



Why May? The Shaping of Nebraska's Primaries

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KEY TAKEAWAYS

- Nebraska adopted its first direct primary law in 1907 (HR 405), ending party-controlled conventions and empowering voters to select party nominees.
- A 1911 law (HR 176) created Nebraska's presidential preference primary and closed two gaps in the original statute: it limited primary voting to registered party members and ended candidate cross-filing in multiple party primaries.
- The 1934 constitutional amendment creating the unicameral Legislature also made legislative elections nonpartisan, with a top-two primary format.
- The May primary date was set in 1953 (LB 148) and unified for presidential and state primaries by LB 80 (1955), taking effect in 1958, as a compromise balancing national political schedules, rural voter access, administrative costs, and campaign conditions.
- After *Tashjian v. Republican Party of Connecticut* (1986), the Legislature passed LB 652 (1987) to allow unaffiliated voters to participate in partisan congressional primaries.

The National Reform Movement

In the nation's early years, most elections relied on the colonial-era caucus system to choose candidates. This method soon proved vulnerable to abuse and corruption, as did the alternative of party conventions. Some jurisdictions began adopting direct primaries in the 1840s as reformers sought ways to curb the growing influence of party bosses. The modern primary system did not fully take shape, however, until the Progressive movement rose in the early twentieth century.

[Wisconsin](#) enacted the first statewide direct primary law in 1903, and the reform spread quickly across the states (Holcombe, 1911). Pennsylvania extended the model to national party processes in 1906, allowing voters to pick national convention delegates. Oregon blazed another trail in 1910 with the first presidential preference primary. Over the next decade, nearly every state embraced some form of primary election, especially direct primaries for state offices (Aylsworth, 1912).

By 1916, 23 states had adopted either a presidential preference primary or a system in which voters directly chose national convention delegates. Several states (including Nebraska) also held vice-presidential preference votes (Lapp, 1916).

Nebraska's Direct Primary Law

Nebraska joined this national movement in earnest by summer 1906, as Progressive momentum gained widespread traction across the state. Advocates (including Governor George L. Sheldon) sought to empower voters to select party nominees, increase candidate accountability, and limit party leaders' influence (Olson & Naugle, 1997). Sheldon, a Republican elected in 1906, was well positioned to push direct primary legislation through the Republican-majority Legislature in his first session.

In 1907, Governor Sheldon led the Legislature to adopt House Roll 405, Nebraska's first statewide direct primary law. Nebraska held its first primary on September 1, 1908 (Olson & Naugle, 1997).

Presidential Preference Primary

In 1911, HR 176 created Nebraska's first presidential preferential primary, allowing voters to select their preferred presidential and vice-presidential nominees. HR 176 also changed the primary dates: presidential primaries were held 45 days before the first Monday in June (April), while other primaries were held in August. From 1911 onward, all statewide and federal primaries occurred in even-numbered years.



The 1911 law also closed two gaps in the original 1907 statute. First, it restricted primary voting to registered party members, preventing voters from one party from influencing another party's nomination. Second, it limited candidates to seeking the nomination of a single party, ending the practice of cross-filing in multiple primaries. Together, these changes brought Nebraska in step with national reform.

Nebraska held its first presidential preference primary on April 19, 1912, drawing national attention. Theodore Roosevelt won the Republican primary with 46,795 votes, beating La Follette (16,785) and Taft (13,341). On the Democratic side, Champ Clark won with 21,027 votes, beating Woodrow Wilson (14,289) and Judson Harmon (12,454) (Danker, 1956).

At the Democratic National Convention, Nebraska delegate William Jennings Bryan eventually supported Wilson, who secured the nomination on the 46th ballot. Roosevelt, having lost the Republican nomination, ran for the new Progressive Party, splitting the Republican vote and helping Wilson win Nebraska's electoral votes and the presidency.

1934 Constitutional Amendment

In 1934, voters approved a constitutional amendment, led by Senator George W. Norris, reorganizing the Legislature into a unicameral body. Legislative elections became nonpartisan: candidates appeared on a single ballot, and the top two advanced regardless of party. The measure passed 286,086 to 193,152, and the unicameral Legislature convened on January 5, 1937 (Breckenridge, 1978).

The 1932 elections for the bicameral legislature had produced 31 Democrats and 2 Republicans in the state Senate, with Democrats also holding 80 of 100 House seats (Breckenridge, 1978). By contrast, the first nonpartisan election for the unicameral Legislature produced a more balanced outcome: 21 Republicans and 22 Democrats. Supporters viewed these results as evidence that nonpartisanship could succeed. Of the 43 members elected, 32 had previously served in the state legislature, including 19 who had completed two or more terms (see note above).

Nebraska's experiment with nonpartisanship had earlier roots. Decades before the unicameral amendment, the Legislature enacted Senate File 100 in 1909, establishing nonpartisan elections for the Supreme Court, district and county judges, regents of the State University, and the superintendent of public instruction. Voters later rejected a 1924 initiative — Amendment 1, which bundled direct primaries with expanded nonpartisan elections — by 163,932 to 228,485 (Nebraska Secretary of State, 1924).

World War II

In 1944, World War II affected servicemembers' voting, so the Legislature moved non-presidential year primaries from August to June, starting in 1946, to help servicemembers return absentee ballots before the general election ("Senators Shift Primary Dates," 1953). Nebraska ran the first and only June primary in 1946. After the war ended in 1945, lawmakers returned the primary schedule to April–August in 1949.

A previous [Snapshot](#) provides deeper insight into the impact of election law on military voting and participation.

How Nebraska Landed in May

To unify election timing, Nebraska moved both primaries to April in 1951 (LB 486). However, ongoing debates led legislators to move presidential primaries to May and non-presidential primaries to August in 1953, effective in 1954. The ultimate choice of May reflected continued debate over access, efficiency, and alignment with national trends.

[LB 148](#) initially proposed moving Nebraska's presidential primary to June, in line with national recommendations. The Council of State Governments had suggested synchronized primaries within a month of national conventions to avoid prolonged campaigns and promote broad candidate access ("Primary Law Shift Urged," 1952). Variations in primary dates drew criticism, fueling Nebraska's ongoing debate on scheduling.

These concerns persisted into the 1953 legislative session, during which lawmakers engaged in



sustained debate over the appropriate scheduling of the state's primaries. Advocates argued for a later date, believing it would improve access to the polls (especially for rural voters) by providing more favorable travel conditions ("Committee Favors," 1953). Lawmakers rejected the June proposal, partly because it would occur in close proximity to national conventions in presidential election years ("Compensation for Patrol," 1953).

LB 148 was amended to move presidential primaries to May. This raised concerns that early primaries might not reflect voters' preferences at national conventions ("New Election Laws," 1953)

Legislators also considered administrative efficiency and voter turnout. Senator Tvrdik wanted to consolidate the August primaries with the spring elections, citing costs; he noted that summer heat and vacations could lower turnout and make it harder to find poll workers in August ("Bill to Standardize," 1953).

In contrast, Senator Klaver argued that a spring primary in non-presidential years created an extended interval between the primary and general election. He acknowledged, however, that a spring primary remained necessary in presidential years to facilitate the selection of national convention delegates ("Senators Shift Primary Dates," 1953). Additional concerns were raised about early spring weather and road conditions impeding campaigning and voter access ("Compensation for Patrol," 1953). Senator Nelson, the bill's introducer, argued that farmers had difficulty voting in April due to road conditions.

The Legislature adopted a compromise: May primaries coincide with presidential years, while August primaries occur in non-presidential years. Lawmakers aimed to balance national political schedules with voter turnout, administrative costs, and campaign conditions.

The 1953 session also produced a structural reform: [LB 147](#) abolished pre-primary party conventions, which party leaders had previously used to nominate candidates for placement on primary ballots. Although intended to guide candidate

selection, these conventions exerted limited influence in practice, as voters frequently selected candidates irrespective of party endorsement ("Pre-Primary Convention Law," 1953).

LB 80 (1955) consolidated Nebraska's presidential and state primaries onto the same day in May, taking effect with the 1958 election cycle. The primary takes place on the first Tuesday after the second Monday in May of even-numbered years, as specified in [Neb. Rev. Stat. § 32-401](#).

TIMELINE

- 1907** Nebraska adopts its first direct primary law (HR 405).
- 1908** First Nebraska direct primary held September 1.
- 1911** Presidential preference primary created (HR 176).
- 1912** First Nebraska presidential primary held April 19.
- 1934** Voters approve unicameral, nonpartisan Legislature.
- 1937** Unicameral Legislature convenes January 5.
- 1944** Primaries moved from August to June for WWII service members.
- 1946** Nebraska's only June primary held.
- 1949** Postwar return to April–August schedule.
- 1951** Both primaries moved to April (LB 486).
- 1953** May and August compromise adopted (LB 148).
- 1955** LB 80 unifies presidential and state primaries.
- 1958** Unified May primary takes effect.
- 1986** U.S. Supreme Court decides *Tashjian*.
- 1987** Nebraska opens congressional primaries to unaffiliated voters (LB 652).

The *Tashjian* Decision

Three decades later, federal constitutional law drove another significant change to Nebraska's primary system. In 1984, the Connecticut Republican Party adopted a rule opening its federal and statewide primaries to unaffiliated voters, contrary to a state law restricting primary participation to registered party members. The party challenged the law on First and Fourteenth Amendment grounds. In [Tashjian v. Republican Party of Connecticut](#) (1986), the U.S. Supreme Court agreed, holding 5–4 that the closed primary law impermissibly burdened the party's associational rights.



Writing for the Court, Justice Thurgood Marshall states, “*The fundamental purpose of the Qualifications Clauses contained in Article I, § 2, and the Seventeenth Amendment is satisfied if all those qualified to participate in the selection of members of the more numerous branch of the state legislature are also qualified to participate in the election of Senators and Members of the House of Representatives.*”

The *Tashjian* case prompted action in the Nebraska Legislature. In 1987, at Senator Rupp’s request, the Nebraska Attorney General’s Office issued Opinion 87070, analyzing how *Tashjian* applied to Nebraska’s election laws. The opinion identified a constitutional issue rooted in Nebraska’s nonpartisan unicameral Legislature: because voters are not required to affiliate with a party to participate in legislative primaries, they must also be permitted to vote in congressional primaries. In response, the Legislature passed [LB652](#), which allowed nonpartisan voters to participate in partisan congressional primaries.

Conclusion

The answer to “Why May?” is less a single decision than an accumulation of them. Nebraska’s primary calendar is the product of more than a century of recalibration: Progressive-era reform in 1907, presidential preference voting in 1911, nonpartisan unicameral elections in 1934, wartime adjustments for servicemembers, the 1953 compromise weighing national schedules against rural voter access and administrative cost, and the Legislature’s 1987 response to *Tashjian v. Republican Party of Connecticut*, which reopened congressional primaries to unaffiliated voters.

Today, Nebraska’s primary system reflects that layered history. State legislative races use a nonpartisan top-two system open to all voters; unaffiliated voters may request a partisan ballot in congressional primaries; and participation rules for other partisan statewide offices are left to each party to decide. The May date (used for both presidential and state primaries since 1958) continues to serve the dual-purpose lawmakers sought: keeping Nebraska aligned with national presidential politics while preserving a workable election calendar.

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