

LEGISLATIVE BILL 1035

Approved by the Governor April 10, 2012

Introduced by Sullivan, 41.

FOR AN ACT relating to elections; to amend sections 32-610 and 32-1031, Reissue Revised Statutes of Nebraska, and section 32-811, Revised Statutes Supplement, 2011; to change and eliminate provisions relating to political parties and filing for office; to provide for automatic nomination of candidates for airport authority boards as prescribed; to change provisions relating to the canvass of votes; to repeal the original sections; and to outright repeal section 32-718, Reissue Revised Statutes of Nebraska.

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

Section 1. Section 32-610, Reissue Revised Statutes of Nebraska, is amended to read:

32-610 No person shall be allowed to file a candidate filing form as a partisan candidate or to have his or her name placed upon a primary election ballot of a political party unless (1) he or she is a registered voter of the political party if required pursuant to section 32-702 and (2) at the last election one of the two immediately preceding statewide general elections, (a) a candidate nominated by the political party polled at least five percent of the entire vote in the state, county, political subdivision, or district in which the candidate seeks the nomination for office. in a statewide race or (b) a combination of candidates nominated by the political party for a combination of districts that encompass all of the voters of the entire state polled at least five percent of the vote in each of their respective districts. A candidate filing form filed in violation of this section shall be void.

Sec. 2. Section 32-811, Revised Statutes Supplement, 2011, is amended to read:

32-811 (1) If the names of candidates properly filed for nomination at the primary election for directors of natural resources districts, directors of public power districts, directors of reclamation districts, members of airport authority boards elected pursuant to sections 32-547 to 32-549, members of the boards of governors of community college areas, members of the boards of Class III or Class V school districts which nominate candidates at a primary election, and officers of cities of the first or second class and cities having a city manager plan of government do not exceed two candidates for each position to be filled, any such candidates shall be declared nominated and their names shall not appear on any primary election ballots. The official abstract of votes kept by the county or state shall show the names of such candidates with the statement Nominated Without Opposition. The election commissioner or county clerk shall place the names of such automatically nominated candidates on the general election ballot as provided in section 32-814.

(2) Candidates shall not appear on the ballot in the primary election for the board of directors in public power districts receiving annual gross revenue of less than forty million dollars, for county weed district boards, and for the board of trustees in villages.

(3) If the number of candidates for delegates to a county or national political party convention are the same in number or less than the number of candidates to be elected, the names shall not appear on the primary election ballot and those so filed shall receive a certificate of election.

Sec. 3. Section 32-1031, Reissue Revised Statutes of Nebraska, is amended to read:

32-1031 (1) After counting the ballots under section 32-1027, the county canvassing board shall proceed with the official canvass of votes cast on election day. If in the process of canvassing the votes for any candidate or measure in any precinct the election commissioner or county clerk or the canvassing board determines that there is an obvious error in the certification of the votes, the error shall be corrected. The county canvassing board may open the ballots-cast container and recount the ballots for any candidate or any measure which appears to be in error. If the county canvassing board finds and corrects any such error, it shall make the correction entry in the precinct sign-in register, the precinct list of registered voters, and the official summary or summaries of votes cast and shall attach a letter of explanation to each book where the correction was made. The letter shall be signed by all members of the county canvassing board.

(2) When it has been determined that the returns in all precincts are correct, the county canvassing board shall ~~enter the same in a permanent ledger. The permanent ledger shall be preserved by~~ provide a record of the results to the election commissioner or county clerk either in a ledger or by using a computer printout. The election commissioner or county clerk shall preserve the record of the results for the period of time specified by the State Records Administrator pursuant to the Records Management Act, and then it may be transferred to the State Archives of the Nebraska State Historical Society for permanent preservation.

(3) Any recesses or adjournments of the county canvassing board shall be to a fixed time and publicly announced. When a recess is called, all ballots that have not been counted and all other supplies shall be placed in a fireproof safe or other suitable location which is locked until such board reconvenes.

Sec. 4. Original sections 32-610 and 32-1031, Reissue Revised Statutes of Nebraska, and section 32-811, Revised Statutes Supplement, 2011, are repealed.

Sec. 5. The following section is outright repealed: Section 32-718, Reissue Revised Statutes of Nebraska.