-607. The filing fee charged to candidates for such offices
4 shall accompany the filing of the certificate.

5 (3) If a vacancy on the ballot for the statewide general election
6 arises for Governor because one of the two candidates who received the
7 most votes for Governor at the statewide primary election ceases for any
8 reason to be a candidate, the vacancy may be filled by a petition
9 candidate after the primary election pursuant to sections 32-617 and
10 32-618, and the candidate for Governor shall select a person to be the
11 candidate for Lieutenant Governor on the general election ballot. If a
12 vacancy on the ballot arises for the Lieutenant Governor on or before
13 September 1, the candidate for Governor shall select a new candidate for
14 Lieutenant Governor in the same manner as required in section 32-619.01.

15 (4) If a vacancy on the ballot for the statewide general election
16 arises for any partisan office not covered by subsections (1) and (3) of
17 this section because one of the two candidates who received the most
18 votes for the office at the statewide primary election ceases for any
19 reason to be a candidate, the vacancy may be filled by a petition
20 candidate after the primary election pursuant to sections 32-617 and
21 32-618.

22 Sec. 16. Section 32-702, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 32-702 Any political party may, by the adoption of a rule, require
25 that any individual whose name is placed on such party's partisan primary
26 election ballot for a county, city, or village office be a registered
27 voter affiliated with such party. If the political party adopts or
28 revokes the rule and notifies the Secretary of State by filing the rule
29 or notice of the revocation with the Secretary of State prior to December
30 1 of the calendar year before a statewide primary election, the rule or
31 revocation is effective for the next and subsequent statewide primary

1 elections. If a rule or notice of revocation is filed with the Secretary
2 of State on or after December 1 of the calendar year before a statewide
3 primary election and on or before the day of the statewide primary
4 election, the rule or revocation is effective for the subsequent
5 statewide primary elections.

6 Sec. 17. Section 32-716, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 32-716 (1) Any person, group, or association desiring to form a new
9 political party shall present to the Secretary of State petitions
10 containing signatures totaling not less than one percent of the total
11 votes cast for Governor at the most recent general election for such
12 office. The signatures of registered voters on such petitions shall be so
13 distributed as to include registered voters totaling at least one percent
14 of the votes cast for Governor in the most recent gubernatorial election
15 in each of the three congressional districts in this state. Petition
16 signers and petition circulators shall conform to the requirements of
17 sections 32-629 and 32-630. The petitions shall be filed with the
18 Secretary of State no later than February 1 before any statewide primary
19 election for the new political party to be entitled to have ballot
20 position for a county, city, or village office in the primary election of
21 that year. If the new political party desires to be established and have
22 ballot position for the general election and not in the primary election
23 of that year, the petitions shall be filed with the Secretary of State on
24 or before August 1 of that year. Prior to the circulation of petitions to
25 form a new political party, a sample copy of the petitions shall be filed
26 with the Secretary of State by the person, group, or association seeking
27 to establish the new party. The sample petition shall be accompanied by
28 the name and address of the person or the names and addresses of the
29 members of the group or association sponsoring the petition to form a new
30 political party.

31 (2) The petition shall conform to the requirements of section

1 32-628. The Secretary of State shall prescribe the form of the petition
2 for the formation of a new political party. The petition shall be
3 addressed to and filed with the Secretary of State and shall state its
4 purpose and the name of the party to be formed. Such name shall not be or
5 include the name of any political party then in existence or any word
6 forming any part of the name of any political party then in existence,
7 and in order to avoid confusion regarding party affiliation of a
8 candidate or registered voter, the name of the party to be formed shall
9 not include the word "independent" or "nonpartisan". The petition shall
10 contain a statement substantially as follows:

11 We, the undersigned registered voters of the State of Nebraska and
12 the county of, being severally qualified to sign this
13 petition, respectfully request that the above-named new political party
14 be formed in the State of Nebraska, and each for himself or herself says:
15 I have personally signed this petition on the date opposite my name; I am
16 a registered voter of the State of Nebraska and county of
17 and am qualified to sign this petition; and my date of birth and city,
18 village, or post office address and my street and number or voting
19 precinct are correctly written after my name.

20 Sec. 18. Section 32-720, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 32-720 (1) In case of a division of any political party, the
23 Secretary of State shall give the preference of party name to the
24 convention held at the time and place designated in the call of the
25 regularly constituted political party authorities, and if the other
26 faction presents no other party name, the Secretary of State shall select
27 a name or title and place the same on the ballot before the list of
28 candidates of such faction for county, city, or village offices. The
29 action of the preceding national convention of such party, regularly
30 called, shall determine the action of the Secretary of State or the court
31 in its decision. The Secretary of State may be compelled by peremptory

1 order of mandamus to perform such duty.

2 (2) A political party may dissolve by filing a notice of dissolution
3 with the Secretary of State. The notice shall be filed by the executive
4 committee or state central committee of the political party or, if no
5 such committee exists, by an officer of the political party. If the
6 notice is filed prior to December 1 of the calendar year before the
7 statewide primary election, the Secretary of State shall not accept any
8 filings for the political party for any primary or general election or
9 place the political party on the statewide primary election ballot for
10 county, city, or village offices to be nominated or elected at the
11 statewide primary election.

12 Sec. 19. Section 32-801, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 32-801 At least fifty days before any statewide primary or general
15 election, the Secretary of State shall transmit in ballot form to each
16 election commissioner or county clerk a certification of the candidates,
17 offices, and issues that appear on the state ballot. The certification
18 prior to the primary election shall name the office to be filled, the
19 length of the term, the number of candidates to be voted for, the name of
20 each candidate for whom candidate filing forms or petitions have been
21 filed in the office of the Secretary of State and who is entitled to be
22 voted for at such primary election, and no party affiliation or
23 nonpartisan status for any congressional or state partisan or nonpartisan
24 office and the party affiliation or nonpartisan status of each candidate
25 for any partisan county, city, or village office or President and Vice
26 President. A separate statement of the city or village of residence of
27 each candidate shall be included with the certification, but the city or
28 village of residence shall not appear on the official ballot. The
29 certification prior to the general election shall name the office to be
30 filled, the length of the term, the number of candidates to be voted for,
31 the name of each candidate who was nominated at the primary election or

1 who filed by petition as shown by the records in the office of the
2 Secretary of State and who is entitled to be voted for at the general
3 election, and the party affiliation or nonpartisan status of each
4 candidate for partisan offices.

5 Sec. 20. Section 32-809, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-809 (1) The form of the official ballot at the statewide primary
8 election shall be prescribed by the Secretary of State. At the top of the
9 ballot and over all else shall be printed in boldface type the words name
10 ~~of the political party,~~ Official Ballot, Primary Election 20.. .
11 Each division containing the names of the office and a list of candidates
12 for such office shall be separated from other groups by a bold line. The
13 ballot shall list at-large candidates and subdistrict candidates under
14 appropriate headings.

15 (2) All proposals for constitutional amendments, candidates for
16 delegates to the national political party conventions, candidates for
17 congressional or state partisan offices with no party affiliation nor
18 partisan status indicated, and candidates on the nonpartisan ballot shall
19 be submitted on a ballot where bold lines separate one office or issue
20 from another. Proposals for constitutional amendments proposed by the
21 Legislature shall be placed on the ballot as provided in sections 49-201
22 to 49-211. Each candidate for delegate to the national political party
23 convention shall have his or her preference for the candidacy for the
24 office of President of the United States or the fact that he or she is
25 uncommitted shown on the ballot in parenthesis and indented on the line
26 immediately below the name of the candidate. All constitutional
27 amendments shall be placed on a separate ballot when a paper ballot is
28 used which requires the ballot after being voted to be folded before
29 being deposited in a ballot box. When an optical-scan ballot is used
30 which requires a ballot envelope or sleeve in which the ballot after
31 being voted is placed before being deposited in a ballot box,

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

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

18 Sec. 21. Section 32-810, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 32-810 (1) The election commissioner or county clerk shall place the
21 names of all partisan candidates for President or Vice President
22 certified to him or her by the Secretary of State and of those partisan
23 candidates filing in his or her office for county, city, or village
24 offices on a primary election ballot headed with the political party
25 designation. The name of each candidate for any other partisan office
26 certified by the Secretary of State and the name of each candidate for
27 any other partisan office filing in the office of election commissioner
28 or county clerk shall be placed on the primary election ballot headed by
29 the words Partisan Ticket. The name ~~names~~ of each nonpartisan candidate
30 certified by the Secretary of State and of each nonpartisan candidate
31 filing in the office of the election commissioner or county clerk shall

1 be placed on the primary election ballot headed by the words Nonpartisan
2 Ticket.

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

11 (3) The election commissioner or county clerk shall follow the order
12 of precincts or wards as set out in the official abstract book on file in
13 his or her office in preparing the official ballots. At the primary
14 election, on the first set of ballots for the first precinct or ward
15 shall be the names of candidates filing by date and hour as certified by
16 the Secretary of State and for local candidates the names of candidates
17 shall be listed in the order of filing by date and hour with the election
18 commissioner or county clerk. When there are more candidates than
19 vacancies for the same office, the names of all partisan and nonpartisan
20 candidates at a primary election shall be rotated precinct by precinct in
21 each office division in the order in which the precincts are set out in
22 the official abstract book. In making the changes of position, the
23 printer shall take the line of type at the head of each office division
24 and place it at the bottom of that division, shoving up the column so
25 that the name that was second shall be first after the change.

26 Sec. 22. Section 32-811, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 32-811 (1)(a) If the names of candidates properly filed for
29 nomination at the primary election for directors of natural resources
30 districts, directors of public power districts, members of airport
31 authority boards elected pursuant to sections 32-547 to 32-549, members

1 of the boards of governors of community college areas, members of the
2 boards of Class III or Class V school districts which nominate candidates
3 at a primary election, and officers of cities of the first or second
4 class and cities having a city manager plan of government do not exceed
5 two candidates for each position to be filled, any such candidates shall
6 be declared nominated and their names shall not appear on any primary
7 election ballots for such offices.

8 (b) If the number of candidates properly filed for the nomination of
9 a political party at the primary election for any county officer elected
10 pursuant to sections 32-517 to 32-529 does not exceed the number of
11 candidates to be nominated by that party for that office, any such
12 properly filed candidates shall be declared nominated and their names
13 shall not appear on any primary election ballots for such offices.

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

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

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

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

28 32-813 (1) The names of all candidates and all proposals to be voted
29 upon at the general election shall be arranged upon the ballot in parts
30 separated from each other by bold lines in the order the offices and
31 proposals are set forth in this section. If any office is not subject to

1 the upcoming election, the office shall be omitted from the ballot and
2 the remaining offices shall move up so that the same relative order is
3 preserved. The order of any offices may be altered to allow for the best
4 utilization of ballot space in order to avoid printing a second ballot
5 when one ballot would be sufficient if an optical-scan ballot is used.
6 All proposals on the ballot submitted by a political subdivision shall
7 follow all offices on the ballot submitted by a political subdivision.

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

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

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

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

1 for President, and the name appearing on the second line shall be
2 considered to be the candidate for Vice President.

3 (3) The names and spaces for voting for candidates for United States
4 Senator if any are to be elected shall be entitled United States
5 Senatorial Ticket in boldface type.

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

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

1 line shall be provided in which the registered voter may fill in the name
2 of the candidate for Governor of his or her choice and one square or oval
3 opposite the line in which the voter indicates his or her choice for
4 Governor.

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

- 11 (a) Legislature;
- 12 (b) State Board of Education;
- 13 (c) Board of Regents of the University of Nebraska;
- 14 (d) Chief Justice of the Supreme Court;
- 15 (e) Judge of the Supreme Court;
- 16 (f) Judge of the Court of Appeals;
- 17 (g) Judge of the Nebraska Workers' Compensation Court;
- 18 (h) Judge of the District Court;
- 19 (i) Judge of the Separate Juvenile Court;
- 20 (j) Judge of the County Court; and
- 21 (k) County officers in the order prescribed by the election
22 commissioner or county clerk.

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

30 (8) The candidates for office in the precinct only or in the city or
31 village only shall be printed on the ballot, except that if the election

1 commissioner or county clerk deems it advisable, candidates for these
2 offices may be submitted on a separate ballot if using a paper ballot or
3 on either side of an optical-scan ballot if the ballot is placed in a
4 ballot envelope or sleeve before being deposited in a ballot box.

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

19 Sec. 24. Section 32-814, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 32-814 (1) The election commissioner or county clerk shall place the
22 names of all nonpartisan candidates upon the same official general
23 election ballot as the partisan candidates. The names placed on the
24 official and sample general election ballots shall be the names of
25 candidates nominated in the primary election, the names of petition
26 candidates if any, the names of automatically nominated candidates as
27 provided in section 32-811, and the names of candidates filing as
28 provided in subsection (2) of section 32-606. The names of the candidates
29 shall be placed under the proper titles.

30 (2) The election commissioner or county clerk shall place on the
31 official general election ballot in each office division no more than

1 twice as many names as there are places to be filled at the general
2 election unless more than one candidate has successfully petitioned on
3 the ballot to fill a vacancy after the primary election. The names of the
4 partisan and nonpartisan candidates who received the highest number of
5 votes for the office for which they were candidates in the primary
6 election shall be placed on the official ballot except as otherwise
7 provided in the Election Act. If more than one person was a candidate for
8 the same position in the primary election, the election commissioner or
9 county clerk shall place on the official ballot the names of the two
10 persons who received the highest number of votes in the primary election
11 for the position for which they were candidates.

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

23 (4) If there are more candidates than vacancies for the same office,
24 the election commissioner or county clerk shall rotate the names of the
25 nonpartisan candidates on the official general election ballot. The
26 election commissioner or county clerk shall follow the order of precincts
27 or wards as set out in the official abstract book on file in his or her
28 office in preparing the official ballots. The first set of ballots for
29 the first precinct or ward shall be the names of candidates filing by
30 date and hour or of those candidates filing petitions, and for local
31 candidates the names of candidates shall be listed in the order of filing

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

8 Sec. 25. 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 or ~~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 a partisan

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

10 Sec. 26. Section 32-912, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 32-912 (1) Any registered voter desiring to vote in a primary
13 election held under the Election Act shall be entitled to participate in
14 such primary election upon presenting himself or herself at the polling
15 place for his or her residence. A registered voter who is affiliated with
16 a political party shall receive from the receiving board all nonpartisan
17 ballots and the partisan ballot of the political party indicated on his
18 or her voter registration. Except as provided in subsection ~~subsections~~
19 (2) ~~and (3)~~ of this section, a registered voter who is not affiliated
20 with any political party shall receive only nonpartisan ballots at a
21 primary election.

22 (2) Any political party may allow registered voters who are not
23 affiliated with a political party to vote in the primary election for any
24 elective office for which the party has candidates except for the office
25 of delegate to the party's county, state, or national convention. Any
26 political party desiring to permit such registered voters to vote for
27 candidates of that party in the primary election shall file a letter
28 stating that the governing body of the political party has adopted a rule
29 allowing registered voters who are not affiliated with a political party
30 to vote in the primary election for candidates of that party. The letter
31 and copy of the adopted rule shall be filed with the Secretary of State

1 at least sixty days before the primary election. The Secretary of State
2 shall notify the appropriate election commissioners and county clerks in
3 writing that the political party filing the letter will allow registered
4 voters who are not affiliated with a political party to vote in the
5 primary election for candidates of that party. Once filed, the rule
6 allowing such voters to vote in such primary election shall be
7 irrevocable and shall apply only to the primary election immediately
8 following the adoption of the rule.

9 ~~(3) A registered voter who is not affiliated with a political party~~
10 ~~and who desires to vote in the primary election for the office of United~~
11 ~~States Senator or United States Representative may request a partisan~~
12 ~~ballot for either or both of such offices from any political party. The~~
13 ~~election commissioner or county clerk shall post a notice in a~~
14 ~~conspicuous location, easily visible and readable by voters prior to~~
15 ~~approaching the receiving board, that a registered voter who is not~~
16 ~~affiliated with a political party may request such ballots. No such~~
17 ~~registered voter shall receive more than one such partisan ballot.~~

18 (3) ~~(4)~~ The registered voters residing in a political subdivision
19 may cast their ballots for candidates for the offices in that subdivision
20 and for issues proposed for that subdivision, except that when officers
21 are to be nominated or elected from a subdistrict of the political
22 subdivision, the registered voters residing in the subdistrict may only
23 vote for candidates from the subdistrict and for candidates for officers
24 to be elected at large from the whole political subdivision.

25 Sec. 27. This act becomes operative on January 1, 2021.

26 Sec. 28. Original sections 32-314, 32-401, 32-502, 32-503, 32-506,
27 32-507, 32-509, 32-605, 32-611, 32-612, 32-619.01, 32-623, 32-627,
28 32-702, 32-716, 32-720, 32-801, 32-809, 32-810, 32-811, 32-813, 32-814,
29 32-815, and 32-912, Reissue Revised Statutes of Nebraska, and sections
30 32-312 and 32-610, Revised Statutes Cumulative Supplement, 2018, are
31 repealed.