

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 871

Introduced by Murante, 49.

Read first time January 11, 2016

Committee:

1 A BILL FOR AN ACT relating to elections; to amend sections 32-401,
2 32-1036, 32-1201, and 32-1207, Reissue Revised Statutes of Nebraska,
3 sections 32-613, 32-614, 32-701, 32-809, and 32-1202, Revised
4 Statutes Cumulative Supplement, 2014, and section 32-101, Revised
5 Statutes Supplement, 2015; to provide for a presidential preference
6 primary election; to change provisions relating to statewide primary
7 elections; to provide for payment of costs as prescribed; to
8 harmonize provisions; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Revised Statutes Supplement, 2015, is
2 amended to read:

3 32-101 Sections 32-101 to 32-1551 and sections 3 and 8 of this act
4 shall be known and may be cited as the Election Act.

5 Sec. 2. Section 32-401, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 32-401 The statewide primary election shall be held on the first
8 Tuesday after the second Monday in May in even-numbered years. The
9 statewide primary election shall be held for the purposes of (1)
10 nominating all candidates to be voted for at the statewide general
11 election except (a) candidates who were unopposed at the primary election
12 and not required to be on the ballot and (b) candidates who petition on
13 the ballot or are nominated by their political party, (2) electing
14 delegates to the county, state, and national political party conventions,
15 if applicable, and (3) in each presidential election year, voting on a
16 preference for President of the United States, and (4) electing officers
17 in political subdivisions which hold their general elections at the time
18 of the statewide primary election.

19 Sec. 3. The presidential preference primary shall be held on the
20 first Tuesday after the first Monday in March in each presidential
21 election year. The presidential preference primary shall be held for the
22 purpose of voting on a preference for President of the United States.

23 Sec. 4. Section 32-613, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:

25 32-613 Any petition to place a person's name on the presidential
26 preference primary election ballot for President of the United States
27 shall contain the names of not less than one hundred voters registered
28 with the appropriate political party from each congressional district of
29 the state, except that if the political party dissolves as provided in
30 subsection (2) of section 32-720, the Secretary of State shall not accept
31 a petition under this section. The name of the candidate for President

1 shall be placed upon the ballot only when written consent of such person
2 has been filed with the Secretary of State not less than sixty days
3 before the presidential preference primary election. The form of the
4 petition shall comply with the requirements of section 32-628 and shall
5 as nearly as possible conform to the form prescribed by the Secretary of
6 State.

7 Sec. 5. Section 32-614, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 32-614 The names of persons in the political party (1) who are
10 presented by petition of their supporters to be party candidates for
11 President of the United States or (2) who have been determined by the
12 Secretary of State to be generally advocated or recognized as candidates
13 in national news media throughout the United States shall be printed on
14 the presidential preference primary election ballot for the office of
15 President of the United States. This section does not apply if the
16 political party dissolves as provided in subsection (2) of section
17 32-720.

18 If a person does not want his or her name on the presidential
19 preference Nebraska primary election ballot, he or she shall, by January
20 ~~March~~ 10 of the presidential election year, execute and file an affidavit
21 with the Secretary of State stating without qualification that he or she
22 is not now and does not intend to become a candidate for office of
23 President of the United States at the next presidential election in
24 Nebraska or any other state. If a presidential candidate files such
25 affidavit removing his or her name and subsequently becomes a
26 presidential candidate in another state, the candidate's affidavit in
27 Nebraska shall be purged and shall have no force and effect. The
28 Secretary of State shall then place such candidate's name on the
29 presidential preference primary election ballot.

30 Sec. 6. Section 32-701, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

1 32-701 (1) Each political party which is organized in Nebraska shall
2 file a copy of the party's plan for selecting delegates and alternate
3 delegates to the party's national convention with the Secretary of State
4 on or before December 1 of the calendar year prior to each presidential
5 election year and shall include a summary of the contents of the plan.
6 The delegate selection plan shall:

7 (a) Require that at least eighty percent of the delegates and
8 alternate delegates are committed to a candidate for President of the
9 United States based on the results of a caucus or the presidential
10 preference primary election;

11 (b) Specify whether the delegates and alternate delegates are
12 committed to a candidate for President of the United States based on the
13 results of (i) a caucus system which is open to all Nebraska residents
14 who are affiliated with the party for purposes of registering to vote in
15 Nebraska, (ii) election at the presidential preference statewide primary
16 election, or (iii) a combination of the methods listed in subdivisions
17 (i) and (ii) of this subdivision;

18 (c) Specify how the delegates and alternate delegates are committed
19 for purposes of voting for candidates for President of the United States
20 based on the results of the caucus or presidential preference primary
21 election; and

22 (d) Provide that the delegates and alternate delegates are either
23 awarded to the winner of the caucus or presidential preference primary
24 election or awarded proportionally, based on the number of votes received
25 by each presidential candidate at the caucus or presidential preference
26 primary election, to each presidential candidate who received at least
27 fifteen percent of the votes for the nomination.

28 (2) When candidates for the office of President of the United States
29 are to be nominated, every registered voter of a political party shall
30 have the opportunity to vote his or her preference on his or her party
31 nominating ballot for his or her choice for one person to be the

1 candidate of his or her political party for President of the United
2 States by writing the name of the person of his or her choice for
3 President in the blank space to be left upon the ballot for such purpose
4 and making a cross or mark in the square or oval opposite the written
5 name or by making a cross or mark in the square or oval opposite the
6 printed name of the person of his or her choice.

7 Sec. 7. Section 32-809, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 32-809 (1) The form of the official ballot at the statewide primary
10 election shall be prescribed by the Secretary of State. At the top of the
11 ballot and over all else shall be printed in boldface type the name of
12 the political party, Official Ballot, Primary Election 20.. .
13 Each division containing the names of the office and a list of candidates
14 for such office shall be separated from other groups by a bold line. The
15 ballot shall list at-large candidates and subdistrict candidates under
16 appropriate headings.

17 (2) All proposals for constitutional amendments, candidates for
18 delegates to the national political party conventions, and candidates on
19 the nonpartisan ballot shall be submitted on a ballot where bold lines
20 separate one office or issue from another. Proposals for constitutional
21 amendments proposed by the Legislature shall be placed on the ballot as
22 provided in sections 49-201 to 49-211. Each candidate for delegate to the
23 national political party convention shall have his or her preference for
24 the candidacy for the office of President of the United States or the
25 fact that he or she is uncommitted shown on the ballot in parenthesis and
26 indented on the line immediately below the name of the candidate. All
27 constitutional amendments shall be placed on a separate ballot when a
28 paper ballot is used which requires the ballot after being voted to be
29 folded before being deposited in a ballot box. When an optical-scan
30 ballot is used which requires a ballot envelope or sleeve in which the
31 ballot after being voted is placed before being deposited in a ballot

1 box, constitutional amendments may be printed on either side of the
2 ballot and shall be separated from other offices or issues by a bold
3 line. Constitutional amendments so arranged shall constitute a separate
4 ballot.

5 (3) Except as otherwise provided in section 32-811, the statewide
6 primary election ballot shall contain the name of every candidate filing
7 ~~or recognized~~ under subsection (1) of section 32-606 and section sections
8 ~~32-611, 32-613, and 32-614~~ and no other names. No name of a candidate for
9 member of the Legislature or an elective office described in Article IV,
10 section 1, of the Constitution of Nebraska shall appear on any ballot or
11 any series of ballots at any primary election more than once except for
12 the names of candidates for the office of delegate to a county, state, or
13 national political party convention. When two or more of the last names
14 of candidates for the same office at the primary election are the same in
15 spelling or sound, the official ballots may, on the request of any such
16 candidate, have his or her address printed immediately below his or her
17 name in capital and lowercase letters in lightface type of the same size
18 as the type in which the name of the candidate is printed.

19 Sec. 8. The form of the official ballot at the presidential
20 preference primary election shall be prescribed by the Secretary of
21 State. At the top of the ballot and over all else shall be printed in
22 boldface type the name of the political party, Official Ballot,
23 Presidential Preference Primary Election 20.. . The ballot shall contain
24 the name of every presidential candidate filing or recognized under
25 sections 32-613 and 32-614 and no other names.

26 Sec. 9. Section 32-1036, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 32-1036 The election commissioner or county clerk shall report to
29 the Secretary of State all election results of presidential preference
30 primary elections, statewide primary elections, and statewide ~~and~~ general
31 elections by precinct within eight weeks after the county canvass of such

1 elections for President, Vice President, United States Senate, United
2 States House of Representatives, members of the Legislature, members of
3 the Public Service Commission, and the offices of Governor, Lieutenant
4 Governor, Secretary of State, Auditor of Public Accounts, State
5 Treasurer, and Attorney General. The Secretary of State shall retain the
6 election results for at least five years and shall collate, arrange,
7 computerize, or publish reports arranging the election results. The
8 Secretary of State may charge a fee as provided in section 33-101 for
9 copies of such election results.

10 Sec. 10. Section 32-1201, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 32-1201 The county board shall draw warrants in payment of all bills
13 submitted by the election commissioner or county clerk related to the
14 cost of any election conducted by the office of the election commissioner
15 or county clerk. Except as otherwise provided in subsection (4) of
16 section 32-1203, the initial payment for bills submitted to the election
17 commissioner or county clerk for the cost of preparing for and conducting
18 elections shall be a county expense. The compensation of the election
19 commissioner or county clerk, the deputy election commissioner or deputy
20 county clerk for elections, and all permanent employees of the election
21 commissioner or county clerk, the expenditures for the rental,
22 furnishing, and equipping of the office of the election commissioner or
23 county clerk, the expenditures for necessary office supplies, books,
24 documents, and appurtenances relating to or used in performing the duties
25 of the election commissioner or county clerk in relation to elections,
26 and the cost of elections for county, state, and federal governments,
27 other than presidential preference primary elections, shall be an
28 apportioned county expense and shall not be chargeable to other political
29 subdivisions.

30 Sec. 11. Section 32-1202, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

1 32-1202 The cost of publication and posting of notices and ballots,
2 the cost of precinct registration lists, the compensation of temporary
3 employees, inspectors, judges and clerks of election, and members of
4 counting boards, the overtime costs of all permanent employees of the
5 election commissioner or county clerk relating to elections, the cost of
6 renting, heating, lighting, and equipping polling places including
7 placing and removing ballot boxes and other fixtures and equipment, the
8 cost of printing and delivering ballots and sample ballots, the cost of
9 postage, cards of instructions for voters, maps, voter books for the
10 polling place, other election supplies, and electronic media, the expense
11 of programming and operation of voting systems, and all other expenses of
12 conducting statewide primary elections, statewide and general elections,
13 and presidential preference primary elections not listed in section
14 32-1201 shall be chargeable to the political subdivisions in and for
15 which such elections are held or to the state for presidential preference
16 primary elections.

17 Sec. 12. Section 32-1207, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 32-1207 (1) The election commissioner or county clerk shall fix and
20 certify the cost of elections pursuant to sections 32-1203 to 32-1206.

21 (2) The cost of elections shall be due and payable from each
22 political subdivision within thirty days after the receipt of the
23 statement certifying the cost of the election. All payments received by
24 the election commissioner or county clerk from each political subdivision
25 for the cost of elections shall be placed in the county general fund and
26 shall be used to help defray the cost of elections.

27 (3) The cost of the presidential preference primary election shall
28 be paid by the state. The election commissioner or county clerk shall
29 certify the chargeable costs as provided in section 32-1202 to the State
30 Treasurer.

31 Sec. 13. Original sections 32-401, 32-1036, 32-1201, and 32-1207,

1 Reissue Revised Statutes of Nebraska, sections 32-613, 32-614, 32-701,
2 32-809, and 32-1202, Revised Statutes Cumulative Supplement, 2014, and
3 section 32-101, Revised Statutes Supplement, 2015, are repealed.