

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 211

Introduced by Crawford, 45; Blood, 3; Hansen, M., 26; Hunt, 8; Kolterman, 24; McCollister, 20; Quick, 35; Vargas, 7; Walz, 15; Wayne, 13.

Read first time January 11, 2019

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to county officers; to amend sections 32-517,
- 2 32-518, 32-519, 32-520, 32-521, 32-522, 32-523, 32-524, 32-525,
- 3 32-526, 32-528, 32-529, and 32-609, Reissue Revised Statutes of
- 4 Nebraska; to provide for nomination and election of county officers
- 5 on the nonpartisan ballot; to harmonize provisions; and to repeal
- 6 the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-517, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-517 Except as provided in section 22-417, a county clerk shall be
4 elected in each county having a population of four hundred thousand
5 inhabitants or less at the statewide general election in 1994 and each
6 four years thereafter and in counties having a population in excess of
7 four hundred thousand inhabitants at the statewide general election in
8 1996 and each four years thereafter. The county clerk shall meet the
9 qualifications found in sections 23-1301 and 23-3203 if applicable. The
10 county clerk shall be elected on the nonpartisan ~~partisan~~ ballot.

11 Sec. 2. Section 32-518, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 32-518 Except as provided in section 22-417, (1) a register of deeds
14 shall be elected in each county having a population of more than twenty
15 thousand and not more than four hundred thousand inhabitants at the
16 statewide general election in 1962 and each four years thereafter and in
17 counties having a population in excess of four hundred thousand
18 inhabitants at the statewide general election in 1964 and each four years
19 thereafter and (2) if the population of a county which has a separate
20 office of register of deeds pursuant to this section falls below twenty
21 thousand inhabitants after establishing such an office or if a county
22 which has a separate office of register of deeds immediately prior to
23 July 10, 1990, has a population of twenty thousand inhabitants or less,
24 the office of the register of deeds shall continue and the officer shall
25 be elected pursuant to this section as if the county had a population of
26 more than twenty thousand and not more than four hundred thousand
27 inhabitants. The term of the register of deeds shall be four years or
28 until his or her successor is elected and qualified. The register of
29 deeds shall meet the qualifications found in section 23-1501. The
30 register of deeds shall be elected on the nonpartisan ~~partisan~~ ballot.

31 Sec. 3. Section 32-519, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 32-519 (1) Except as provided in section 22-417, at the statewide
3 general election in 1990 and each four years thereafter, a county
4 assessor shall be elected in each county having a population of more than
5 three thousand five hundred inhabitants and more than one thousand two
6 hundred tax returns. The county assessor shall serve for a term of four
7 years.

8 (2) The county board of any county shall order the submission of the
9 question of electing a county assessor in the county to the registered
10 voters of the county at the next statewide general election upon
11 presentation of a petition to the county board (a) conforming to the
12 provisions of section 32-628, (b) not less than sixty days before any
13 statewide general election, (c) signed by at least ten percent of the
14 registered voters of the county secured in not less than two-fifths of
15 the townships or precincts of the county, and (d) asking that the
16 question be submitted to the registered voters in the county. The form of
17 submission upon the ballot shall be as follows: For election of county
18 assessor; Against election of county assessor. If a majority of the votes
19 cast on the question are against the election of a county assessor in
20 such county, the duties of the county assessor shall be performed by the
21 county clerk and the office of county assessor shall either cease with
22 the expiration of the term of the incumbent or continue to be abolished
23 if no such office exists at such time. If a majority of the votes cast on
24 the question are in favor of the election of a county assessor, the
25 office shall continue or a county assessor shall be elected at the next
26 statewide general election.

27 (3) The county assessor shall meet the qualifications found in
28 sections 23-3202 and 23-3204. The county assessor shall be elected on the
29 nonpartisan ~~partisan~~ ballot.

30 Sec. 4. Section 32-520, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 32-520 A county sheriff shall be elected in each county at the
2 statewide general election in 1990 and each four years thereafter. The
3 term of the county sheriff shall be four years or until his or her
4 successor is elected and qualified. The county sheriff shall meet the
5 qualifications found in sections 23-1701 and 23-1701.01. The county
6 sheriff shall be elected on the nonpartisan ~~partisan~~ ballot.

7 Sec. 5. Section 32-521, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-521 A county treasurer shall be elected in each county at the
10 statewide general election in 1990 and each four years thereafter. The
11 term of the county treasurer shall be four years or until his or her
12 successor is elected and qualified. The county treasurer shall meet the
13 qualifications found in section 23-1601.01. The county treasurer shall be
14 elected on the nonpartisan ~~partisan~~ ballot.

15 Sec. 6. Section 32-522, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 32-522 Except as provided in section 23-1201.01, a county attorney
18 shall be elected in each county at the statewide general election in 1990
19 and each four years thereafter. The term of the county attorney shall be
20 four years or until his or her successor is elected and qualified.
21 Candidates for the office of county attorney shall meet the
22 qualifications found in sections 23-1201.01 and 23-1201.02. The county
23 attorney shall be elected on the nonpartisan ~~partisan~~ ballot.

24 Sec. 7. Section 32-523, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 32-523 Except as otherwise provided in sections 23-3401 and 23-3404,
27 the public defender shall, in counties having a population in excess of
28 one hundred thousand inhabitants which have not elected a public defender
29 prior to July 10, 1984, be elected at the next statewide general election
30 following July 10, 1984, or the year in which the county attains a
31 population of one hundred thousand inhabitants and shall, in other

1 counties, be elected at the first statewide general election of county
2 officers following approval by the county board and every four years
3 thereafter. The term of the public defender shall be four years or until
4 his or her successor is elected and qualified. The public defender shall
5 meet the qualifications found in section 23-3401. The public defender
6 shall be elected on the nonpartisan ~~partisan~~ ballot.

7 Sec. 8. Section 32-524, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-524 (1) Except as provided in section 22-417:

10 (a) In counties having a population of seven thousand inhabitants or
11 more, there shall be elected one clerk of the district court at the
12 statewide general election in 1962 and every four years thereafter; and

13 (b) In counties having a population of less than seven thousand
14 inhabitants, there shall be elected a clerk of the district court at the
15 first statewide general election following a determination by the county
16 board and the district judge for the county that such officer should be
17 elected and each four years thereafter. When such a determination is not
18 made in such a county, the county clerk shall be ex officio clerk of the
19 district court and perform the duties by law devolving upon that officer,
20 unless there is an agreement between the State Court Administrator and
21 the county board that the clerk of the county court for such county shall
22 be the ex officio clerk of the district court and perform such duties.

23 (2) In any county upon presentation of a petition to the county
24 board (a) not less than sixty days before the statewide general election
25 in 1976 or every four years thereafter, (b) signed by registered voters
26 of the county equal in numbers to at least fifteen percent of the total
27 vote cast for Governor at the most recent gubernatorial election in the
28 county, secured in not less than two-fifths of the townships or precincts
29 of the county, and (c) asking that the question of not electing a clerk
30 of the district court in the county be submitted to the registered voters
31 therein, the county board, at the next statewide general election, shall

1 order the submission of the question to the registered voters of the
2 county. The form of submission upon the ballot shall be as follows:

3 For election of a clerk of the district court;

4 Against election of a clerk of the district court.

5 (3) If a majority of the votes cast on the question are against the
6 election of a clerk of the district court in such county, the duties of
7 the clerk of the district court shall be performed by the county clerk,
8 unless there is an agreement between the State Court Administrator and
9 the county board that the clerk of the county court for such county shall
10 be the ex officio clerk of the district court and perform such duties,
11 and the office of clerk of the district court shall either cease with the
12 expiration of the term of the incumbent or continue to be abolished if no
13 such office exists at such time.

14 (4) If a majority of the votes cast on the question are in favor of
15 the election of a clerk of the district court, the office shall continue
16 or a clerk of the district court shall be elected at the next statewide
17 general election as provided in subsection (1) of this section.

18 (5) The term of the clerk of the district court shall be four years
19 or until his or her successor is elected and qualified. The clerk of the
20 district court shall meet the qualifications found in section 24-337.04.
21 The clerk of the district court shall be elected on the nonpartisan
22 ~~partisan~~ ballot.

23 Sec. 9. Section 32-525, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 32-525 (1) Except as provided in section 22-417 and except for
26 counties which vote not to elect the county surveyor as provided in
27 subsection (2) or (4) of this section, a county surveyor on either a
28 full-time or part-time basis, as determined by the county board in
29 accordance with section 23-1901, shall be elected in each county having a
30 population of less than one hundred fifty thousand inhabitants at the
31 statewide general election in 1990 and each four years thereafter.

1 (2)(a) Except as provided in section 22-417 and in subsection (3) of
2 this section, in each county having a population of less than one hundred
3 fifty thousand inhabitants, the question of electing a county surveyor in
4 the county shall be submitted to the registered voters of the county at
5 the statewide general election in 2020. The form of submission upon the
6 ballot shall be as follows: For election of county surveyor; Against
7 election of county surveyor.

8 (b) If a majority of the votes cast on the question are against the
9 election of a county surveyor in such county, the office of county
10 surveyor shall cease as an elected office with the expiration of the term
11 of the incumbent or shall remain as it exists if no elected official
12 holds that office. In such counties, the office shall be filled as
13 provided in subsection (2) of section 23-1901.01.

14 (c) If a majority of the votes cast on the question are in favor of
15 the election of a county surveyor, the office shall continue to be
16 elected as provided in subsection (1) of this section or, if no elected
17 county surveyor is in office, a county surveyor shall be elected at the
18 next statewide general election as provided in subsection (1) of this
19 section.

20 (3) If a county having a population of less than one hundred fifty
21 thousand inhabitants has an elected county surveyor in office on January
22 1, 2020, the county board may, prior to February 1, 2020, following a
23 public hearing, adopt a resolution to continue to elect the county
24 surveyor for the county and not to submit the question pursuant to
25 subsection (2) of this section.

26 (4)(a) Beginning in 2021, in each county having a population of less
27 than one hundred fifty thousand inhabitants, the county board shall
28 submit the question of electing a county surveyor in the county to the
29 registered voters of the county at the next statewide general election if
30 (i) the county board, by majority vote of all the members of the county
31 board, adopts a resolution on or before September 1 prior to the next

1 statewide general election to submit the question to the voters or (ii) a
2 petition conforming to section 32-628 asking for the submission of the
3 question to the voters is presented to the election commissioner or
4 county clerk on or before September 1 prior to the next statewide general
5 election signed by at least ten percent of the registered voters of the
6 county. The election commissioner or county clerk shall verify the
7 signatures pursuant to section 32-631 and place the question on the
8 ballot if he or she determines that at least ten percent of the
9 registered voters of the county have signed the petition.

10 (b) The form of submission upon the ballot shall be as follows: For
11 election of county surveyor; Against election of county surveyor.

12 (c) If a majority of the votes cast on the question are against the
13 election of a county surveyor in such county, the office of county
14 surveyor shall cease as an elected office with the expiration of the term
15 of the incumbent or shall remain as it exists if no elected official
16 holds that office. In such counties, the office shall be filled as
17 provided in subsection (2) of section 23-1901.01.

18 (d) If a majority of the votes cast on the question are in favor of
19 the election of a county surveyor, the office shall continue to be
20 elected as provided in subsection (1) of this section or, if no elected
21 county surveyor is in office, a county surveyor shall be elected at the
22 next statewide general election as provided in subsection (1) of this
23 section.

24 (5) The term of the county surveyor shall be four years or until his
25 or her successor is elected and qualified. The county surveyor shall meet
26 the qualifications found in sections 23-1901 and 23-1901.01. The county
27 surveyor shall be elected on the nonpartisan ~~partisan~~ ballot.

28 Sec. 10. Section 32-526, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 32-526 Except as provided in section 22-417, a county engineer shall
31 be elected in each county having a population of one hundred fifty

1 thousand inhabitants or more at the statewide general election in 1990
2 and each four years thereafter. The term of the county engineer shall be
3 four years or until his or her successor is elected and qualified. The
4 county engineer shall meet the qualifications found in section 23-1901.
5 The county engineer shall be elected on the nonpartisan ~~partisan~~ ballot.

6 Sec. 11. Section 32-528, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 32-528 (1) In counties having a county board of three commissioners,
9 two commissioners shall be elected at the statewide general election in
10 1994 and each four years thereafter, and one commissioner shall be
11 elected at the statewide general election in 1996 and each four years
12 thereafter. In counties having a county board of five commissioners,
13 three commissioners shall be elected at the statewide general election in
14 1994 and each four years thereafter, and two commissioners shall be
15 elected at the statewide general election in 1996 and each four years
16 thereafter. In counties having a county board of seven or more
17 commissioners, one commissioner shall be elected in each odd-numbered
18 commissioner district at the statewide general election in 1994 and each
19 four years thereafter, and one commissioner shall be elected in each
20 even-numbered commissioner district at the statewide general election in
21 1996 and each four years thereafter.

22 (2) Except for commissioners first elected after the county adopts
23 the commissioner form of government or has increased the number of
24 commissioners, the term of each county commissioner shall be four years
25 or until his or her successor is elected and qualified. At the first
26 election held to choose the board of commissioners in any county having
27 three commissioners, the person having the highest number of votes shall
28 serve for four years and the two receiving the next highest number of
29 votes shall serve for two years, and if any three or more persons have
30 the same number of votes, their terms of office shall be determined by
31 the county canvassing board. The county commissioners shall meet the

1 qualifications found in section 23-150. Nothing in this section shall be
2 construed to prohibit the reelection of a commissioner holding office if
3 the commissioner is reelected to represent his or her respective
4 district. The county commissioners shall be elected on the nonpartisan
5 ~~partisan~~ ballot.

6 (3)(a) In counties having not more than one hundred fifty thousand
7 inhabitants as determined by the most recent federal decennial census,
8 one commissioner shall be nominated and elected from each district by the
9 registered voters of the district.

10 (b) In counties having a population of more than one hundred fifty
11 thousand but not more than four hundred thousand inhabitants as
12 determined by the most recent federal decennial census, one commissioner
13 shall be nominated and elected from each district by the registered
14 voters of the district as provided in subsection (5) of this section.

15 (c) In counties having more than four hundred thousand inhabitants
16 as determined by the most recent federal decennial census, one
17 commissioner shall be nominated and elected from each district by the
18 registered voters of the district.

19 (4) In counties in which a majority has voted to have five
20 commissioners as provided in section 23-148, the three commissioners of
21 such county whose terms of office will expire after the election shall
22 continue in office until the expiration of the terms for which they were
23 elected and until their successors are elected and qualified. Two
24 commissioners shall be appointed pursuant to sections 32-567 and 32-574
25 to serve until the first Thursday after the first Tuesday in January
26 following the next statewide general election. At the next statewide
27 general election, commissioners shall be elected to fill the positions of
28 any commissioners appointed under this section. At the first primary
29 election after such appointments, filings shall be accepted for terms of
30 two years and for terms of four years so that two commissioners will be
31 elected to four-year terms at one election and three commissioners will

1 be elected to four-year terms at the next election.

2 (5) In counties having more than one hundred fifty thousand but not
3 more than four hundred thousand inhabitants as determined by the most
4 recent federal decennial census:

5 (a) At the primary election in 2010, one commissioner shall be
6 nominated from each odd-numbered district, and at the ensuing general
7 election, one commissioner shall be elected from each odd-numbered
8 district. Their successors shall be nominated and elected every four
9 years thereafter; and

10 (b) At the primary election in 2012, one commissioner shall be
11 nominated from each even-numbered district, and at the ensuing general
12 election, one commissioner shall be elected from each even-numbered
13 district. Their successors shall be nominated and elected every four
14 years thereafter.

15 Sec. 12. Section 32-529, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 32-529 At the first general election after the adoption of township
18 organization by a county, one supervisor shall be elected in each
19 supervisor district. Thereafter one supervisor shall be elected in each
20 odd-numbered supervisor district at the general election two years after
21 the first general election and each four years thereafter, and one
22 supervisor shall be elected in each even-numbered supervisor district at
23 the general election four years after the first general election and each
24 four years thereafter. Each county supervisor shall be nominated and
25 elected by the registered voters of the district from which he or she is
26 elected. Except for supervisors first elected after the county has
27 adopted township organization, the term of each county supervisor shall
28 be four years or until his or her successor is elected and qualified. The
29 county supervisors shall meet the qualifications found in section 23-268.
30 The county supervisors shall be elected on the nonpartisan ~~partisan~~
31 ballot.

1 Sec. 13. Section 32-609, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-609 The candidate filing form filed pursuant to sections 32-606
4 and 32-607 by each candidate for the State Board of Education, member of
5 the Legislature, Regent of the University of Nebraska, director of a
6 public power and irrigation district, reclamation district, or natural
7 resources district, county officer elected pursuant to sections 32-517 to
8 32-529, every other nonpartisan office created by law, member of a school
9 board of a Class IV or V school district, and candidate for elective
10 office of a city of the first or second class or a village shall not in
11 any way refer to or designate the political affiliation of the candidate
12 except as otherwise provided pursuant to section 32-557.

13 Sec. 14. Original sections 32-517, 32-518, 32-519, 32-520, 32-521,
14 32-522, 32-523, 32-524, 32-525, 32-526, 32-528, 32-529, and 32-609,
15 Reissue Revised Statutes of Nebraska, are repealed.