

LEGISLATIVE BILL 252

Approved by the Governor February 13, 2001

Introduced by Schimek, 27

AN ACT relating to elections; to amend section 32-816, Reissue Revised Statutes of Nebraska, and sections 32-813 and 32-1007, Revised Statutes Supplement, 2000; to provide for write-in space for the offices of President and Vice President; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 32-813, Revised Statutes Supplement, 2000, is amended to read:

32-813. (1) The names of all candidates and all proposals to be voted upon at the general election shall be arranged upon the ballot in parts separated from each other by bold lines in the order the offices and proposals are set forth in this section. If any office is not subject to the upcoming election, the office shall be omitted from the ballot and the remaining offices shall move up so that the same relative order is preserved. The order of any offices may be altered to allow for the best utilization of ballot space in order to avoid printing a second ballot when one ballot would be sufficient if a punch card or optical-scan ballot is used. All proposals on the ballot shall remain separate from the offices, and the proposals shall follow all offices on the ballot.

(2)(a) If the election is in a year in which a President of the United States is to be elected, the names and spaces for voting for candidates for President and Vice President shall be entitled Presidential Ticket in boldface type.

(b) The names of candidates for President and Vice President for each political party shall be grouped together, and each group shall be enclosed with brackets with the political party name to the right and one square or oval to the left in which the voter indicates his or her choice.

(c) The names of candidates for President and Vice President who have successfully petitioned on the ballot for the general election shall be grouped together with the candidates appearing on the same petition being grouped together, and each group shall be enclosed with brackets with the words "By Petition" to the right and one square or oval to the left in which the voter indicates his or her choice.

(d) Beneath the names of the candidates for President and Vice President certified by the officers of the national political party conventions pursuant to section 32-712 and beneath the names of all candidates for President and Vice President placed on the general election ballot by petition, two write-in lines shall be provided in which the voter may write the names of the candidates of his or her choice. The lines shall be enclosed with brackets with one square or oval to the left in which the voter indicates his or her choice. The name appearing on the top line shall be considered to be the candidate for President, and the name appearing on the second line shall be considered to be the candidate for Vice President.

(3) The names and spaces for voting for candidates for United States Senator if any are to be elected shall be entitled United States Senatorial Ticket in boldface type.

(4) The names and spaces for voting for candidates for Representatives in Congress shall be entitled Congressional Ticket in boldface type. Above the candidates' names, the office shall be designated For Representative in Congress District.

(5) The names and spaces for voting for candidates for the various state officers shall be entitled State Ticket in boldface type. Each set of candidates shall be separated by lines across the column, and above each set of candidates shall be designated the office for which they are candidates, arranged in the order prescribed by the Secretary of State. The candidates for Governor and Lieutenant Governor of each political party receiving the highest number of votes in the primary election shall be grouped together. Each group shall be enclosed with brackets with the political party name to the right and one square or oval to the left in which the voter indicates his or her choice for Governor and Lieutenant Governor jointly. The candidates for Governor and Lieutenant Governor who have successfully petitioned on the general election ballot shall be grouped together with the candidates appearing on the same petition being grouped together. Each group shall be enclosed with brackets with the words "By Petition" to the right and one

square or oval to the left in which the voter indicates his or her choice for Governor and Lieutenant Governor jointly. Beneath the names of the candidates for Governor and Lieutenant Governor nominated at a primary election by political party and beneath the names of all candidates for Governor and Lieutenant Governor placed on the general election ballot by petition, two write-in lines shall be provided in which the registered voter may write the names of the candidates of his or her choice. The lines shall be enclosed with the brackets with one square or oval to the left in which the registered voter shall mark his or her choice. The name appearing on the top line shall be considered to be the candidate for Governor, and the name appearing on the second line shall be considered to be the candidate for Lieutenant Governor.

(6) The names and spaces for voting for nonpartisan candidates shall be entitled Nonpartisan Ticket in boldface type. The names of all nonpartisan candidates shall appear in the order listed in this subsection, except that when using a punch card or optical-scan ballot, the order of offices may be altered to allow for the best utilization of ballot space to avoid printing a second ballot when one ballot would be sufficient:

- (a) Legislature;
- (b) State Board of Education;
- (c) Board of Regents of the University of Nebraska;
- (d) Chief Justice of the Supreme Court;
- (e) Judge of the Supreme Court;
- (f) Judge of the Court of Appeals;
- (g) Judge of the Nebraska Workers' Compensation Court;
- (h) Judge of the District Court;
- (i) Judge of the Separate Juvenile Court;
- (j) Judge of the County Court; and
- (k) County officers in the order prescribed by the election commissioner or county clerk.

(7) The names and spaces for voting for the various county offices and for measures submitted to the county vote only or in only a part of the county shall be entitled County Ticket in boldface type. If the election commissioner or county clerk deems it advisable, the measures may be submitted on a separate ballot if using a paper ballot or on either side of a punch card or optical-scan ballot if the ballot is placed in a ballot envelope, jacket, or sleeve before being deposited in a ballot box.

(8) The candidates for office in the precinct only or in the city or village only shall be printed on the ballot, except that if the election commissioner or county clerk deems it advisable, candidates for these offices may be submitted on a separate ballot if using a paper ballot or on either side of a punch card or optical-scan ballot if the ballot is placed in a ballot envelope, jacket, or sleeve before being deposited in a ballot box.

(9) All proposals submitted by initiative or referendum and proposals for constitutional amendments shall be placed on a separate ballot when a paper ballot is used which requires that the ballot after being voted be folded before being deposited in a ballot box. When an optical-scan ballot is used which requires a ballot envelope, jacket, or sleeve in which the ballot after being voted is placed before being deposited in a ballot box, initiative or referendum proposals and proposals for constitutional amendments may be placed on either side of the ballot, shall be separated by a bold line, and shall follow all other offices placed on the same side of the ballot. Initiative or referendum proposals and constitutional amendments so arranged shall constitute a separate ballot. Proposals for constitutional amendments proposed by the Legislature shall be placed on the ballot as provided in sections 49-201 to 49-211.

Sec. 2. Section 32-816, Reissue Revised Statutes of Nebraska, is amended to read:

32-816. (1) A blank space shall be provided at the end of each office division on the ballot for registered voters to write in the name of any person for whom they wish to vote and whose name is not printed upon the ballot, except that (a) at the primary election there shall be no write-in space for delegates to the county political party convention, delegates to the national political party convention, directors of natural resources districts, or directors of public power districts and (b) at the general election there shall be no write-in space for President and Vice President of the United States, directors of reclamation districts, members of the board of educational service units, directors of natural resources districts, directors of public power districts, or members of county weed district boards. A square or oval shall be printed to the left of each write-in space similar to the square or oval placed before other candidates and issues on the ballot. The square or oval shall be marked to vote for a write-in candidate whose name appears in the write-in space provided.

(2) The Secretary of State shall approve write-in space for voting machines and punch card and optical-scan ballots. Adequate provision shall be made for write-in votes sufficient to allow one write-in space for each office to be elected at any election except offices for which write-in votes are specifically prohibited. The write-in ballot shall clearly identify the office for which such write-in vote is cast. The write-in space shall be a part of the official ballot, may be on the envelope or a separate piece of paper from the printed portion of the ballot, and shall allow the voter adequate space to write in the name of the candidate for whom he or she desires to cast his or her ballot.

Sec. 3. Section 32-1007, Revised Statutes Supplement, 2000, is amended to read:

32-1007. (1) For members of a village board of trustees, township officers, or members of the school board of Class I or II school districts, if a first or generally recognized name and last name of a person is written or printed on a line provided for that purpose and the square or oval to the left of such line has been marked with a cross or other clear, intelligible mark, the vote shall be valid and the ballot shall be counted. If only the last name of a person is written in the write-in space on the ballot or ballot jacket and there is more than one person in the county having the same last name, the counting board shall reject the ballot for that office unless the last name is reasonably close to the proper spelling of the last name of a candidate engaged in or pursuing a write-in campaign pursuant to section 32-615. The counting board shall make the following notation on the rejected ballot: Rejected for the office of, no first or generally recognized name.

(2) For President and Vice President, if a first or generally recognized name and last name of a person is written or printed on the lines provided for that purpose and the square or oval to the left of such line has been marked with a cross or other clear, intelligible mark, the vote shall be valid and the ballot shall be counted. If only the last name of a person is written in the write-in space on the ballot or ballot jacket and there is no generally recognized candidate for President or Vice President with that name, the counting board shall reject the ballot. The counting board shall make the following notation on the rejected ballot: Rejected for the office of President and Vice President, no first or generally recognized name.

Sec. 4. Original section 32-816, Reissue Revised Statutes of Nebraska, and sections 32-813 and 32-1007, Revised Statutes Supplement, 2000, are repealed.