

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 173**

Introduced by Avery, 28.

Read first time January 07, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Election Act; to amend section 32-604,  
2 Revised Statutes Cumulative Supplement, 2010; to redefine  
3 high elective office to include natural resources  
4 districts for purposes of restrictions on multiple office  
5 holding; and to repeal the original section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-604, Revised Statutes Cumulative  
2 Supplement, 2010, is amended to read:

3           32-604 (1) Except as provided in subsection (2) or (4) of  
4 this section, no person shall be precluded from being elected or  
5 appointed to or holding an elective office for the reason that he or  
6 she has been elected or appointed to or holds another elective  
7 office.

8           (2) No person serving as a member of the Legislature or  
9 in an elective office described in Article IV, section 1 or 20, or  
10 Article VII, section 3 or 10, of the Constitution of Nebraska shall  
11 simultaneously serve in any other elective office, except that such a  
12 person may simultaneously serve in another elective office which is  
13 filled at an election held in conjunction with the annual meeting of  
14 a public body.

15           (3) Whenever an incumbent serving as a member of the  
16 Legislature or in an elective office described in Article IV, section  
17 1 or 20, or Article VII, section 3 or 10, of the Constitution of  
18 Nebraska assumes another elective office, except an elective office  
19 filled at an election held in conjunction with the annual meeting of  
20 a public body, the office first held by the incumbent shall be deemed  
21 vacant.

22           (4) No person serving in a high elective office shall  
23 simultaneously serve in any other high elective office, except that a  
24 county attorney may serve as the county attorney for more than one  
25 county if appointed under subsection (2) of section 23-1201.01.

1                   (5) Notwithstanding subsection (4) of this section, any  
2 person holding more than one high elective office upon July 15, 2010,  
3 shall be entitled to serve the remainder of all terms for which he or  
4 she was elected or appointed. Notwithstanding subsection (4) of this  
5 section, any person holding more than one high elective office upon  
6 the effective date of this act shall be entitled to serve the  
7 remainder of all terms for which he or she was elected or appointed.

8                   (6) For purposes of this section, (a) elective office has  
9 the meaning found in section 32-109 and includes an office which is  
10 filled at an election held in conjunction with the annual meeting of  
11 a public body created by an act of the Legislature but does not  
12 include a member of a learning community coordinating council  
13 appointed pursuant to subsection (5) or (7) of section 32-546.01 and  
14 (b) high elective office means a member of the Legislature, an  
15 elective office described in Article IV, section 1 or 20, or Article  
16 VII, section 3 or 10, of the Constitution of Nebraska, or a county,  
17 city, community college area, learning community, ~~or~~ school district,  
18 or natural resources district elective office.

19                   Sec. 2. Original section 32-604, Revised Statutes  
20 Cumulative Supplement, 2010, is repealed.