

LEGISLATIVE BILL 268

Approved by the Governor March 10, 2008

Introduced by McGill, 26; Avery, 28; Chambers, 11; Cornett, 45; Kopplin, 3; Nantkes, 46; Pedersen, 39; Preister, 5; Schimek, 27; Wallman, 30; Gay, 14.

FOR AN ACT relating to counties; to amend sections 23-151 and 32-528, Reissue Revised Statutes of Nebraska; to change provisions relating to election of county boards; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 23-151, Reissue Revised Statutes of Nebraska, is amended to read:

23-151 (1) Each county under commissioner organization having not more than three hundred thousand inhabitants shall be divided into three districts numbered respectively, one, two, and three, or into five districts as provided for in sections 23-148 and 23-149 numbered respectively, one, two, three, four, and five. ~~Beginning October 1, 1991, each~~ Each county having more than three hundred thousand inhabitants shall be divided into seven districts numbered respectively, one, two, three, four, five, six, and seven.

(2) Such districts shall consist of two or more voting precincts comprising compact and contiguous territory and embracing a substantially equal division of the population of the county. District boundary lines shall not be subject to alteration more than once every ten years unless the county has a change in population requiring it to be redistricted pursuant to subdivision (3)(a) of this section or unless there is a vote to change from three to five districts as provided for in sections 23-148 and 23-149.

(3)(a) ~~In counties having more than three hundred thousand inhabitants, the~~ The establishment of district boundary lines pursuant to subsection (1) of this section shall be completed ~~not later than October 1, 1991, or~~ within one year after ~~the~~ a county attains a population of more than three hundred thousand inhabitants, ~~whichever occurs later.~~ Beginning in 2001 and every ten years thereafter, the district boundary lines of any county having more than three hundred thousand inhabitants shall be redrawn, if necessary to maintain substantially equal district populations, by the date specified in section 32-553.

(b) The establishment of district boundary lines and any alteration thereof under this subsection shall be done by the county board. If the county board fails to do so by the applicable deadline, district boundaries shall be drawn by the election commissioner within six months after the deadline established for the drawing or redrawing of district boundaries by the county board. If the election commissioner fails to meet such deadline, the remedies established in subsection (3) of section 32-555 shall apply.

(4) The district boundary lines shall not be changed at any session of the county board unless all of the commissioners are present at such session.

(5) Commissioners shall be elected as provided in section 32-528. Elections shall be conducted as provided in the Election Act.

Sec. 2. Section 32-528, Reissue Revised Statutes of Nebraska, is amended to read:

32-528 (1) In counties having a county board of three commissioners, two commissioners shall be elected at the statewide general election in 1994 and each four years thereafter, and one commissioner shall be elected at the statewide general election in 1996 and each four years thereafter. In counties having a county board of five commissioners, three commissioners shall be elected at the statewide general election in 1994 and each four years thereafter, and two commissioners shall be elected at the statewide general election in 1996 and each four years thereafter. In counties having a county board of seven or more commissioners, one commissioner shall be elected in each odd-numbered commissioner district at the statewide general election in 1994 and each four years thereafter, and one commissioner shall be elected in each even-numbered commissioner district at the statewide general election in 1996 and each four years thereafter.

(2) Except for commissioners first elected after the county adopts the commissioner form of government or has increased the number of commissioners, the term of each county commissioner shall be four years or until his or her successor is elected and qualified. At the first election held to choose the board of commissioners in any county having three commissioners, the person having the highest number of votes shall serve for

four years and the two receiving the next highest number of votes shall serve for two years, and if any three or more persons have the same number of votes, their terms of office shall be determined by the county canvassing board. The county commissioners shall meet the qualifications found in section 23-150. Nothing in this section shall be construed to prohibit the reelection of a commissioner holding office if the commissioner is reelected to represent his or her respective district. The county commissioners shall be elected on the partisan ballot.

(3) (a) In counties having not more than ~~three hundred~~ one hundred fifty thousand inhabitants, one commissioner shall be nominated and elected from each district by the registered voters of the district.

(b) ~~Until 2010, except that~~ in counties having a population of more than one hundred fifty thousand but not more than three hundred thousand inhabitants, one commissioner shall be nominated from each district by the registered voters of the district and shall be elected by the registered voters of the entire county. Beginning in 1992 in 2010 in counties having a population of more than one hundred fifty thousand but not more than three hundred thousand inhabitants, one commissioner shall be nominated and elected from each district by the registered voters of the district as provided in subsection (5) of this section.

(c) In counties having more than three hundred thousand inhabitants, one commissioner shall be nominated and elected from each district by the registered voters of the district.

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

(5) In counties having more than one hundred fifty thousand but not more than three hundred thousand inhabitants which are changing from nominating by district and electing at large to nominating and electing by district as provided in subdivision (3)(b) of this section, the ~~three~~ commissioners whose terms of office will expire in 1995 shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. At the primary election in 1992, 2010, one commissioner in such counties shall be nominated from each odd-numbered district. At the ensuing general election, one commissioner shall be elected from each odd-numbered district. At the primary election in 1994, 2012, one commissioner in such counties shall be nominated from each even-numbered district. At the ensuing general election, one commissioner shall be elected from each even-numbered district. ~~Beginning in 1992, each commissioner in such counties shall hold office for four years or until his or her successor is elected and qualified. Nothing in this subsection shall be construed to prohibit the reelection of a commissioner holding office in 1992 or 1994 if such commissioner is reelected to represent the district in which he or she resides.~~

Sec. 3. Original sections 23-151 and 32-528, Reissue Revised Statutes of Nebraska, are repealed.