

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 56

Final Reading

(Second)

Introduced by Larson, 40.

Read first time January 10, 2013

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to county officers; to amend section 32-815,
 2 Reissue Revised Statutes of Nebraska, and sections 32-615
 3 and 32-811, Revised Statutes Cumulative Supplement, 2012;
 4 to change provisions relating to write-in candidates; to
 5 provide for automatic nomination of certain county
 6 officers; to harmonize provisions; to repeal the original
 7 sections; and to declare an emergency.

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

1 Section 1. Section 32-615, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 32-615 ~~Any~~ (1) Except as otherwise provided in subsection
4 (2) of this section, any candidate engaged in or pursuing a write-in
5 campaign shall file a notarized affidavit of his or her intent
6 together with the receipt for any filing fee with the filing officer
7 as provided in section 32-608 no earlier than December 1 and no later
8 than ten days prior to the election.

9 (2) For any county office elected pursuant to sections
10 32-517 to 32-529 which is subject to subdivision (1)(b) of section
11 32-811, a candidate may engage in or pursue a write-in campaign if he
12 or she files a notarized affidavit of his or her intent together with
13 the receipt for the filing fee with the filing officer as provided in
14 section 32-608 on or before March 3 of the year of the statewide
15 primary election. If such an affidavit is filed as prescribed, the
16 election commissioner or county clerk shall place that county office
17 on the statewide primary election ballot with the names of the
18 candidate properly filed for the nomination of the applicable
19 political party and a line for write-in candidates.

20 (3) A candidate who has been defeated as a candidate in
21 the primary election or defeated as a write-in candidate in the
22 primary election shall not be eligible as a write-in candidate for
23 the same office in the general election unless a vacancy on the
24 ballot exists pursuant to section 32-625.

25 (4) A candidate who files a notarized affidavit shall be

1 entitled to all write-in votes for the candidate even if only the
2 last name of the candidate has been written if such last name is
3 reasonably close to the proper spelling.

4 Sec. 2. Section 32-811, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 32-811 (1)(a) If the names of candidates properly filed
7 for nomination at the primary election for directors of natural
8 resources districts, directors of public power districts, members of
9 airport authority boards elected pursuant to sections 32-547 to
10 32-549, members of the boards of governors of community college
11 areas, members of the boards of Class III or Class V school districts
12 which nominate candidates at a primary election, and officers of
13 cities of the first or second class and cities having a city manager
14 plan of government do not exceed two candidates for each position to
15 be filled, any such candidates shall be declared nominated and their
16 names shall not appear on any primary election ballots.

17 (b) If the number of candidates properly filed for the
18 nomination of a political party at the primary election for any
19 county officer elected pursuant to sections 32-517 to 32-529 does not
20 exceed the number of candidates to be nominated by that party for
21 that office, any such properly filed candidates shall be declared
22 nominated and their names shall not appear on any primary election
23 ballots.

24 (c) The official abstract of votes kept by the county or
25 state shall show the names of such candidates with the statement

1 Nominated Without Opposition. The election commissioner or county
2 clerk shall place the names of such automatically nominated
3 candidates on the general election ballot as provided in section
4 32-814 or 32-815.

5 (2) Candidates shall not appear on the ballot in the
6 primary election for the offices listed in subsection (2) of section
7 32-606.

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

13 Sec. 3. Section 32-815, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 32-815 (1) The names of candidates for each partisan
16 elective office shall be arranged on the ballot of the general
17 election so that the political party polling the highest number of
18 votes at the last general election for Governor will have the name of
19 its nominee immediately beneath the name of the office for which the
20 candidate was nominated, the political party polling the second
21 highest number of votes will have the second place, the political
22 party having the third highest number of votes will have the third
23 place, and continuing with the political parties in descending order
24 of number of votes, leaving those candidates whose names appear upon
25 the ballot by petition to appear beneath all other candidates placed

1 there by nomination. For each office for which there are more
2 candidates than vacancies and there are two or more nominees of the
3 same political party, the election commissioner or county clerk shall
4 rotate the names of such candidates on the official ballot. In
5 printing the ballots for the various election districts, the
6 positions of the names shall be changed in each office division for
7 each election district. In making the change of position, the printer
8 shall take the line of type at the head of each division and place it
9 at the bottom of that division, shoving up the column so that the
10 name that was second shall be first after the change.

11 (2) The name of the person receiving the highest number
12 of votes at a primary election as the candidate of a political party
13 for an office shall be placed on the official ballot except as
14 otherwise provided in the Election Act. ~~No—~~Except as provided in
15 section 32-811 for automatically nominated candidates, no person
16 shall be certified as a candidate of any political party for such
17 office by the Secretary of State, election commissioner, or county
18 clerk unless the person receives a number of votes at least equal to
19 five percent of the total ballots cast at the primary election by
20 registered voters affiliated with that political party in the
21 district which the office serves and meets the requirements for the
22 office.

23 Sec. 4. Original section 32-815, Reissue Revised Statutes
24 of Nebraska, and sections 32-615 and 32-811, Revised Statutes
25 Cumulative Supplement, 2012, are repealed.

1 Sec. 5. Since an emergency exists, this act takes effect
2 when passed and approved according to law.