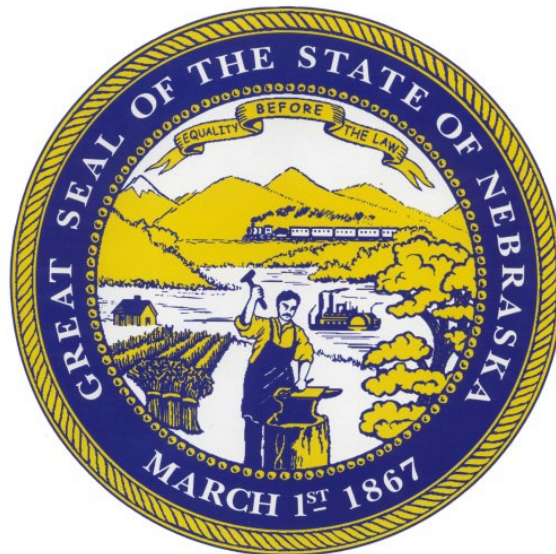


Election
Laws of
Nebraska

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Nebraska Secretary of State



Disclaimer

This book is a compilation of Nebraska State Statutes and portions of the Constitution relevant to elections. While not all inclusive of statutes containing reference to elections in the State of Nebraska, it is intended to serve as a tool for local election officials providing the statutes most commonly used for election administration and to provide assistance as election officials perform their duties. Other chapters and statutes in addition to Chapter 32 that relate to special elections and qualifications for elected office are included in the last sections of the book. In some instances, source law information, operative dates, cross reference notes, and case notes have been included for guidance. For questions or clarifications not specifically addressed, please review those chapters and statutes in their entirety. Additionally, know that every effort has been made to ensure accuracy; therefore, any error is completely unintentional.

(New) designates existing laws that were not included in prior compilations.

(2023 Update) designates laws that were updated since the last compilation.

(2023 New) designates new laws that were added since the last compilation.

Red underlined text designates new language recently added to the law.

~~Red stricken text~~ designates old language recently removed from the law.

All statute titles are hyperlinks to the nebraskalegislature.gov webpage for the applicable statute.

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Article 1 – Definitions

32-101. Act, how cited. (2023 Update)

Sections [32-101](#) to [32-1551](#) shall be known and may be cited as the Election Act.

Source: Laws 1994, LB 76, § 1; Laws 1995, LB 337, § 1; Laws 1995, LB 514, § 1; Laws 1996, LB 964, § 1; Laws 1997, LB 764, § 8; [Laws 2001, LB 768, § 1](#); [Laws 2002, LB 1054, § 7](#); [Laws 2003, LB 181, § 1](#); [Laws 2003, LB 358, § 1](#); [Laws 2003, LB 359, § 1](#); [Laws 2003, LB 521, § 3](#); [Laws 2005, LB 401, § 2](#); [Laws 2005, LB 566, § 1](#); [Laws 2010, LB951, § 1](#); [Laws 2013, LB299, § 1](#); [Laws 2013, LB349, § 1](#); [Laws 2014, LB661, § 1](#); [Laws 2014, LB946, § 3](#); [Laws 2015, LB575, § 5](#); [Laws 2018, LB1065, § 1](#); [Laws 2019, LB492, § 35](#); [Laws 2020, LB1055, § 2](#); [Laws 2022, LB843, § 2](#); [Laws 2023, LB514, § 1](#).

Operative Date: June 2, 2023

32-102. Act; applicability; how construed.

The Election Act shall apply to all elections held in the state unless otherwise specifically provided. The act shall be liberally construed so that the will of the registered voters is not defeated by an informality or a failure to comply with the act with respect to the giving of any notice or the conducting of any election or the certifying of the results of the election.

Source: Laws 1994, LB 76, § 2.

32-103. Definitions, where found. (2023 Update)

For purposes of the Election Act, the definitions found in sections [32-104](#) to [32-120](#) and [32-123](#) shall be used.

Source: Laws 1994, LB 76, § 3; Laws 1997, LB 764, § 9; [Laws 2003, LB 358, § 2](#); [Laws 2005, LB 566, § 2](#); [Laws 2020, LB1055, § 3](#); [Laws 2022, LB843, § 39](#); [Laws 2023, LB514, § 2](#).

Operative Date: June 2, 2023

32-104. Candidate, defined.

Candidate shall mean a registered voter for whom votes may be cast at any election and who, either tacitly or expressly, consents to be considered. Candidate shall not include a candidate for President or Vice President of the United States.

Source: Laws 1994, LB 76, § 4.

32-105. Certificate of election, defined.

Certificate of election shall mean a document issued to a candidate who has been elected to office at an election.

Source: Laws 1994, LB 76, § 5.

32-106. Certificate of nomination, defined.

Certificate of nomination shall mean a document issued to a candidate who receives the requisite number of votes and qualifies to be placed on a general election ballot.

Source: Laws 1994, LB 76, § 6.

32-107. District, defined.

District shall mean a subdivision of the state or of a county, city, village, or other political subdivision in which all registered voters residing within the district are entitled to participate in the election of any one or more candidates or in the determination by election of any question or proposition.

Source: Laws 1994, LB 76, § 7; Laws 1997, LB 764, § 10.

32-108. Election, defined.

Election shall mean any statewide or local primary, special, joint, or general election at which registered voters of the state or the political subdivision holding the election by ballot choose public officials or decide any questions and propositions lawfully submitted to them.

Source: Laws 1994, LB 76, § 8.

32-109. Elective office, defined.

Elective office shall mean any office which has candidates nominated or elected at the time of a statewide primary election, any office which has candidates nominated at the time of a statewide primary election and elected at the time of a statewide general election, any office which has candidates elected at the time of a statewide general election, any office which has candidates nominated or elected at a city or village election, and any office created by an act of the Legislature which has candidates elected at an election.

Source: Laws 1994, LB 76, § 9.

32-110. Elector, defined.

Elector shall mean a citizen of the United States whose residence is within the state and who is at least eighteen years of age or is seventeen years of age and will attain the age of eighteen years on or before the first Tuesday after the first Monday in November of the then current calendar year.

Source: Laws 1994, LB 76, § 10.

32-110.01. Electronic voting system, defined.

Electronic voting system means a voting system in which each part of the process is done electronically.

Source: [Laws 2003, LB 358, § 3.](#)

32-110.02. Government document, defined.

Government document means an identification document or other document issued by a federal, state, or local government agency that includes the name and address of the voter as they appear on his or her voter registration application, including those documents that acknowledge the person's civil or legal status or entitlement to a government service or program.

Source: [Laws 2005, LB 566, § 3.](#)

32-110.03. Emergency response provider, defined.

Emergency response provider shall mean a person responding to a mutual aid agreement or a state of emergency proclamation issued by the Governor or the President of the United States who is temporarily assigned by a governmental or nongovernmental relief agency or employer to provide support to victims of an emergency or a natural disaster or to rebuild the infrastructure of an area affected by such emergency or natural disaster.

Source: [Laws 2022, LB843, § 4.](#)

32-111. Incumbent, defined.

Incumbent shall mean the person whom the canvassers or the courts declare elected to an elective office or who has been appointed to an elective office.

Source: Laws 1994, LB 76, § 11.

32-112. Oath, defined.

Oath shall include affirmation.

Source: Laws 1994, LB 76, § 12.

32-112.01. Poll watcher, defined.

Poll watcher means an individual appointed pursuant to section [32-961](#) who is legally in a polling place to observe the conduct of the election.

Source: [Laws 2020, LB1055, § 4.](#)

32-112.02. Political subdivision, defined.

Political subdivision shall include a county, city, village, township, school district, public power district, sanitary and improvement district, metropolitan utilities district, rural or suburban fire protection district, natural resources district, regional metropolitan transit authority, community college, learning community coordinating council, educational service unit, hospital district, reclamation district, library board, airport authority, and any other unit of local government of the State of Nebraska.

Source: [Laws 2022, LB843, § 5.](#)

32-113. Population, defined.

Population shall mean the population of the state or any of its political subdivisions as determined by the most recent federal decennial census.

Source: Laws 1994, LB 76, § 13.

32-114. Precinct, defined.

Precinct shall mean a defined area established by law within which all registered voters cast their votes at one polling place. Precinct may include any ward or other division of territory in any city or village when created and designated by ordinance for election purposes.

Source: Laws 1994, LB 76, § 14.

32-115. Registered voter, defined.

Registered voter shall mean an elector who has a valid voter registration record on file with the election commissioner or county clerk in the county of his or her residence.

Source: Laws 1994, LB 76, § 15; Laws 1997, LB 764, § 11.

32-116. Residence, defined.

Residence shall mean

(1) that place in Nebraska in which a person is actually domiciled, which is the residence of an individual or family, with which a person has a settled connection for the determination of his or her civil status or other legal purposes because it is actually or legally his or her permanent and principal home, and to which, whenever he or she is absent, he or she has the intention of returning,

(2) the place in Nebraska where a person has his or her family domiciled even if he or she does business in another place, and

(3) if a person is homeless, the county in Nebraska in which the person is living.

No person serving in the armed forces of the United States shall be deemed to have a residence in Nebraska because of being stationed in Nebraska.

Source: Laws 1994, LB 76, § 16; [Laws 2019, LB411, § 29.](#)

32-117. Sign, defined.

Sign shall mean to affix a signature.

Source: Laws 1994, LB 76, § 17.

32-118. Signature, defined; person unable to write; assistance.

(1) Signature shall mean the name or symbol of a person written with his or her own hand.

(2) A person with a disability who by reason of that disability is unable to write his or her name or symbol may substitute either:

(a) A mark if the person's name is written by some other person and the mark is made near the name by the person unable to write his or her name or symbol; or

(b) An impression made using a signature stamp. A signature stamp shall be used only by that person or another person upon the request and in the presence of the person unable to write his or her name or symbol.

(3) Any person rendering assistance to a person unable to write his or her name or symbol shall write, next to such person's mark or impression, the name and address of the person rendering assistance.

Source: Laws 1994, LB 76, § 18; [Laws 2022, LB843, § 6](#).

32-118.01. Special election, defined.

Special election shall mean an election other than a regularly scheduled primary or general election as specified in statute or by home rule charter.

Source: Laws 1997, LB 764, § 12.

32-119. Swear, defined.

Swear shall include affirm.

Source: Laws 1994, LB 76, § 19.

32-119.01. Voting system, defined.

Voting system means the process of creating, casting, and counting ballots and includes any software or service used in such process.

Source: [Laws 2003, LB 358, § 4](#); [Laws 2022, LB843, § 7](#).

32-120. Ward, defined.

Ward shall mean a compact and contiguous geographic area within a political subdivision created by the political subdivision for election purposes.

Source: Laws 1994, LB 76, § 20.

32-122. Member of the Legislature; start of second half of term of office.

The second half of a term of office for a member of the Legislature starts on the day of the meeting of the Legislature at which members are regularly sworn in to office in the second calendar year which begins after the four-year term begins.

Source: [Laws 2014, LB946, § 11](#).

32-123. Valid photographic identification, defined. (2023 New)

Valid photographic identification means:

(1) A document issued by the United States, the State of Nebraska, an agency or a political subdivision of the State of Nebraska, or a postsecondary institution within the State of Nebraska that:

(a) Shows the name of the individual to whom the document was issued; and

(b) Shows a photograph or digital image of the individual to whom the document was

issued;

(2) A document issued by the United States Department of Defense, the United States Department of Veterans Affairs or its predecessor, the Veterans Administration, a branch of the uniformed services as defined in section 85-2902, or a Native American Indian tribe or band recognized by the United States Government that:

(a) Shows the name of the individual to whom the document was issued; and
(b) Shows a photograph or digital image of the individual to whom the document was
issued; or

(3) A hospital, an assisted-living facility, a nursing home, or any other skilled care facility record
that:

(a) Shows the name of the individual who is the subject of the record; and

(b) Shows a photograph or digital image of the individual who is the subject of the record.

Source: Laws 2023, LB514, § 3.

Operative Date: **June 2, 2023**

Article 2 – Election Officials

32-201. Disputed points of election law; Secretary of State; duties.

The Secretary of State shall decide disputed points of election law. The decisions shall have the force of law until changed by the courts.

Source: Laws 1994, LB 76, § 21.

32-202. Secretary of State; duties. (2023 Update)

In addition to any other duties prescribed by law, the Secretary of State shall:

- (1) Supervise the conduct of primary and general elections in this state;
- (2) Provide training and support for election commissioners, county clerks, and other election officials in providing for day-to-day operations of the office, registration of voters, and the conduct of elections;
- (3) Enforce the Election Act;
- (4) With the assistance and advice of the Attorney General, make uniform interpretations of the act;
- (5) Provide periodic training for the agencies and their agents and contractors in carrying out their duties under sections [32-308](#) to [32-310](#);
- (6) Develop and print forms for use as required by sections [32-308](#), [32-310](#), [32-320](#), [32-329](#), [32-947](#), [32-956](#), and [32-958](#);
- (7) Contract with the Department of Administrative Services for storage and distribution of the forms;
- (8) Require reporting to ensure compliance with sections [32-308](#) to [32-310](#);
- (9) Prepare and transmit reports as required by the National Voter Registration Act of 1993, 52 U.S.C. 20501 et seq.;
- (10) Develop and print a manual describing the requirements of the initiative and referendum process and distribute the manual to election commissioners and county clerks for distribution to the public upon request;
- (11) Develop and print pamphlets described in section [32-1405.01](#);
- (12) Adopt and promulgate rules and regulations as necessary for elections conducted under sections [32-952](#) to [32-959](#); ~~and~~
- (13) Establish a free access system, such as a toll-free telephone number or an Internet website, that any voter who casts a provisional ballot may access to discover whether the vote of that voter was counted and, if the vote was not counted, the reason that the vote was not counted. The Secretary of State shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system. Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot;:-
- (14) Provide a website dedicated to voter identification requirements and procedures. The Secretary of State shall establish, maintain, and regularly update on the website a document entitled “List of Acceptable Forms of Identification” that lists forms of identification that qualify as valid photographic identification for purposes of voter identification;
- (15) Provide a public awareness campaign regarding the voter identification requirements and procedures, including communication through multiple mediums and in-person events;
- (16) Provide instructions and information to the Department of Health and Human Services, the Department of Motor Vehicles, and the State Department of Education for distribution by such agencies to Nebraska residents regarding the requirement to present valid photographic identification in order to vote and the way to obtain free valid photographic identification; and
- (17) Not use or allow the use of citizenship information shared with or collected by the Secretary of State pursuant to the Election Act for any purpose other than maintenance of the voter registration list, including law enforcement purposes.

Source: Laws 1994, LB 76, § 22; Laws 1995, LB 337, § 2; Laws 1996, LB 964, § 2; [Laws 2003, LB 358, § 5](#); [Laws 2008, LB838, § 1](#); [Laws 2019, LB411, § 30](#); [Laws 2022, LB843, § 8](#);:- [Laws 2023, LB514, § 4](#).

Operative Date: [June 2, 2023](#)

32-202.01. Secretary of State; match and verify citizenship of registered voter; Attorney General; Department of Motor Vehicles; cooperate. (2023 New)

The Secretary of State shall develop a process to use the information in possession of or available to his or her office to match and verify the citizenship of the corresponding registered voter. The Attorney General and the Department of Motor Vehicles shall cooperate with the Secretary of State for such purpose. The Secretary of State may adopt and promulgate rules and regulations to carry out this section.

Source: Laws 2023, LB514, § 5.

Operative Date: June 2, 2023

32-203. Secretary of State; powers.

In addition to any other powers prescribed by law, the Secretary of State may:

(1) Inspect, with or without the filing of a complaint by any person, and review the practices and procedures of election commissioners, county clerks, their employees, and other election officials in the day-to-day operations of the office, the conduct of primary and general elections, and the registration of qualified electors;

(2) Employ such personnel as necessary to efficiently carry out his or her powers and duties as prescribed in the Election Act;

(3) Adopt and promulgate rules and regulations in regard to the registration of voters and the conduct of elections; and

(4) Enforce the act by injunctive action brought by the Attorney General in the district court for the county in which any violation of the act occurs.

Source: Laws 1994, LB 76, § 23; [Laws 2005, LB 566, § 4](#); [Laws 2022, LB843, § 9](#).

32-204. Election Administration Fund; created; use; investment.

The Election Administration Fund is hereby created. The fund shall consist of federal funds, state funds, gifts, and grants appropriated for the administration of elections. The Secretary of State shall use the fund for voting systems, provisional voting, computerized statewide voter registration lists, voter registration, training or informational materials related to elections, and any other costs related to elections. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The State Treasurer shall transfer any funds in the Carbon Sequestration Assessment Cash Fund on August 24, 2017, to the Election Administration Fund.

Source: Laws 1994, LB 76, § 24; Laws 1995, LB 7, § 29; Laws 1997, LB 764, § 13; [Laws 2003, LB 14, § 1](#); [Laws 2014, LB661, § 2](#); [Laws 2017, LB644, § 3](#).

Cross References: [Nebraska Capital Expansion Act](#), see section [72-1269](#); [Nebraska State Funds Investment Act](#), see section [72-1260](#).

32-205. Secretary of State; office hours on election day.

The office of the Secretary of State shall be open and available to any election commissioner, county clerk, city or village clerk, and their employees on each primary and general election day during the hours the polls are open for voting.

Source: Laws 1994, LB 76, § 25.

32-206. Official election calendar; publish; contents; delivery of copy; filing or other acts; time.

(1) The Secretary of State shall publish an official election calendar by November 1 prior to the statewide primary election. Such calendar, to be approved as to form by the Attorney General, shall set forth the various election deadline dates and other pertinent data as determined by the Secretary of State. The official election calendar shall be merely a guideline and shall in no way legally bind the Secretary of State or the Attorney General.

(2) The Secretary of State shall deliver a copy of the official election calendar to the state party headquarters of each recognized political party within ten days after publication under subsection (1) of this section.

(3) Except as provided in sections [32-302](#), [32-304](#), and [32-306](#), any filing or other act required to be performed by a specified day shall be performed by 5 p.m. of such day, except that if such day falls upon a Saturday, Sunday, or legal holiday, performance shall be required on the next business day.

Source: Laws 1994, LB 76, § 26; [Laws 2012, LB878, § 1](#); [Laws 2014, LB1048, § 1](#); [Laws 2018, LB1038, § 1](#).

32-207. Election commissioner; counties having over 100,000 inhabitants; appointment; term; vacancy; duties; oversight.

The office of election commissioner shall be created for each county having a population of more than one hundred thousand inhabitants. The election commissioner shall be appointed by the Governor and shall serve for a term of four years or until a successor has been appointed and qualified. In the event of a vacancy, the Governor shall appoint an election commissioner to serve the unexpired portion of the term. In order to further the purpose of fair and open elections free from outside influence, the election commissioner shall have the duty of operational and administrative oversight over the business of the office, subject to review by the Secretary of State,

Source: Laws 1994, LB 76, § 27; [Laws 2022, LB843, § 10](#).

Cross References: **Distribute political accountability and disclosure forms**, see section [49-14,139](#); **Election commissioner perform duties of jury commissioner**, when, see section [25-1647](#).

32-208. Election commissioner; qualifications; appointment to elective office; effect.

The election commissioner in counties having a population of more than one hundred thousand inhabitants shall be a registered voter, a resident of such county for at least one year, and of good moral character and integrity and capacity. No person who is a candidate for any elective office or is a deputy, clerk, or employee of any person who is a candidate for any elective office shall be eligible for the office of election commissioner. The election commissioner shall not hold any other elective office or become a candidate for an elective office during his or her term of office. An election commissioner may be appointed to an elective office during his or her term of office as election commissioner, and acceptance of such appointment shall be deemed to be his or her resignation from the office of election commissioner.

Source: Laws 1994, LB 76, § 28; Laws 1997, LB 764, § 14; [Laws 2001, LB 226, § 1](#); [Laws 2003, LB 707, § 1](#); [Laws 2011, LB449, § 1](#); [Laws 2015, LB575, § 6](#); [Laws 2017, LB451, § 2](#).

32-209. Chief deputy election commissioner; qualifications; appointment; oath; bond; duties.

(1) The election commissioner in counties having a population of more than one hundred thousand inhabitants shall appoint a chief deputy election commissioner in the manner provided in section [32-210](#). The chief deputy election commissioner shall be a member of a different political party than the election commissioner, shall be a registered voter in the county and of the party he or she is to represent, and shall be a resident of such county for at least one year.

(2) The chief deputy election commissioner shall hold office until the term of the election commissioner expires.

(3) Before entering upon his or her duties, the chief deputy election commissioner shall take and subscribe an oath in the form provided in section [11-101.01](#).

(4) The chief deputy election commissioner shall give bond to the State of Nebraska in the sum of five thousand dollars with security to be approved by the Governor conditioned on the faithful performance of the duties of such office.

(5) The chief deputy election commissioner shall perform duties assigned by the election commissioner. In the absence of the election commissioner, the chief deputy election commissioner shall perform all the duties of the election commissioner consistent with the policies and procedures established by the election commissioner. The chief deputy election commissioner shall also be responsible for carrying out any directions properly made and given by the election commissioner prior to his or her absence.

Source: Laws 1994, LB 76, § 29; [Laws 2001, LB 226, § 2](#); [Laws 2014, LB946, § 4](#).

32-210. Chief deputy election commissioner; vacancy; procedure for filling.

The election commissioner in counties having a population of more than one hundred thousand inhabitants shall, within ten days after being appointed or being notified that a vacancy exists in the office of chief deputy election commissioner, notify by registered or certified mail the county chairperson of the political parties from which a chief deputy election commissioner may be appointed that an appointment needs to be made. The county chairperson of the political parties shall call a meeting of a committee comprised of the county chairperson, vice-chairperson, secretary, and treasurer of the political parties within ten days after receiving the letter for the purpose of preparing a list of three or more candidates. The list shall be submitted to the election commissioner within five days after the meeting, and the election commissioner shall select a chief deputy election commissioner from the list of names of candidates submitted within ten days after receiving all lists. If a political party does not submit a list within the timeframes required by this section, the election commissioner shall select a chief deputy election commissioner from the lists received.

Source: Laws 1994, LB 76, § 30; Laws 1997, LB 764, § 15; [Laws 2014, LB946, § 5](#).

32-211. Election commissioner; counties having 20,000 to 100,000 inhabitants; chief deputy; appointment; qualifications; terms; vacancy; elimination of office.

The office of election commissioner may be created for each county having a population of not less than twenty thousand nor more than one hundred thousand inhabitants. Such office may be created by resolution of the county board establishing such office, and the election commissioner shall be appointed by the county board. The appointment of a chief deputy election commissioner shall be at the option of the county board. If a chief deputy election commissioner is appointed, he or she shall be a member of a different political party than the election commissioner. The election commissioner and chief deputy election commissioner shall be registered voters, residents of such county for at least one year, and of good moral character and integrity and capacity. The election commissioner and chief deputy election commissioner shall serve for terms of four years from the date of their initial appointment or until their successors have been appointed and qualified. The county board may by resolution eliminate the office of election commissioner at the end of a term or upon a vacancy in the office. The county board shall not appoint any county official who is serving an elected term to the office of election commissioner or chief deputy election commissioner. If a vacancy occurs in either office, the county board shall appoint an election commissioner or chief deputy election commissioner to serve for the unexpired term.

Source: Laws 1994, LB 76, § 31; Laws 1997, LB 764, § 16; [Laws 2001, LB 226, § 3](#).

32-212. Election commissioner; appoint other employees; qualifications.

Each election commissioner shall appoint other deputies, precinct and district inspectors, judges of election, clerks of election, deputy registrars, and peace officers to serve at elections and other assistants necessary for the performance of the duties of his or her office, the registration of voters, and the conduct of elections. Such employees shall be registered voters representing all political parties as nearly as practicable in proportion to the number of votes cast in such county at the immediately preceding general election for the office of Governor or President of the United States by the parties, respectively.

Source: Laws 1994, LB 76, § 32.

32-213. Election commissioner; oath of office; bond.

Before entering upon his or her duties, the election commissioner shall take and subscribe an oath in the form provided in section [11-101.01](#) and shall give bond in the sum of ten thousand dollars conditioned on the faithful and honest performance of the duties of the office and the care and preservation of the property of the office within thirty days after appointment as provided in section [11-105](#). When the election commissioner is appointed by the Governor, the bond shall be given to the State of Nebraska, approved by the Governor, and filed with the Secretary of State. When the election commissioner is appointed by the county board, the bond shall be given to, approved by, and filed with the county board.

Source: Laws 1994, LB 76, § 33.

32-214. Election commissioner; enforcement of act; election commissioner or chief deputy election commissioner; removal; grounds; procedure.

The election commissioner shall be responsible for the enforcement of the Election Act as it relates to his or her office and for the competency, integrity, and conduct of his or her chief deputy election commissioner and all personnel appointed by him or her. The election commissioner or chief deputy election commissioner shall be removed when it appears that

- (1) he or she has been derelict in the performance of the duties of his or her office,
- (2) he or she is incompetent,
- (3) his or her conduct is prejudicial to the public interest,
- (4) he or she has appointed incompetent, negligent, or corrupt precinct or district inspectors, judges of election, clerks of election, or deputy registrars,
- (5) a fair and impartial registration of voters was not obtained in any district of the county, or
- (6) the act was not enforced in the county.

If the election commissioner is appointed by the Governor, the Governor shall remove the election commissioner or chief deputy election commissioner when either is subject to removal under this section. If the Governor fails to remove the election commissioner or the chief deputy election commissioner when either the election commissioner or deputy, or both, are subject to removal under this section, any citizen of the county may institute an action to order the Governor to remove the election commissioner, chief deputy election commissioner, or both. If the election commissioner is appointed by the county board, the county board shall remove the election commissioner or chief deputy election commissioner when either is subject to removal under this section. If the county board fails to remove the election commissioner or the chief deputy election commissioner when either the election commissioner or deputy, or both, are subject to removal under this section, any citizen of the county may institute an action to order the county board to remove the election commissioner, chief deputy election commissioner, or both.

Source: Laws 1994, LB 76, § 34; Laws 1997, LB 764, § 17.

32-215. Election commissioner; rules and regulations; select registration and polling places.

(1) The election commissioner shall adopt and promulgate rules and regulations in regard to elections and the registration of voters in his or her county which are not inconsistent with the Election Act or the rules and regulations of the Secretary of State. The election commissioner shall have charge of and make provisions for all elections to be held in such county unless otherwise specifically provided.

(2) The election commissioner shall select and appoint the places of registration and the polling place for each precinct and cause the same to be properly equipped and maintained.

Source: Laws 1994, LB 76, § 35; Laws 1997, LB 764, § 18.

32-216. Election commissioner; office; records and equipment; annual inventory statement; purchases; requirements; waiver of bid procedure; when.

(1) The county board of each county which has an election commissioner pursuant to section [32-207](#) or [32-211](#) shall provide an office for the election commissioner suitable for the preservation of the records of his or her office and the performance of his or her duties. The expense of providing and furnishing such office shall be the responsibility of the county. All books, documents, papers, records, and election equipment or appurtenances held or used by or under the control of any officer of any such county or any city, village, or political subdivision of the county and relating to or used in the conduct of elections and registration of voters shall, upon request of the election commissioner, be transferred to the care, custody, and control of the election commissioner. The election commissioner shall prepare and file the annual inventory statement with the county board of all county personal property in his or her custody or possession as provided in sections [23-346](#) to [23-350](#).

(2) The county shall provide all necessary supplies, materials, equipment, and services for the registration of voters, for the conduct of elections, and for every incidental purpose connected with registration or elections in accordance with the County Purchasing Act. The county shall allow the election commissioner to purchase or acquire any material, equipment, or service needed to meet any emergency or any situation in which the procedures of the County Purchasing Act cannot be implemented in a reasonable amount of time to comply with any registration or election process required by the Election Act. Purchases related to voting systems, including creating, casting, and counting ballots, shall

be subject to the bid procedure in accordance with the County Purchasing Act, except that the election commissioner may waive any bid procedure and purchase supplies and contract for services for voting systems whenever such bid procedure would in any way interfere with the timely and proper administration and conduct of an election.

Source: Laws 1994, LB 76, § 36; [Laws 2003, LB 358, § 6](#).

Cross References: **County Purchasing Act**, see section [23-3101](#).

32-217. Election commissioner, chief deputy election commissioner, and employees; county employees; salaries; how paid.

The election commissioner and the chief deputy election commissioner shall be county employees for the purposes of salary and benefit plans. All employees of the office of the election commissioner shall be county employees and subject to the county personnel system. The county board shall set the salaries of the election commissioner and chief deputy election commissioner at least sixty days prior to the expiration of the term of office of the election commissioner holding office. The salary shall become effective as soon as such salary may become operative under the Constitution of Nebraska.

In counties having a population of more than two hundred thousand inhabitants, the salary of the election commissioner shall be at least ten thousand five hundred dollars annually payable in periodic installments out of the county general fund and the salary of the chief deputy election commissioner shall be at least nine thousand dollars annually payable in periodic installments out of the county general fund.

In counties having a population of more than one hundred fifty thousand and not more than two hundred thousand inhabitants, the salary of the election commissioner shall be at least seven thousand five hundred dollars annually payable in periodic installments out of the county general fund and the salary of the chief deputy election commissioner shall be at least six thousand dollars annually payable in periodic installments out of the county general fund.

In counties having a population of more than one hundred thousand and not more than one hundred fifty thousand inhabitants, the salary of the election commissioner shall be at least nine thousand five hundred dollars annually payable in periodic installments out of the county general fund and the salary of the chief deputy election commissioner shall be at least eight thousand five hundred dollars annually payable in periodic installments out of the county general fund.

In counties having a population of not more than one hundred thousand inhabitants, the salary of the election commissioner shall be at least six thousand five hundred dollars annually payable in periodic installments out of the county general fund and the salary of the chief deputy election commissioner shall be at least five thousand dollars annually payable in periodic installments out of the county general fund.

Source: Laws 1994, LB 76, § 37; [Laws 2022, LB843, § 11](#).

32-218. County clerk perform duties of election commissioner; when; deputy county clerk for elections.

(1) The county clerk shall have the powers and perform the duties assigned to the election commissioner except in those counties which have an election commissioner as provided by section [32-207](#) or [32-211](#). The powers and duties assigned to the county clerk in the Election Act relating to the registration of voters and the conduct of elections shall only apply to county clerks in counties without an election commissioner. The county clerk may hire additional personnel to perform the duties assigned under the act.

(2) The county board may establish the position of deputy county clerk for elections. Such deputy shall be appointed by the county clerk and shall not be a member of the same political party as the county clerk, except that any deputy county clerk for elections serving on January 1, 1995, shall be allowed to continue in his or her position for as long as he or she holds the position. Under the direction of the county clerk, the deputy shall be primarily responsible for performing the duties imposed on the county clerk by the election laws of this state and shall perform such other duties as may from time to time be assigned to him or her by the county clerk. The deputy shall serve at the pleasure of the county clerk. The county board shall determine the compensation of the deputy.

Source: Laws 1994, LB 76, § 38.

32-219. Political activities; restrictions.

The election commissioner and chief deputy election commissioner, once appointed, qualified, bonded, and sworn into office, and the county clerk acting as the election officer, shall not hold a political party office or be a member or officer of a candidate committee for any candidate seeking public office. This section shall not prohibit a county clerk acting as the election officer from participating in his or her own reelection campaign or fundraisers. This section shall not be construed to preclude an election commissioner, a chief deputy election commissioner, or a county clerk from being a delegate to a county, state, or national political party convention.

Source: Laws 1994, LB 76, § 39.

32-220. Sections; applicability.

Sections [32-221](#) to [32-228](#) shall apply to counties which have an election commissioner as provided in section [32-207](#) or [32-211](#).

Source: Laws 1994, LB 76, § 40.

32-221. Inspectors and judges and clerks of election; appointment; term; qualifications; vacancy; failure to appear; removal.

(1) The election commissioner shall appoint precinct and district inspectors, judges of election, and clerks of election to assist the election commissioner in conducting elections on election day. In counties with a population of less than four hundred thousand inhabitants as determined by the most recent federal decennial census, judges and clerks of election and inspectors shall be appointed at least thirty days prior to the statewide primary election, shall hold office for terms of two years or until their successors are appointed and qualified for the next statewide primary election, and shall serve at all elections in the county during their terms of office. In counties with a population of four hundred thousand or more inhabitants as determined by the most recent federal decennial census, judges and clerks of election shall be appointed at least thirty days prior to the first election for which appointments are necessary and shall serve for at least four elections.

(2) Judges and clerks of election may be selected at random from a cross section of the population of the county. All qualified citizens shall have the opportunity to be considered for service. All qualified citizens shall fulfill their obligation to serve as judges or clerks of election as prescribed by the election commissioner. No citizen shall be excluded from service as a result of discrimination based upon race, color, religion, sex, national origin, or economic status. No citizen shall be excluded from service unless excused by reason of ill health or other good and sufficient reason.

(3) All persons appointed shall be of good repute and character, be able to read and write the English language, and except as otherwise provided in subsections (4), (5), and (6) of section [32-223](#), be registered voters in the county. No candidate at an election shall be appointed as a judge or clerk of election or inspector for such election other than a candidate for delegate to a county, state, or national political party convention.

(4) If a vacancy occurs in the office of judge or clerk of election or inspector, the election commissioner shall fill such vacancy in accordance with section [32-223](#). If any judge or clerk of election or inspector fails to appear at the hour appointed for the opening of the polls, the remaining officers shall notify the election commissioner, select a registered voter to serve in place of the absent officer if so directed by the election commissioner, and proceed to conduct the election. If the election commissioner finds that a judge or clerk of election or inspector does not possess all the qualifications prescribed in this section or if any judge or clerk of election or inspector is guilty of neglecting the duties of the office or of any official misconduct, the election commissioner shall remove the person and fill the vacancy.

Source: Laws 1994, LB 76, § 41; Laws 1997, LB 764, § 19; [Laws 2003, LB 357, § 1](#); [Laws 2016, LB742, § 16](#); [Laws 2019, LB411, § 31](#); [Laws 2022, LB843, § 12](#).

32-222. Inspectors and judges and clerks of election; oath.

Before entering upon his or her duties, each judge of election, clerk of election, and inspector shall take and subscribe an oath and file the same with the election commissioner. The oath need not be taken and signed before a person authorized to administer oaths. If the oath is printed in the sign-in register, the

signing of the sign-in register by such judges, clerks, and inspectors shall be a complete and sufficient compliance with the requirements of section [11-101.01](#). The form of the oath shall be as provided in such section.

Source: Laws 1994, LB 76, § 42; Laws 1997, LB 764, § 20.

32-223. Receiving board; members; inspectors; requirements; appointment.

(1) Except as otherwise provided in the Election Act, the election commissioner shall appoint a precinct inspector and a receiving board to consist of at least two judges and two clerks of election for each precinct. The election commissioner may appoint district inspectors to aid the election commissioner in the performance of his or her duties and supervise a group of precincts on election day.

(2) The election commissioner may allow persons serving on a receiving board as judges and clerks of election and precinct inspectors to serve for part of the time the polls are open and appoint other judges and clerks of election and precinct inspectors to serve on the same receiving board for the remainder of the time the polls are open.

(3) On each receiving board at any one time, one judge and one clerk of election shall be registered voters of the political party casting the highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, and one judge and one clerk of election shall be registered voters of the political party casting the next highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, except that one judge or clerk of election may be a registered voter who is not affiliated with either of such parties. If a third judge is appointed, such judge shall be a registered voter of the political party casting the highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election. All precinct and district inspectors shall be divided between all political parties as nearly as practicable in proportion to the number of votes cast in such county at the immediately preceding general election for Governor or for President of the United States by the parties, respectively.

(4) The election commissioner may appoint an elector residing outside the county as a precinct inspector, district inspector, judge of election, or clerk of election if the elector resides in a county which conducts all elections by mail pursuant to section [32-960](#).

(5) If authorized by the Secretary of State and registered voters of the county are unavailable, the election commissioner may appoint an elector residing outside the county as a precinct inspector, district inspector, judge of election, or clerk of election.

(6) The election commissioner may appoint a person who is at least sixteen years old but is not eligible to register to vote as a clerk of election. Such clerk of election shall meet the requirements of subsection (3) of section [32-221](#), except that such clerk shall not be required to be a registered voter. No more than one clerk of election appointed under this subsection shall serve at any precinct. A clerk of election appointed under this subsection shall be considered a registered voter who is not affiliated with a political party for purposes of this section.

Source: Laws 1994, LB 76, § 43; [Laws 2002, LB 1054, § 8](#); [Laws 2003, LB 357, § 2](#); [Laws 2003, LB 358, § 7](#); [Laws 2019, LB411, § 32](#); [Laws 2022, LB843, § 13](#).

32-225. Precinct and district inspectors; duties.

(1) The precinct inspector appointed pursuant to section [32-223](#) shall be present in the polling place of the precinct during all elections and act as the personal agent and deputy of the election commissioner. The precinct inspector shall enforce the Election Act and see that all proceedings are in accordance with the instructions, rules, regulations, and laws and shall challenge any voter whose name does not appear on the election register or who the precinct inspector believes is impersonating a person whose name appears on the register or is attempting to vote illegally. The precinct inspector shall ensure that the judges and clerks of election comply with the act in the conduct of the election.

(2) A district inspector appointed pursuant to section [32-223](#) shall oversee the procedures of a group of polling places and shall act as the personal agent and deputy of the election commissioner. The district inspector shall ensure that the Election Act is uniformly enforced at the polling places assigned to him or her and perform tasks assigned by the election commissioner. The district inspector may perform all of the duties required of a precinct inspector.

Source: Laws 1994, LB 76, § 45.

32-226. Election duties; who may perform.

At the discretion of the precinct or district inspector, any clerk of election may perform the duties of a judge of election and any judge of election may perform the duties of a clerk of election. The election commissioner may excuse the two clerks of election from serving at any election, and the judges of election shall perform such duties without additional compensation. The precinct inspector may perform the duties of a judge or clerk of election when authorized by the election commissioner.

Source: Laws 1994, LB 76, § 46; [Laws 1999, LB 802, § 1.](#)

32-227. Election workers; wages; waiver agreeing not to be paid; certain contracts authorized.

(1) Except as otherwise provided in subsections (2) and (3) of this section, the judges and clerks of election, precinct and district inspectors, and other temporary election workers shall receive wages at no less than the minimum rate set in section [48-1203](#) for each hour of service rendered. The election commissioner shall determine the rate of pay and may vary the rate based on the duties of each position. Each such election worker shall sign an affidavit stating the number of hours he or she has worked.

(2) Any judge or clerk of election, precinct or district inspector, or other temporary election worker may choose not to be paid for the hours he or she works. An election worker that chooses not to be paid shall sign a waiver agreeing not to be paid for each election for which he or she chooses not to be paid.

(3) Any judge or clerk of election, precinct or district inspector, or other temporary election worker may choose to have his or her election pay used by the election commissioner to contract with an organization authorized by the election commissioner to recruit election workers if the election commissioner contracts with such an organization. To be eligible to enter into such a contract, the organization shall be exempt for federal tax purposes under section 501(c)(3) of the Internal Revenue Code, as defined in section [49-801.01](#).

Source: Laws 1994, LB 76, § 47; [Laws 2002, LB 1054, § 9](#); [Laws 2015, LB575, § 7.](#)

32-228. Election worker; notice of appointment; exemption from service; failure to serve; penalty.

(1) The election commissioner shall notify each person appointed as a judge or clerk of election, precinct inspector, district inspector, member of a counting board, or member of a canvassing board of the appointment by letter. Such letter shall be mailed at least fifteen days prior to the required reporting date for each statewide primary and general election. Each appointee shall, at the time fixed in the notice of appointment, report to the office of the election commissioner or other designated location to complete any informational forms and receive training regarding his or her duties. The training shall include instruction as required by the Secretary of State and any other training deemed necessary by the election commissioner. Each appointee, if found qualified and unless excused by reason of ill health or other good and sufficient reason, shall serve for the term of his or her appointment.

(2) No person who is a qualified prospective election worker is exempt from being appointed for a term of election service, except that any person who is seventy years of age or older and who requests to be exempted from such service at the time the election worker questionnaire form is filed with the election commissioner shall be exempt from election service.

(3) An appointee who fails to serve for the term of his or her appointment, unless excused by reason of ill health or other good and sufficient reason, is guilty of a Class V misdemeanor. The election commissioner shall submit the names of appointees violating this subsection to the local law enforcement agency for citation pursuant to sections [32-1549](#) and [32-1550](#).

Source: Laws 1994, LB 76, § 48; Laws 1997, LB 764, § 21; [Laws 2002, LB 1054, § 10](#); [Laws 2015, LB575, § 8.](#)

32-229. Sections; applicability.

Sections [32-230](#) to [32-240](#) shall apply to counties which do not have an election commissioner.

Source: Laws 1994, LB 76, § 49.

32-230. Receiving board; members; appointment; procedure; qualification; vacancy; inspectors; appointment.

(1) As provided in subsection (4) of this section, the precinct committeeman and committeewoman of each political party shall appoint a receiving board consisting of three judges of election and two clerks of election. The chairperson of the county central committee of each political party shall send the names of the appointments to the county clerk no later than February 1 prior to the primary election.

(2) If no names are submitted by the chairperson, the county clerk shall appoint judges or clerks of election from the appropriate political party. Judges and clerks of election may be selected at random from a cross section of the population of the county. All qualified citizens shall have the opportunity to be considered for service. All qualified citizens shall fulfill their obligation to serve as judges or clerks of election as prescribed by the county clerk. No citizen shall be excluded from service as a result of discrimination based upon race, color, religion, sex, national origin, or economic status. No citizen shall be excluded from service unless excused by reason of ill health or other good and sufficient reason.

(3) The county clerk may allow persons serving on a receiving board to serve for part of the time the polls are open and appoint other persons to serve on the same receiving board for the remainder of the time the polls are open.

(4) In each precinct at any one time, one judge and one clerk of election shall be appointed from the political party casting the highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, one judge and one clerk shall be appointed from the political party casting the next highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, and one judge shall be appointed from the political party casting the third highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election. If the political party casting the third highest number of votes cast less than ten percent of the total vote cast in the county at the immediately preceding general election, the political party casting the highest number of votes at the immediately preceding general election shall be entitled to two judges and one clerk.

(5) The county clerk may appoint registered voters to serve in case of a vacancy among any of the judges or clerks of election or in addition to the judges and clerks in any precinct when necessary to meet any situation that requires additional judges and clerks. Such appointees may include registered voters unaffiliated with any political party. Such appointees shall serve at subsequent or special elections as determined by the county clerk.

(6) The county clerk may appoint an elector residing outside the county as a precinct inspector, district inspector, judge of election, or clerk of election if the elector resides in a county which conducts all elections by mail pursuant to section [32-960](#).

(7) If authorized by the Secretary of State and registered voters of the county are unavailable, the county clerk may appoint an elector residing outside the county as a precinct inspector, judge of election, or clerk of election.

(8) The county clerk may appoint a person who is at least sixteen years old but is not eligible to register to vote as a clerk of election. Such clerk of election shall meet the requirements of subsection (1) of section [32-231](#), except that such clerk shall not be required to be a registered voter. No more than one clerk of election appointed under this subsection shall serve at any precinct. A clerk of election appointed under this subsection shall be considered a registered voter who is not affiliated with a political party for purposes of this section.

Source: [Laws 1994, LB 76, § 50](#); [Laws 1997, LB 764, § 22](#); [Laws 2002, LB 1054, § 11](#); [Laws 2003, LB 357, § 3](#); [Laws 2003, LB 358, § 8](#); [Laws 2007, LB646, § 1](#); [Laws 2019, LB411, § 33](#); [Laws 2022, LB843, § 14](#).

32-231. Judge and clerk of election; qualifications; term; district inspectors; duties.

(1) Each judge and clerk of election appointed pursuant to section [32-230](#) shall

- (a) be of good repute and character and able to read and write the English language,
- (b) reside in the precinct in which he or she is to serve unless necessity demands that personnel be appointed from another precinct,
- (c) be a registered voter except as otherwise provided in subsections (6), (7), and (8) of section [32-230](#), and

(d) serve for a term of two years or until judges and clerks of election are appointed for the next primary election.

No candidate at an election shall be eligible to serve as a judge or clerk of election at the same election other than a candidate for a delegate to a county, state, or national political party convention.

(2) The county clerk may appoint district inspectors to aid the county clerk in the performance of his or her duties and supervise a group of precincts on election day. A district inspector shall meet the requirements for judges and clerks of election as provided in subsection (1) of this section, shall oversee the procedures of a group of polling places, and shall act as the personal agent and deputy of the county clerk. The district inspector shall ensure that the Election Act is uniformly enforced at the polling places assigned to him or her and perform tasks assigned by the county clerk. The district inspector may perform all of the duties required of a judge or clerk of election.

Source: [Laws 1994, LB 76, § 51](#); [Laws 1999, LB 802, § 2](#); [Laws 2002, LB 1054, § 12](#); [Laws 2003, LB 357, § 4](#); [Laws 2019, LB411, § 34](#); [Laws 2022, LB843, § 15](#).

32-232. Election duties; who may perform; messenger; appointment; duties.

(1) Any clerk of election may perform the duties of a judge of election, and any judge of election may perform the duties of a clerk of election. The county clerk may excuse two clerks of election from serving at any election, and the judges of election shall perform such duties without additional compensation.

(2) The county clerk shall designate one of the members of the receiving board as a messenger. The messenger shall receive from the county clerk the ballots and other equipment necessary for holding the election in the precinct for which he or she is a judge or clerk and shall deliver them to the polling place in his or her precinct at least one hour before the time provided by section [32-908](#) for opening the polls. The messenger shall return the ballots and other equipment to the county clerk as soon as possible after the votes are counted.

Source: [Laws 1994, LB 76, § 52](#); [Laws 1999, LB 802, § 3](#); [Laws 2007, LB646, § 2](#).

32-233. Election workers; wages.

Judges and clerks of election, district inspectors, messengers, and other temporary election workers shall receive wages at no less than the minimum rate set in section [48-1203](#) for each hour of service rendered. The county clerk shall determine the rate of pay and may vary the rate based on the duties of each position. Each such election worker shall sign an affidavit stating the number of hours he or she has worked.

Source: [Laws 1994, LB 76, § 53](#); [Laws 1996, LB 1011, § 20](#); [Laws 1999, LB 802, § 4](#); [Laws 2002, LB 1054, § 13](#).

32-235. Election worker; notice of appointment.

(1) The county clerk shall, by mail, notify judges and clerks of election, district inspectors, members of counting boards, and members of canvassing boards of their appointment. The notice shall inform the appointee of his or her appointment and of the date and time he or she is required to report to the office of the county clerk or other designated location and the polling place. The notice shall be mailed at least fifteen days prior to each statewide primary and general election and on or before the third Friday prior to each special election. The county clerk shall order the members of the receiving board to appear at their respective polling place on the day and at the hour specified in the notice of appointment.

(2) Each appointee shall, at the time fixed in the notice of appointment, report to the office or other location to complete any informational forms and receive training regarding his or her duties. The training shall include instruction as required by the Secretary of State and any other training deemed necessary by the county clerk.

Source: [Laws 1994, LB 76, § 55](#); [Laws 1997, LB 764, § 23](#); [Laws 1999, LB 802, § 5](#); [Laws 2002, LB 1054, § 14](#); [Laws 2007, LB646, § 3](#); [Laws 2022, LB843, § 16](#).

32-236. Judge and clerk of election; district inspector; service required; violation; penalty.

Each judge and clerk of election appointed pursuant to subsection (4) of section [32-230](#) and each district inspector appointed pursuant to subsection (2) of section [32-231](#) shall serve at all elections, except city and village elections, held in the county or precinct during his or her two-year term unless excused. A violation of this section by an appointee is a Class V misdemeanor. The county clerk shall submit the names of appointees violating this section to the local law enforcement agency for citation pursuant to sections [32-1549](#) and [32-1550](#).

Source: Laws 1994, LB 76, § 56; Laws 1997, LB 764, § 24; [Laws 1999, LB 802, § 6](#); [Laws 2002, LB 1054, § 15](#); [Laws 2019, LB411, § 35](#).

32-237. Judge or clerk of election; inspector; failure to appear; replacement procedure.

If any judge or clerk of election or inspector fails to appear at the appropriate hour, the inspector or remaining judges and clerks shall notify the county clerk, select a registered voter to serve in place of the absent person, and proceed to conduct the election. The registered voter shall be affiliated with the same political party as the absent person if possible.

Source: Laws 1994, LB 76, § 57; Laws 1997, LB 764, § 25; [Laws 1999, LB 802, § 7](#).

32-238. Judge or clerk of election; inspector; oath.

Before entering upon his or her duties, each judge or clerk of election and each inspector shall sign an oath to be returned to the county clerk after the polls close. The oath need not be taken and signed before a person authorized to administer oaths. If the oath is printed in the sign-in register, the signing of the sign-in register shall be complete and sufficient compliance with the requirements of section [11-101.01](#). The form of the oath shall be as provided in such section.

Source: Laws 1994, LB 76, § 58; Laws 1997, LB 764, § 26; [Laws 1999, LB 802, § 8](#).

32-239. Judges and clerks of election; district inspectors; vacancies; how filled.

All vacancies of judges and clerks of election appointed pursuant to section [32-230](#) and district inspectors appointed pursuant to subsection (2) of section [32-231](#) shall be filled as nearly as possible in the manner in which the original appointments were made. At least fifteen days prior to any election, the county clerk shall review the list of district inspectors and the list of judges and clerks of election in the precincts in which the election is to occur and fill any vacancies. When a district inspector or judge or clerk of election is a candidate for an office to be voted upon at the election, except for a candidate for a delegate to a county, state, or national political party convention, his or her position as a district inspector, judge, or clerk shall be vacant.

Source: Laws 1994, LB 76, § 59; [Laws 1999, LB 802, § 9](#).

32-240. Judge or clerk of election; district inspector; excused from serving; when.

Any person who is appointed to serve as a judge or clerk of election or district inspector may, at any time before election day, be excused by the county clerk from serving in such capacity by reason of his or her own sickness, the serious illness of any member of his or her family, or unavoidable absence from the county on election day.

Source: Laws 1994, LB 76, § 60; Laws 1997, LB 764, § 27; [Laws 1999, LB 802, § 10](#).

32-241. Election worker; employment protection; employer; prohibited acts; violation; penalty; lists; prohibited acts.

(1) Any person who is appointed in any county to serve as a judge or clerk of election, a precinct or district inspector, a canvassing board member, or any other election worker shall not be subject to discharge from employment, loss of pay, loss of overtime pay, loss of sick leave, loss of vacation time, the threat of any such action, or any other form of penalty as a result of his or her absence from employment due to such service if he or she gives reasonable notice to his or her employer of such appointment. Reasonable notice shall be waived for those persons appointed as judges or clerks of election on the day

of election to fill vacancies. Any such person shall be excused upon request from any shift work, without loss of pay, for the hours he or she is required to serve and, if he or she is required to serve eight hours or more, for eight hours prior to and eight hours following the hours he or she is required to serve.

(2) No employer shall subject an employee serving as a judge or clerk of election, a precinct or district inspector, a canvassing board member, or any other election worker to coercion, discharge from employment, loss of pay, loss of overtime pay, loss of sick leave, loss of vacation time, the threat of any such action, or any other form of penalty on account of his or her absence from employment by reason of such service, except that an employer may reduce the pay of an employee for each hour of work missed by an amount equal to the hourly compensation other than expenses paid to the employee by the county for such service.

(3) A violation of this section is a Class V misdemeanor. The election commissioner or county clerk shall submit the names of persons violating this section to the local law enforcement agency for citation pursuant to sections [32-1549](#) and [32-1550](#).

(4) The election commissioner or county clerk shall not provide a list of judges or clerks of election, precinct or district inspectors, canvassing board members, or other election workers to any committee or to any person until the election has been completed.

Source: Laws 1994, LB 76, § 61; Laws 1997, LB 764, § 28; [Laws 2002, LB 1054, § 16](#); [Laws 2003, LB 548, § 1](#).

32-242. Oaths; who may administer; seal.

(1) The election commissioner, county clerk, chief deputy election commissioners, office personnel of the election commissioner or county clerk, judges of election, precinct or district inspectors, and deputy registrars may administer all oaths required or necessary in the administration of the Election Act.

(2) The election commissioner or county clerk may adopt an official seal for use as prescribed by law.

Source: Laws 1994, LB 76, § 62; Laws 1997, LB 764, § 29.

32-243. Secretary of State; develop and publish guidelines for election workers; contents.

The Secretary of State shall develop and publish guidelines for election workers appointed pursuant to sections [32-220](#) to [32-240](#). The guidelines shall include provisions for the conduct of election workers with regard to the conduct of elections on election day. The guidelines may cover other conduct with regard to election workers and, in that regard, shall take into account variations in counties with regards to election workers appointed under sections [32-221](#) to [32-228](#) which apply to counties which have an election commissioner as provided in section [32-207](#) or [32-211](#) and election workers appointed under sections [32-230](#) to [32-240](#) which apply to counties which do not have an election commissioner. The guidelines shall be instructional in nature and shall not be construed to bind election commissioners or county clerks.

Source: [Laws 2013, LB299, § 2](#).

Article 3 – Voter Registration

32-301. Registration list; registration of electors; registration records; how kept; use on election day.

(1) The Secretary of State shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the office of the Secretary of State that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state. The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the state and shall comprise the voter registration register. The computerized list shall be coordinated with other agency databases within the state and shall be available for electronic access by election commissioners and county clerks. The computerized list shall serve as the official voter registration list for the conduct of all elections under the Election Act and beginning July 1, 2019, shall be the basis for electronic poll books at each precinct if applicable. The Secretary of State shall provide such support as may be required so that election commissioners and county clerks are able to electronically enter voter registration information obtained by such officials on an expedited basis at the time the information is received. The Secretary of State shall provide adequate technological security measures to prevent unauthorized access to the computerized list.

(2) The election commissioner or county clerk shall provide for the registration of the electors of the county. Upon receipt of a voter registration application in his or her office from an eligible elector, the election commissioner or county clerk shall enter the information from the application in the voter registration register and may create an electronic image, photograph, microphotograph, or reproduction in an electronic digital format to be used as the voter registration record. The election commissioner or county clerk shall provide a precinct list of registered voters for each precinct for the use of judges and clerks of election in their respective precincts on election day. Beginning July 1, 2019, the election commissioner or county clerk may provide an electronic poll book as described in section [32-301.01](#) to meet the requirements for a precinct list of registered voters.

(3) The digital signatures in the possession of the Secretary of State, the election commissioner, or the county clerk shall not be public records as defined in section [84-712.01](#) and are not subject to disclosure under sections [84-712](#) to [84-712.09](#).

Source: [Laws 1994, LB 76, § 63](#); [Laws 1999, LB 234, § 1](#); [Laws 2003, LB 357, § 5](#); [Laws 2005, LB 566, § 5](#); [Laws 2017, LB451, § 3](#); [Laws 2018, LB1065, § 3](#).

32-301.01. Electronic poll books; contents.

Beginning July 1, 2019, the electronic poll books for a precinct shall contain the list of registered voters and the sign-in register for the precinct combined in one database and shall include the registration information and the digital signatures for the registered voters of the precinct.

Source: [Laws 2018, LB1065, § 2](#).

32-302. Registration of electors; office hours; deadline for registration; designated voter registration agency.

The office of the election commissioner or county clerk shall remain open during the usual business days of the year for purposes of general registration and revision and for the transaction of the business of the office. Such registration and revision shall be carried on at all times during the regular business hours of the office of the election commissioner or county clerk ending at 6 p.m. on the second Friday preceding any election. The election commissioner or county clerk may, during any of the seven days immediately preceding the deadline for registration, cause his or her office to be open at times in addition to the hours during which it is required by law to be open in order for electors to register to vote. The office of the election commissioner or county clerk shall be a designated voter registration agency for purposes of section 7 of the National Voter Registration Act of 1993, 42 U.S.C. 1973gg-5, as such section existed on March 11, 2008.

Source: [Laws 1994, LB 76, § 64](#); [Laws 2008, LB750, § 1](#).

32-303. Registration of electors; other places of registration.

In addition to his or her office, the election commissioner or county clerk may provide a place of registration in each incorporated city or village in the county and in each legislative district in cities of the metropolitan class. The place of registration may be open not less than one day within the thirty days prior to the statewide primary election and the statewide general election and at such times and during such hours as the election commissioner or county clerk may direct. An election commissioner or county clerk may establish a permanent place of registration in each incorporated city or village in the county or each legislative district in a city of the metropolitan class by training registered voters to act as deputy registrars. A private residence shall not be used as a permanent place of registration except in incorporated villages.

Source: Laws 1994, LB 76, § 65; [Laws 2002, LB 935, § 4](#).

32-304. Registration of electors electronically; application process; application; contents; Secretary of State; Department of Motor Vehicles; duties.

(1) The Secretary of State in conjunction with the Department of Motor Vehicles shall implement a registration application process which may be used statewide to register to vote and update voter registration records electronically using the Secretary of State's website. An applicant who has a valid Nebraska motor vehicle operator's license or state identification card may use the application process to register to vote or to update his or her voter registration record with changes in his or her personal information or other information related to his or her eligibility to vote. For each electronic application, the Secretary of State shall obtain a copy of the electronic representation of the applicant's signature from the Department of Motor Vehicles' records of his or her motor vehicle operator's license or state identification card for purposes of voter registration and electronic poll books.

(2) The application shall contain substantially all the information provided in section [32-312](#) and the following informational statements:

(a) An applicant who submits this application electronically is affirming that the information in the application is true. Any applicant who submits this application electronically knowing that any of the information in the application is false shall be guilty of a Class IV felony under section [32-1502](#) of the statutes of Nebraska. The penalty for a Class IV felony is up to two years imprisonment and twelve months post-release supervision, a fine of up to ten thousand dollars, or both;

(b) An applicant who submits this application electronically is agreeing to the use of his or her digital signature from the Department of Motor Vehicles' records of his or her motor vehicle operator's license or state identification card for purposes of voter registration;

(c) To vote at the polling place on election day, the completed application must be submitted on or before the third Friday before the election and prior to midnight on such Friday; and

(d) The election commissioner or county clerk will, upon receipt of the application for registration, send an acknowledgment of registration to the applicant indicating whether the application is proper or not.

Source: [Laws 2014, LB661, § 3](#); [Laws 2015, LB575, § 9](#); [Laws 2017, LB451, § 4](#); [Laws 2018, LB1038, § 2](#); [Laws 2018, LB1065, § 4](#).

32-305. Deputy registrar; application; training; when; oath; violation; effect.

(1) Any registered voter may apply to the election commissioner or county clerk to be appointed as a deputy registrar for the purpose of registering voters. The application form shall be prescribed by the election commissioner, county clerk, or Secretary of State. The election commissioner or county clerk shall make training available for deputy registrars in the county he or she serves. The deputy registrar shall notify the election commissioner or county clerk of the location and time of proposed voter registration and the names and party affiliations of the deputy registrars. The election commissioner or county clerk, at his or her discretion, may approve or disapprove the deputy registrar's plans for voter registration and shall notify the deputy registrar of such decision.

(2) Any person appointed as a deputy registrar shall attend a training session conducted by an election commissioner or county clerk. A person who attends and successfully completes a training session after January 1, 1995, shall be qualified as a deputy registrar for any county in the state and shall

receive a certificate verifying successful completion of the training and indicating his or her qualification as a deputy registrar to conduct registration in any county in the state.

(3) Before entering upon his or her duties, the deputy registrar shall take and subscribe to the following oath:

You do solemnly swear that you will support the Constitution of the United States and the Constitution of Nebraska and will faithfully and impartially perform the duties of the office of deputy registrar according to law and to the best of your ability.

(4) In order to remain qualified to conduct voter registration as a deputy registrar in any county in this state, a deputy registrar shall complete a training session at least once every three years unless the Secretary of State determines that substantial changes have occurred in the voter registration process requiring additional training. The training session may vary in length but shall not exceed four hours. The Secretary of State shall inspect and review all training programs, procedures, and practices to assure that they relate to the position of a deputy registrar and his or her duties.

(5) Any deputy registrar who violates any registration procedure, rule, regulation, or guideline may have his or her status as a deputy registrar revoked by the election commissioner, county clerk, or Secretary of State.

Source: Laws 1994, LB 76, § 67; Laws 1997, LB 764, § 30; [Laws 2011, LB449, § 2.](#)

32-306. Deputy registrars; teams; duties; acknowledgment of registration; when; applicability of section.

Deputy registrars shall register voters in teams of at least two deputies, one of whom is not a member of the same political party as the other or others. The deputy registrars shall return the completed registration applications to the office of the election commissioner or county clerk of the county in which the registrations are to be effective no later than the end of the next business day after the registrations are taken. The election commissioner or county clerk shall mail an acknowledgment of registration at least five days prior to the next election to each person registered by a deputy registrar. Deputy registrars shall not register voters after 6 p.m. on the third Friday preceding any election. A registration application received after the deadline shall not be processed by the election commissioner or county clerk until after the election. This section shall not apply to registration done by the employees of the election commissioner or county clerk.

Source: Laws 1994, LB 76, § 68; Laws 1997, LB 764, § 31; [Laws 2005, LB 566, § 6.](#)

32-307. Voter registration site; acts prohibited; registration procedure.

No materials advocating or advertising any political issue, candidate, or party shall be displayed or distributed within fifty feet of any voter registration site. No alcohol shall be served within fifty feet of any voter registration site. The registration procedure shall be conducted in a neutral manner and shall not be connected with anything unrelated to the object of registering electors except as otherwise provided in sections [32-308](#) to [32-310](#).

Source: Laws 1994, LB 76, § 69.

32-308. Registration list; verification; voter registration application; Department of Motor Vehicles; duties; registration; when; confidentiality; persons involved in registration; status. (2023 Update)

(1) The Secretary of State and the Director of Motor Vehicles shall enter into an agreement to match information in the computerized statewide voter registration list with information in the database of the Department of Motor Vehicles to the extent required to enable each such official to verify the accuracy of the information, including citizenship, provided on applications for voter registration. The Director of Motor Vehicles shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the federal Social Security Act, 42 U.S.C. 405(r)(8), as such section existed on April 17, 2003, for purposes of the Election Act.

(2) The Department of Motor Vehicles, with the assistance of the Secretary of State, shall prescribe a voter registration application which may be used to register to vote or change his or her

address for voting purposes at the same time an elector applies for an original or renewal motor vehicle operator's license, an original or renewal state identification card, or a replacement thereof. The voter registration application shall contain the information required pursuant to section [32-312](#) and shall be designed so that it does not require the duplication of information in the application for the motor vehicle operator's license or state identification card, except that it may require a second signature of the applicant. The department and the Secretary of State shall make the voter registration application available to any person applying for an operator's license or state identification card. The application shall be completed at the office of the department by the close of business on the third Friday preceding any election to be registered to vote at such election. A registration application received after the deadline shall not be processed by the election commissioner or county clerk until after the election.

(3) The Department of Motor Vehicles, in conjunction with the Secretary of State, shall develop a process to electronically transmit voter registration application information received under subsection (2) of this section to the election commissioner or county clerk of the county in which the applicant resides within the time limits prescribed in subsection (4) of this section. The Director of Motor Vehicles shall designate an implementation date for the process which shall be on or before January 1, 2016.

(4) The voter registration application information shall be transmitted to the election commissioner or county clerk of the county in which the applicant resides not later than ten days after receipt, except that if the voter registration application information is received within five days prior to the third Friday preceding any election, it shall be transmitted not later than five days after its original submission. Any information on whether an applicant registers or declines to register and the location of the office at which he or she registers shall be confidential and shall only be used for voter registration purposes.

(5) For each voter registration application for which information is transmitted electronically pursuant to this section, the Secretary of State shall obtain a copy of the electronic representation of the applicant's signature from the Department of Motor Vehicles' records of his or her motor vehicle operator's license or state identification card for purposes of voter registration. Each voter registration application electronically transmitted under this section shall include information provided by the applicant that includes whether the applicant is a citizen of the United States, whether the applicant is of sufficient age to register to vote, the applicant's residence address, the applicant's postal address if different from the residence address, the date of birth of the applicant, the party affiliation of the applicant or an indication that the applicant is not affiliated with any political party, the applicant's motor vehicle operator's license number, the applicant's previous registration location by city, county, or state, if applicable, and the applicant's signature.

(6) State agency personnel involved in the voter registration process pursuant to this section and section [32-309](#) shall not be considered deputy registrars or agents or employees of the election commissioner or county clerk.

Source: Laws 1994, LB 76, § 70; Laws 1997, LB 764, § 32; [Laws 2003, LB 357, § 6](#); [Laws 2005, LB 566, § 7](#); [Laws 2014, LB661, § 4](#); [Laws 2014, LB777, § 1](#); [Laws 2023, LB514, § 6](#).

Operative Date: [June 2, 2023](#)

32-309. Voter registration application; delivery; when; confidentiality.

Upon receipt of a completed voter registration application under subsection (2) of section [32-308](#), any person who issues motor vehicle operators' licenses or state identification cards shall, until the implementation date designated by the Director of Motor Vehicles pursuant to subsection (3) of section [32-308](#), deliver the completed voter registration application to the election commissioner or county clerk of the county in which the person is located not later than ten days after receipt by the person, except that if the voter registration application is received within five days prior to the third Friday preceding any election, it shall be delivered not later than five days after its original filing date. The election commissioner or county clerk shall, if necessary, forward the voter registration application to the election commissioner or county clerk of the county in which the applicant resides within such prescribed time limits. Any information on whether an applicant registers or declines to register and the location of the office at which he or she registers shall be confidential and shall only be used for voter registration purposes.

Source: Laws 1994, LB 76, § 71; [Laws 2005, LB 566, § 8](#); [Laws 2014, LB661, § 5](#).

32-310. Voter registration; State Department of Education; Department of Health and Human Services; duties; confidentiality; persons involved in registration; status; delivery of applications; when; registration; when.

(1) The State Department of Education and the Department of Health and Human Services shall provide the opportunity to register to vote at the time of application, review, or change of address for the following programs, as applicable:

- (a) The Supplemental Nutrition Assistance Program;
- (b) the medicaid program;
- (c) the WIC program as defined in section [71-2225](#);
- (d) the aid to dependent children program;
- (e) the vocational rehabilitation program; and
- (f) any other public assistance program or program primarily for the purpose of providing services to persons with disabilities.

If the application, review, or change of address is accomplished through an agent or contractor of the department, the agent or contractor shall provide the opportunity to register to vote. Any information on whether an applicant registers or declines to register and the agency at which he or she registers shall be confidential and shall only be used for voter registration purposes.

(2) The department, agent, or contractor shall make the mail-in registration application described in section [32-320](#) available at the time of application, review, or change of address and shall provide assistance, if necessary, to the applicant in completing the application to register to vote. The department shall retain records indicating whether an applicant accepted or declined the opportunity to register to vote.

(3) Department personnel, agents, and contractors involved in the voter registration process pursuant to this section shall not be considered deputy registrars or agents or employees of the election commissioner or county clerk.

(4) The applicant may return the completed voter registration application to the department, agent, or contractor or may personally mail or deliver the application to the election commissioner or county clerk as provided in section [32-321](#). If the applicant returns the completed application to the department, agent, or contractor, the department, agent, or contractor shall deliver the application to the election commissioner or county clerk of the county in which the office of the department, agent, or contractor is located not later than ten days after receipt by the department, agent, or contractor, except that if the application is returned to the department, agent, or contractor within five days prior to the third Friday preceding any election, it shall be delivered not later than five days after the date it is returned. The election commissioner or county clerk shall, if necessary, forward the application to the election commissioner or county clerk of the county in which the applicant resides within such prescribed time limits. The application shall be completed and returned to the department, agency, or contractor by the close of business on the third Friday preceding any election to be registered to vote at such election. A registration application received after the deadline shall not be processed by the election commissioner or county clerk until after the election.

(5) The departments shall adopt and promulgate rules and regulations to ensure compliance with this section.

Source: Laws 1994, LB 76, § 72; Laws 1996, LB 1044, § 93; Laws 1997, LB 764, § 33; [Laws 2005, LB 566, § 9](#); [Laws 2007, LB296, § 51](#); [Laws 2009, LB288, § 1](#).

32-311. Registration of elector; personal application; place or time.

Any elector may personally apply to register to vote at

- (1) the office of the election commissioner or county clerk,
- (2) a registration site at which a deputy registrar is in attendance,
- (3) a department listed in section [32-310](#) at the time of an application, review, or change of address as provided in such section, or
- (4) the Department of Motor Vehicles while applying for a motor vehicle operator's license or state identification card as provided in section [32-308](#).

Source: Laws 1994, LB 76, § 73; [Laws 2014, LB661, § 6](#).

32-311.01. Registration application; use; informational statements.

(1) The Secretary of State shall prescribe and distribute a registration application which may be used statewide to register to vote and update voter registration records. An applicant may use the application to register to vote or to update his or her voter registration record with changes in his or her personal information or other information related to his or her eligibility to vote. An applicant may submit the application in person, through a personal messenger or personal agent, or by mail. Every election commissioner or county clerk shall accept such an application for registration. If an applicant who is eligible to register to vote submits the application in person at the office of the election commissioner or county clerk, the information from the application shall be entered into the voter registration register in the presence of the applicant if possible.

(2) The application shall contain substantially all the information provided in section [32-312](#) and the following informational statements:

(a) An applicant who is unable to sign his or her name may affix his or her mark next to his or her name written on the signature line by some other person;

(b) If the application is submitted by mail and the applicant is registering in the state for the first time and has not previously voted within the state, the applicant must submit with the application a copy of a photo identification which is current and valid or a copy of a utility bill, bank statement, government check, paycheck, or other government document that is current and that shows the name and address of the applicant as they appear on the application in order to avoid additional identification requirements when voting for the first time;

(c) An applicant may deliver the application to the office of the election commissioner or county clerk in person, through a personal messenger or personal agent, or by mail;

(d) To vote at the polling place on election day, the completed application must be:

(i) Delivered by the applicant in person to the office of the election commissioner or county clerk on or before the deadline prescribed in section [32-302](#);

(ii) Delivered by the applicant's personal messenger or personal agent to the office of the election commissioner or county clerk on or before the third Friday before the election; or

(iii) Postmarked on or before the third Friday before the election if the application is submitted by mail; and

(e) The election commissioner or county clerk will, upon receipt of the application for registration, send an acknowledgment of registration to the applicant indicating whether the application is proper or not.

Source: Laws 1994, LB 76, § 81; Laws 1997, LB 764, § 38; [Laws 2003, LB 359, § 3](#); R.S.1943, (2004), § 32-319; [Laws 2005, LB 566, § 10](#); [Laws 2008, LB750, § 2](#).

32-312. Registration application; contents.

The registration application prescribed by the Secretary of State pursuant to section [32-304](#) or [32-311.01](#) shall provide the instructional statements and request the information from the applicant as provided in this section.

CITIZENSHIP—"Are you a citizen of the United States of America?" with boxes to check to indicate whether the applicant is or is not a citizen of the United States.

AGE—"Are you at least eighteen years of age or will you be eighteen years of age on or before the first Tuesday following the first Monday of November of this year?" with boxes to check to indicate whether or not the applicant will be eighteen years of age or older on election day.

WARNING—"If you checked 'no' in response to either of these questions, do not complete this application."

NAME—the name of the applicant giving the first and last name in full, the middle name in full or the middle initial, and the maiden name of the applicant, if applicable.

RESIDENCE—the name and number of the street, avenue, or other location of the dwelling where the applicant resides if there is a number. If the registrant resides in a hotel, apartment, tenement house, or institution, such additional information shall be included as will give the exact location of such registrant's place of residence. If the registrant lives in an incorporated or unincorporated area not identified by the use of roads, road names, or house numbers, the registrant shall state the section, township, and range of his or her residence and the corporate name of the school district as described in section [79-405](#) in which he or she is located.

POSTAL ADDRESS—the address at which the applicant receives mail if different from the residence address.

ADDRESS OF LAST REGISTRATION—the name and number of the street, avenue, or other location of the dwelling from which the applicant last registered.

TELEPHONE NUMBERS—the telephone numbers of the applicant. At the request of the applicant, a designation shall be made that a telephone number is an unlisted number, and such designation shall preclude the listing of such telephone number on any list of voter registrations.

EMAIL ADDRESS—an email address of the applicant. At the request of the applicant, a designation shall be made that the email address is private, and such designation shall preclude the listing of the applicant's email address on any list of voter registrations.

DRIVER'S LICENSE NUMBER OR LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER—if the applicant has a Nebraska driver's license, the license number, and if the applicant does not have a Nebraska driver's license, the last four digits of the applicant's social security number.

DATE OF APPLICATION FOR REGISTRATION—the month, day, and year when the applicant presented himself or herself for registration, when the applicant completed and signed the registration application if the application was submitted by mail or delivered to the election official by the applicant's personal messenger or personal agent, or when the completed application was submitted if the registration application was completed pursuant to section [32-304](#).

PLACE OF BIRTH—show the state, country, kingdom, empire, or dominion where the applicant was born.

DATE OF BIRTH—show the date of the applicant's birth. The applicant shall be at least eighteen years of age or attain eighteen years of age on or before the first Tuesday after the first Monday in November to have the right to register and vote in any election in the present calendar year.

REGISTRATION TAKEN BY—show the signature of the authorized official or staff member accepting the application pursuant to section [32-309](#) or [32-310](#) or at least one of the deputy registrars taking the application pursuant to section 32-306, if applicable.

PARTY AFFILIATION—show the party affiliation of the applicant as Democratic, Republican, or Other or show no party affiliation as Nonpartisan. (Note: If you wish to vote in both partisan and nonpartisan primary elections for state and local offices, you must indicate a political party affiliation on the registration application. If you register without a political party affiliation (nonpartisan), you will receive only the nonpartisan ballots for state and local offices at primary elections. If you register without a political party affiliation, you may vote in partisan primary elections for congressional offices.)

OTHER—information the Secretary of State determines will assist in the proper and accurate registration of the voter.

Immediately following the spaces for inserting information as provided in this section, the following statement shall be printed:

To the best of my knowledge and belief, I declare under penalty of election falsification that:

- (1) I live in the State of Nebraska at the address provided in this application;
- (2) I have not been convicted of a felony or, if convicted, it has been at least two years since I completed my sentence for the felony, including any parole term;
- (3) I have not been officially found to be non compos mentis (mentally incompetent); and
- (4) I am a citizen of the United States.

Any registrant who signs this application knowing that any of the information in the application is false shall be guilty of a Class IV felony under section [32-1502](#) of the statutes of Nebraska. The penalty for a Class IV felony is up to two years imprisonment and twelve months post-release supervision, a fine of up to ten thousand dollars, or both.

APPLICANT'S SIGNATURE—require the applicant to affix his or her signature to the application.

Source: Laws 1994, LB 76, § 74; Laws 1996, LB 900, § 1037; Laws 1997, LB 764, § 34; [Laws 2003, LB 357, § 7](#); [Laws 2003, LB 359, § 2](#); [Laws 2005, LB 53, § 4](#); [Laws 2005, LB 566, § 11](#); [Laws 2011, LB449, § 3](#); [Laws 2014, LB661, § 7](#); [Laws 2017, LB451, § 5](#); [Laws 2020, LB1055, § 5](#); [Laws 2022, LB843, § 18](#).

32-312.01. Registration application; examine for sufficiency.

The office personnel of the election commissioner or county clerk or the deputy registrar shall examine the information provided by the applicant on his or her application for registration and shall determine whether the applicant has provided sufficient information with which to determine his or her qualifications to register to vote.

Source: [Laws 2005, LB 566, § 12.](#)

32-312.02. Registration application; required information.

To avoid rejection of an application for registration or a delay in the processing of the application, the information provided by the applicant pursuant to section [32-312](#) who is applying to register for the first time in the state or following a cancellation of the person's prior registration shall include:

- (1) The name of the applicant;
- (2) A description of the location of the applicant's residence that is sufficient to allow the election commissioner or county clerk to accurately assign the applicant to the appropriate precinct, including a political subdivision of the precinct if the applicant resides in a precinct which is divided into political subdivisions and the voters residing within each subdivision are entitled to participate in an election of any one or more candidates or in the determination by election of any question or proposition specific to the political subdivision;
- (3) The postal address if different than the person's residence address;
- (4) The date of birth of the applicant;
- (5) The party affiliation of the applicant or an indication that the applicant is not affiliated with any political party;
- (6) The applicant's Nebraska driver's license number or, if the applicant does not have a Nebraska driver's license, the last four digits of the applicant's social security number if the applicant has one; and
- (7) The signature of the applicant.

Source: [Laws 2005, LB 566, § 13.](#)

32-312.03. Registration application; identity confirmation; identifying number.

(1) Notwithstanding other deficiencies that may cause an application for registration to be rejected, failure of the applicant to provide his or her Nebraska driver's license number or last four digits of his or her social security number shall not cause the application to be rejected.

(2) If the election commissioner or county clerk is able to verify at least one of the numbers against a record available from the Department of Motor Vehicles bearing the applicant's same name, residence address, and date of birth, that number will be entered into the applicant's voter registration record.

(3) If the applicant's Nebraska driver's license number or the last four digits of the applicant's social security number are confirmed in such a manner, the acknowledgment of registration sent to the registrant pursuant to section [32-322](#) shall advise the registrant of the number confirmed and the addition of the number to the registrant's voter registration record. The acknowledgment shall advise the registrant to contact the election commissioner or county clerk if the registrant has reason to believe that the number added to his or her voter registration record is incorrect or invalid.

(4) If the applicant for registration does not have a Nebraska driver's license or a social security number or if the applicant's Nebraska driver's license or social security number cannot be confirmed pursuant to subsection (2) of this section, the unique identifying number generated and assigned to the applicant's voter registration record in the voter registration register shall be used to identify the registrant for voter registration purposes.

Source: [Laws 2005, LB 566, § 14.](#)

32-312.04. Registration application; use to update voter registration record; requirements.

A registered voter using a registration application to update his or her voter registration record with changes in his or her personal information or other changes related to his or her eligibility to vote shall:

- (1) Provide all new information needed to ensure his or her voter registration record is accurate and current;
- (2) Provide sufficient information to allow the election commissioner or county clerk to identify the voter including:
 - (a) The former name under which the voter was previously registered if the voter is seeking to register under a different name;
 - (b) The voter's Nebraska driver's license number or last four digits of the voter's social security number or the unique identifying number assigned in place of such numbers pursuant to subsection (4) of section [32-312.03](#), if known;
 - (c) The residence address where the voter was previously registered; and
 - (d) A sufficient description of the current residence address to allow the election commissioner or county clerk to accurately assign the voter to the appropriate precinct and political subdivision of the precinct, if any, if the voter has moved since previously registering; and
- (3) Affix his or her signature to the registration application.

Source: [Laws 2005, LB 566, § 15.](#)

32-312.05. Voter registration record; effective date.

The date that a person's voter registration record or an update of his or her voter registration record becomes effective is the date the person presented himself or herself in person to register, the date the registration application was delivered to the election commissioner or county clerk, or the date the registration application was received by the election commissioner or county clerk if the person submitted the registration application by mail or pursuant to section [32-304](#) or [32-308](#).

Source: [Laws 2005, LB 566, § 16;](#) [Laws 2014, LB661, § 8.](#)

32-313. Qualifications of elector; abstract of felony convictions; clerks of court; duty; notification of federal court felony conviction; how treated.

(1) No person is qualified to vote or to register to vote who is non compos mentis or who has been convicted of treason under the laws of the state or of the United States unless restored to civil rights. No person who has been convicted of a felony under the laws of this state or any other state is qualified to vote or to register to vote until two years after the sentence is completed, including any parole term. The disqualification is automatically removed at such time.

(2) The clerk of any court in which a person is convicted of a felony shall prepare an abstract each month of each final judgment served by the clerk convicting an elector of a felony. The clerk shall file the abstract with the election commissioner or county clerk of the elector's county of residence not later than the tenth day of the month following the month in which the abstract is prepared. The clerk of the court shall notify the election commissioner or county clerk in writing if any such conviction is overturned.

(3) Upon receiving notification from the United States Attorney of a felony conviction of a Nebraska resident in federal court or of the overturning of any such conviction, the Secretary of State shall forward the notice to the election commissioner or county clerk of the county of such person's residence. The election commissioner or county clerk shall remove the name of such person from the voter registration register upon receipt of notice of conviction.

Source: [Laws 1994, LB 76, § 75;](#) [Laws 1999, LB 234, § 2;](#) [Laws 2005, LB 53, § 5.](#)

32-314. Loss of eligibility to vote; when; update voter registration record; when; change of residence within county; change of name or party affiliation; effect.

(1) Any person going into another territory or state and registering to vote or voting in that territory or state shall lose his or her eligibility to vote in this state. Any person going into another county of this state and registering to vote or voting in that county shall lose his or her eligibility to vote in the county where he or she was registered.

(2) A registered voter who changes his or her residence in one county to a residence address in a different county in the state shall register again or update his or her voter registration record in order to be eligible to vote.

(3) A registered voter who changes his or her name or residence within the county and has retained legal residence in the county since the date of his or her last registration shall register again or update his or her voter registration record to avoid additional requirements at the time of voting as provided in sections [32-914](#) and [32-915](#) and may be entitled to vote pursuant to section [32-914.01](#), [32-914.02](#), or [32-915](#).

(4) A registered voter who wants to change his or her party affiliation for purposes of a primary election shall complete a registration application pursuant to section [32-312.04](#) and submit it to the election commissioner or county clerk as provided in and prior to the deadline prescribed by section [32-302](#) or [32-321](#).

Source: Laws 1994, LB 76, § 76; Laws 1997, LB 764, § 35; [Laws 2005, LB 566, § 17](#).

32-315. Change of name or address; election commissioner or county clerk; duties.

Upon receiving a completed voter registration application pursuant to section [32-308](#), [32-309](#), or [32-310](#) indicating that a voter who is registered in the county has changed his or her name or moved to another residence within the same county, the election commissioner or county clerk shall change the voter registration record of the registered voter to the new name or new address and shall send an acknowledgment card to the registered voter indicating that the change of registration has been completed and the address of the voter's new polling place.

Source: Laws 1994, LB 76, § 77; Laws 1997, LB 764, § 36; [Laws 1999, LB 234, § 3](#); [Laws 2005, LB 566, § 18](#); [Laws 2014, LB661, § 9](#).

32-316. Certificate of registration; issuance; fee.

The election commissioner or county clerk may issue a certificate of registration to any registered voter who requests a certificate verifying that he or she is a registered voter in the county and pays a fee of three dollars. The certificate of registration shall include the information contained in section [32-312](#) and shall be issued with the seal of the election commissioner or county clerk. All fees so collected shall be reported to the county board and remitted to the county treasurer at least once each month.

Source: Laws 1994, LB 76, § 78; Laws 1997, LB 764, § 37.

32-317. Designation of postal address; when; no residence; how treated.

Any registered voter whose residence address is not a permissible postal address may designate a postal address for registration records. When the election commissioner or county clerk has reason to believe that the registration residence address of a registered voter is not a permissible postal address, the election commissioner or county clerk shall attempt to determine a proper postal address for the registered voter. If a registered voter has no residence address, his or her residence address shall be deemed to be the office of the election commissioner or county clerk of the county of such voter's residence for purposes of the Election Act.

Source: Laws 1994, LB 76, § 79.

32-318. Signature; when required.

Any registered voter whose signature does not appear in the registration records, due to fading, damage, loss, or other circumstance that affects the appearance or presence of the signature, may be required to submit his or her signature on a form prescribed by the Secretary of State to be included with the registration records of the registered voter. If the election commissioner or county clerk determines at any time that a then current signature of any registered voter is needed or if a registered voter's signature becomes subject to verification and a similar signature is not on file for such voter, the election commissioner or county clerk may request that the registered voter submit his or her signature on a form prescribed by the Secretary of State to be included with the voter's registration records.

Source: Laws 1994, LB 76, § 80; [Laws 2005, LB 566, § 19](#).

32-318.01. Identification documents; required, when. (2023 Update)

(1) (a) Except as provided by subsection (2) of this section, a person who registers to vote by mail after January 1, 2003, and has not previously voted in an election within the state shall present a photographic identification which is current and valid or a copy of a utility bill, bank statement, government check, paycheck, or other government document which is dated within the sixty days immediately prior to the date of presentation and which shows the same name and residence address of the person provided on the registration application in order to avoid identification requirements at the time of voting pursuant to section [32-914](#) or [32-947](#).

(b) Such documentation may be presented at the time of application for registration, after submission of the application for registration, or at the time of voting. The documentation must be received by the election commissioner or county clerk not later than 6 p.m. on the second Friday preceding the election to avoid additional identification requirements at the time of voting at the polling place if the voter votes in person. If the voter is voting using a ballot for early voting, the documentation must be received by the election commissioner or county clerk prior to the date on which the ballot is mailed to the voter to avoid additional identification requirements at the time of voting. Documentation received after the ballot has been mailed to the voter but not later than the deadline for the receipt of ballots specified in subsection (2) of section [32-908](#) will be considered timely for purposes of determining the applicant's eligibility to vote in the election.

(c) Such documentation may be presented in person, by mail, or by facsimile transmission.

(d) Failure to present such documentation may result in the ballot not being counted pursuant to verification procedures prescribed in sections [32-1002](#) and [32-1027](#).

(2) ~~This section shall not apply to a~~ person who registers to vote by mail after January 1, 2003, and has not previously voted in an election within the state ~~shall not be required to present identification if~~ he or she:

(a) Has provided his or her Nebraska driver's license number or the last four digits of his or her social security number and the election commissioner or county clerk verifies the number provided pursuant to subsection (2) of section [32-312.03](#);

(b) Is a member of the armed forces of the United States who by reason of active duty is absent from his or her place of residence where the member is otherwise eligible to vote;

(c) Is a member of the United States Merchant Marine who by reason of service is away from his or her place of residence where the member is otherwise eligible to vote;

(d) Is a spouse or dependent of a member of the armed forces of the United States or United States Merchant Marine who is absent from his or her place of residence due to the service of that member;

(e) Resides outside the United States and but for such residence would be qualified to vote in the state if the state was the last place in which the person was domiciled before leaving the United States; or

(f) Is elderly or handicapped and has requested to vote by alternative means other than by casting a ballot at his or her polling place on election day.

~~(3) In addition to the requirements of this section, a qualified voter shall present valid photographic identification before casting a ballot.~~

Source: [Laws 2005, LB 566, § 20](#); [Laws 2022, LB843, § 19](#); ~~Laws 2023, LB514, § 7.~~

Operative Date: [April 1, 2024](#)

32-320. Acceptable mail-in forms; official registration applications; distribution; proceeds; how credited.

The only mail-in forms which may be used to register to vote shall be the official registration application prescribed by the Secretary of State or the national mail voter registration application prescribed by the federal Election Assistance Commission. The Secretary of State shall provide such official registration applications to all recruitment offices of the United States Armed Forces in the State of Nebraska. The counties and state agencies listed in section [32-310](#) shall purchase such official registration applications from the Secretary of State. The Secretary of State shall remit proceeds from the sale of such applications to the State Treasurer for credit to the Election Administration Fund.

Source: [Laws 1994, LB 76, § 82](#); [Laws 2003, LB 14, § 2](#); [Laws 2003, LB 358, § 9](#); [Laws 2005, LB 566, § 21](#).

32-320.01. Voter registration application; distribution by mail; requirements; applicability.

(1) Except as provided in subsection (2) of this section, any person or organization distributing voter registration applications by mail shall use the form prescribed by the Secretary of State. The form shall contain on the top of the first page in bold type

- (a) the identity of the person or organization distributing the form and
- (b) the following statements:

You may submit this form if you wish to register to vote or update your voter registration. You do not need to complete this form if you have already registered to vote.

(2) This section shall not apply to voter registration applications distributed by the Secretary of State, an election commissioner, a county clerk, the State Department of Education, the Department of Health and Human Services, or the Department of Motor Vehicles.

Source: [Laws 2022, LB843, § 17.](#)

32-321. Voter registration applications; availability; Secretary of State; designated voter registration agency; mailing deadline; notice to applicant; when required; payment of postage costs.

(1) Any elector may request a voter registration application from the office of the Secretary of State or the election commissioner or county clerk. The Secretary of State and the election commissioner or county clerk shall make registration applications prescribed by the Secretary of State available and may place the applications in public places. The Secretary of State and the election commissioner or county clerk may require that all unused applications be returned to his or her office and may place reasonable limits on the amount of applications requested.

(2) If an elector returns the completed application to the office of the Secretary of State or submits an application to the Secretary of State pursuant to section [32-304](#), the office shall deliver the application to the election commissioner or county clerk of the county in which the elector resides not later than ten days after receipt by the office, except that if the application is returned to the office or submitted pursuant to section [32-304](#) within five days prior to the third Friday preceding any election, it shall be delivered not later than five days after the date it is returned. The deadline for returning a completed application to the office of the Secretary of State or submitting an application pursuant to section [32-304](#) is the close of business on the third Friday preceding an election to be registered to vote at such election. A registration application received after the deadline shall not be processed by the election commissioner or county clerk until after the election. The office of the Secretary of State shall be a designated voter registration agency for purposes of section 7 of the National Voter Registration Act of 1993, 42 U.S.C. 1973gg-5, as such section existed on March 11, 2008.

(3) If an elector mails the registration application to the election commissioner or county clerk:

(a) (i) The application shall be postmarked on or before the third Friday before the next election; or

(ii) The application shall be received not later than the second Tuesday before the next election if the postmark is unreadable; and

(b) The application shall be processed by the election office as a proper registration for the voter to be entitled to vote on the day of the next election.

(4) If the registration application arrives after the registration deadline, the application shall not be processed until after the election. Written notice shall be given to any applicant whose registration application failed to meet the registration deadline or was found to be incorrect or incomplete and shall state the specific reason for rejection. If the application is incomplete, the election commissioner or county clerk shall notify the applicant of the failure to provide the required information, including failure to provide identification if required, and provide the applicant with the opportunity to submit an identification document as described in section [32-318.01](#) prior to the deadline for voter registration or to complete and submit a corrected registration application in a timely manner to allow for the proper registration of the applicant prior to the next election. All postage costs related to returning registration applications to the election commissioner or county clerk shall be paid by the registrant.

Source: [Laws 1994, LB 76, § 83](#); [Laws 1997, LB 764, § 39](#); [Laws 2005, LB 566, § 22](#); [Laws 2008, LB750, § 3](#); [Laws 2014, LB661, § 10.](#)

32-322. Acknowledgment of registration; when required; duplicate registration; notice required.

Upon receipt by the election commissioner or county clerk of a complete and correct registration application showing that the registrant is qualified to be a registered voter pursuant to sections [32-312.01](#) to [32-312.05](#), the registrant shall be a registered voter and the election commissioner or county clerk shall send, by nonforwardable first-class mail, an acknowledgment of registration to the registrant at the postal address shown on the registration application. If an acknowledgment of registration is returned as undeliverable, a second nonforwardable first-class mailing shall be attempted. If a registration application is a duplicate of a registration already on file, the registrant shall be so notified.

Source: Laws 1994, LB 76, § 84; Laws 1997, LB 764, § 40; [Laws 2005, LB 566, § 23](#).

32-323. Validity of registration for petition purposes; when.

Registration pursuant to section [32-304](#) or [32-308](#) or by mail shall not constitute a valid registration for purposes of signing any type of petition requiring the validation of the signatures of registered voters until a complete and correct registration application has been received by the election commissioner or county clerk. A signature on a petition shall be considered a valid signature as of the date that the election commissioner or county clerk receives the registration application of the registrant.

Source: Laws 1994, LB 76, § 85; Laws 1997, LB 764, § 41; [Laws 2005, LB 566, § 24](#); [Laws 2014, LB661, § 11](#).

32-324. Change of address; election commissioner or county clerk; duties; acknowledgment of registration; when.

(1) When a person who previously has been registered to vote in another state registers to vote in Nebraska, the election commissioner or county clerk accepting the registration shall notify the appropriate election official in the other state that the voter has registered in Nebraska. The notification shall contain the printed or typewritten name and previous address of the registered voter and the signature or certification of the election commissioner or county clerk.

(2) The election commissioner or county clerk accepting an application for registration from a voter who was previously registered in a different county in Nebraska shall update the voter's voter registration record with the information from the application and shall send an acknowledgment to the voter indicating that the change of registration has been completed. The acknowledgment shall advise the voter of the address of his or her new polling place.

Source: Laws 1994, LB 76, § 86; Laws 1997, LB 764, § 42; [Laws 2005, LB 566, § 25](#).

32-325. Update of voter registration record; deadline; effect.

(1) A registration application completed and signed by a registered voter seeking to update his or her voter registration record shall be completed in person at or delivered or mailed to the office of the election commissioner or county clerk or submitted pursuant to section [32-304](#) to the Secretary of State. To avoid additional requirements at the polling place pursuant to section [32-914.01](#), [32-914.02](#), or [32-915](#), an application to update a voter registration record must be:

(a) Completed or delivered by the applicant in person at the office of the election commissioner or county clerk on or before the deadline prescribed in section [32-302](#); or

(b) Delivered by a personal messenger or personal agent, submitted pursuant to section [32-304](#), or mailed so that it is received by the election commissioner or county clerk on or before the deadline prescribed in section [32-321](#).

(2) After verifying the signature on the previous registration of the registered voter, the election commissioner or county clerk shall make the change of name, party affiliation, or address on all pertinent election records. The election commissioner or county clerk shall send an acknowledgment card to the registered voter indicating that the change of registration has been completed and shall include the address of the registered voter's new polling place.

Source: Laws 1994, LB 76, § 87; Laws 1997, LB 764, § 43; [Laws 2005, LB 566, § 26](#); [Laws 2014, LB661, § 12](#).

32-326. Removal of name and cancellation of registration; conditions.

The election commissioner or county clerk shall remove the name of a registered voter from the voter registration register and cancel the registration of such voter if:

- (1) The election commissioner or county clerk has received information that the voter is deceased;
- (2) The voter requests in writing that his or her name be removed;
- (3) The election commissioner or county clerk has received information that the voter has moved from the address at which he or she is registered to vote from the National Change of Address program of the United States Postal Service pursuant to section [32-329](#) and the voter has not responded to a confirmation notice sent pursuant to section [32-329](#) and has not voted or offered to vote at any election held prior to and including the second statewide federal general election following the mailing of the confirmation notice;
- (4) The election commissioner or county clerk has received information that the registrant has moved out of the state and has registered to vote or voted in another territory or state pursuant to section [32-314](#);
- (5) The election commissioner or county clerk has received information from the Department of Motor Vehicles that the registrant has changed the registrant's state of residence by surrendering the registrant's Nebraska motor vehicle operator's license or state identification card to another state; or
- (6) The voter has become ineligible to vote as provided in section [32-313](#).

Source: Laws 1994, LB 76, § 88; [Laws 1999, LB 234, § 4](#); [Laws 2005, LB 566, § 27](#); [Laws 2022, LB843, § 20](#).

32-327. Death of registered voter; removal from registration records; Department of Health and Human Services; duty.

The election commissioner or county clerk may at any time remove from the voter registration register a voter registration of a deceased person when the election commissioner or county clerk has any supporting information of the death of such voter. The Department of Health and Human Services shall provide, at cost, a record of the deaths of residents which occur in each county every three months to the appropriate election commissioner or county clerk.

Source: Laws 1994, LB 76, § 89; Laws 1997, LB 307, § 14; [Laws 1999, LB 234, § 5](#); [Laws 2007, LB296, § 52](#).

32-328. Voter registration register; precinct list; issuance of ballots; correction of errors; procedures.

(1) The election commissioner or county clerk shall, upon the personal application of any registered voter or whenever informed of any error and after due investigation, correct any error in the voter registration register. For such purpose, the election commissioner or county clerk may summon witnesses and compel their attendance to appear at the office of the election commissioner or county clerk to give testimony pertaining to residence, qualifications, or any other facts required to be entered in the voter registration register. Such testimony shall be transcribed and become a part of his or her records.

(2) If the name of any registered voter of any precinct does not appear on the precinct list of registered voters through an error and the election commissioner or county clerk informs the precinct inspector or judge of election that credible evidence exists that substantiates that an error has been made, the precinct inspector or judge of election shall enter the correction in the precinct list of registered voters, initial the correction, and authorize the receiving board to issue the proper ballots to the voter as directed by the election commissioner or county clerk and receive his or her vote. The election commissioner or county clerk shall designate whether the voter is entitled to a regular ballot or a provisional ballot as provided in section [32-915](#). The election commissioner or county clerk shall implement the policy regarding designation of ballots uniformly throughout the county. All corrections shall be entered on the voter registration register as soon as possible after the election.

Source: Laws 1994, LB 76, § 90; [Laws 1999, LB 234, § 6](#); [Laws 2005, LB 566, § 28](#); [Laws 2010, LB325, § 1](#).

32-329. Registration list; maintenance; voter registration register; verification; training; procedure; voter registration systems; information exempt from disclosure, when; Secretary of State; report.

(1) The Secretary of State with the assistance of the election commissioners and county clerks shall perform list maintenance with respect to the computerized statewide voter registration list on a regular basis. The list maintenance shall be conducted in a manner that ensures that:

(a) The name of each registered voter appears in the computerized list;

(b) Only persons who have been entered into the register in error or who are not eligible to vote are removed from the computerized list; and

(c) Duplicate names are eliminated from the computerized list.

(2) The election commissioner or county clerk shall verify the voter registration register by using

(a) the National Change of Address program of the United States Postal Service and a confirmation notice pursuant to subsection (3) of this section or

(b) the biennial mailing of a nonforwardable notice to each registered voter.

The Secretary of State shall provide biennial training for the election commissioners and county clerks responsible for maintaining voter registration lists. No name shall be removed from the voter registration register for the sole reason that such person has not voted for any length of time.

(3) When an election commissioner or county clerk receives information from the National Change of Address program of the United States Postal Service that a registered voter has moved from the address at which he or she is registered to vote, the election commissioner or county clerk shall update the voter registration register to indicate that the voter may have moved and mail a confirmation notice by forwardable first-class mail. If a nonforwardable notice under subdivision (2)(b) of this section is returned as undeliverable, the election commissioner or county clerk shall mail a confirmation notice by forwardable first-class mail. The confirmation notice shall include a confirmation letter and a preaddressed, postage-paid confirmation card. The confirmation letter shall contain statements substantially as follows:

(a) The election commissioner or county clerk has received information that you have moved to a different residence address from that appearing on the voter registration register;

(b) If you have not moved or you have moved to a new residence within this county, you should return the enclosed confirmation card by the regular registration deadline prescribed in section 32-302. If you fail to return the card by the deadline, you will be required to affirm or confirm your address prior to being allowed to vote. If you are required to affirm or confirm your address, it may result in a delay at your polling place; and

(c) If you have moved out of the county, you must reregister to be eligible to vote. This can be accomplished by mail or in person. For further information, contact your local election commissioner or county clerk.

(4) The election commissioner or county clerk shall maintain for a period of not less than two years a record of each confirmation letter indicating the date it was mailed and the person to whom it was mailed.

(5) If information from the National Change of Address program or the nonforwardable notice under subdivision (2)(b) of this section indicates that the voter has moved outside the jurisdiction and the election commissioner or county clerk receives no response to the confirmation letter and the voter does not offer to vote at any election held prior to and including the second statewide federal general election following the mailing of the confirmation notice, the voter's registration shall be canceled and his or her name shall be deleted from the voter registration register.

(6) (a) In the event that the Secretary of State becomes a member of a nongovernmental entity whose sole purpose is to share and exchange information in order to improve the accuracy and efficiency of voter registration systems, information received by the Secretary of State from such nongovernmental entity is exempt from disclosure as a public record pursuant to sections 84-712 to 84-712.09 and any other provision of law, except that the Secretary of State may provide such information to the election commissioners and county clerks to conduct voter registration list maintenance activities.

(b) If the Secretary of State becomes a member of a nongovernmental entity as described in subdivision (6)(a) of this section, the Secretary of State shall submit an annual report electronically to the Clerk of the Legislature by February 1 encompassing the preceding calendar year. The report shall describe the terms of membership in the nongovernmental entity and provide information on the total number of voters removed from the voter registration register as a result of information received by such membership and the reasons for the removal of such voters.

Source: Laws 1994, LB 76, § 91; Laws 1997, LB 764, § 44; [Laws 1999, LB 234, § 7](#); [Laws 2003, LB 357, § 8](#); [Laws 2005, LB 566, § 29](#); [Laws 2010, LB325, § 2](#); [Laws 2021, LB285, § 5](#).

32-330. Voter registration register; public record; exception; examination; lists of registered voters; availability; breach in security; notice required.

(1) Except as otherwise provided in subsection (3) of section [32-301](#), the voter registration register shall be a public record. Any person may examine the register at the office of the election commissioner or county clerk, but no person other than the Secretary of State, the election commissioner, the county clerk, or law enforcement shall be allowed to make copies of the register. Copies of the register shall only be used for list maintenance as provided in section [32-329](#) or law enforcement purposes. The electronic records of the original voter registrations created pursuant to section [32-301](#) may constitute the voter registration register. The Secretary of State, election commissioner, or county clerk shall withhold information in the register designated as confidential under section [32-331](#). No portion of the register made available to the public and no list distributed pursuant to this section shall include the digital signature of any voter.

(2) The Secretary of State, election commissioner, or county clerk shall make available a list of registered voters that contains no more than the information authorized in subsections (3) and (7) of this section and, if requested, a list that only contains such information for registered voters who have voted in an election held more than thirty days prior to the request for the list. The Secretary of State, election commissioner, or county clerk shall establish the price of the lists at a rate that fairly covers the actual production cost of the lists, not to exceed three cents per name. Lists shall be used solely for purposes related to elections, political activities, voter registration, law enforcement, or jury selection. Lists shall not be posted, displayed, or used for commercial purposes or made accessible on the Internet.

(3) (a) The Secretary of State, election commissioner, or county clerk shall withhold from any list of registered voters distributed pursuant to subsection (2) of this section any information in the voter registration records which is designated as confidential under section [32-331](#) or marked private on the voter registration application or voter registration record.

(b) Except as otherwise provided in subdivision (a) of this subsection, a list of registered voters distributed pursuant to subsection (2) of this section shall contain no more than the following information:

- (i) The registrant's name;
- (ii) The registrant's residential address;
- (iii) The registrant's mailing address;
- (iv) The registrant's telephone number;
- (v) The registrant's voter registration status;
- (vi) The registrant's voter identification number;
- (vii) The registrant's birth year;
- (viii) The registrant's date of voter registration;
- (ix) The registrant's voting precinct;
- (x) The registrant's polling site;
- (xi) The registrant's political party affiliation;
- (xii) The political subdivisions in which the registrant resides; and
- (xiii) The registrant's voter history.

(4) Any person who acquires a list of registered voters under subsection (2) of this section shall provide his or her name, address, telephone number, email address, and campaign committee name or organization name, if applicable, the state of organization, if applicable, and the reason for requesting the list, and shall take and subscribe to an oath in substantially the following form:

I hereby swear that I will use the list of registered voters of County, Nebraska, (or the State of Nebraska) only for the purposes prescribed in section [32-330](#) and for no other purpose, that I will not permit the use or copying of such list for unauthorized purposes, and that I will not post, display, or make such list accessible on the Internet.

I hereby declare under the penalty of election falsification that the statements above are true to the best of my knowledge.

The penalty for election falsification is a Class IV felony.

(Signature of person acquiring list)

Subscribed and sworn to before me this day of 20.. .

(Signature of officer)

(Name and official title of officer)

(5) The Secretary of State, election commissioner, or county clerk shall provide, upon request and free of charge, a complete and current listing of all registered voters and their addresses to the Clerk of the United States District Court for the District of Nebraska. Such list shall be provided no later than December 31 of each even-numbered year.

(6) The Secretary of State, election commissioner, or county clerk shall provide, upon request and free of charge, a complete and current listing of all registered voters containing only the information authorized under subsection (3) of this section to the state party headquarters of each political party and to the county chairperson of each political party.

(7) The Secretary of State shall make available to each jury commissioner a list of registered voters that contains the information authorized in this section and the registrant’s motor vehicle operator’s license number or state identification card number.

(8) Nothing in this section shall prevent a political party or candidate from using the list of registered voters for campaign activities.

(9) Any person who acquires a list of registered voters under subsection (2) of this section shall, following discovery or notification of a breach in the security of the storage of the information, disclose the breach in security to the Secretary of State, election commissioner, or county clerk without delay.

Source: [Laws 1994, LB 76, § 92](#); [Laws 1995, LB 514, § 2](#); [Laws 1997, LB 764, § 45](#); [Laws 1999, LB 234, § 8](#); [Laws 2015, LB575, § 10](#); [Laws 2018, LB1065, § 5](#); [Laws 2019, LB411, § 36](#); [Laws 2021, LB285, § 6](#); [Laws 2022, LB843, § 21](#).

32-331. Confidential records; procedure.

A registered voter may file an affidavit with the election commissioner or county clerk to have the information relating to his or her name, residence address, and telephone number remain confidential. If the registered voter is a program participant under the Address Confidentiality Act, the affidavit shall state that fact. If the registered voter is not a program participant under the act, the affidavit shall state that the county court or district court has issued an order upon a showing of good cause that a life-threatening circumstance exists in relation to the voter or a member of his or her household. The registered voter shall vote under sections [32-938](#) to [32-951](#) in elections held after the filing of the affidavit. To terminate the affidavit and withdraw the confidential designation, the registered voter shall notify the election commissioner or county clerk in writing. The registered voter shall provide a valid mailing address to be used in place of the residence address for election, research, and government purposes. If the registered voter is a program participant under the Address Confidentiality Act, the mailing address shall be as provided in the act. The election commissioner or county clerk may use the mailing address or the word “confidential” or a similar designation in place of the residence address in producing any list, roster, or register required under the Election Act. Those records declared confidential under this section shall be kept in a separate file from the other registered voter information. A county, election commissioner, or county clerk shall be liable in an action for negligence as a result of the disclosure of the confidential information if there is a showing of gross negligence or willfulness.

Source: [Laws 1995, LB 514, § 3](#); [Laws 2003, LB 228, § 11](#); [Laws 2005, LB 98, § 4](#); [Laws 2022, LB843, § 22](#).

Cross References: [Address Confidentiality Act](#), see section [42-1201](#).

Article 4 – Primary & General Election Dates

32-401. Statewide primary election; when held; purposes.

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

Source: Laws 1994, LB 76, § 93.

32-402. Other primary election; when held.

Any primary election other than a primary election provided for in sections [14-204](#) and [32-401](#) shall be held on Tuesday four weeks before the general election.

Source: Laws 1994, LB 76, § 94.

32-403. Statewide general election; when held.

The statewide general election shall be held on the first Tuesday following the first Monday in November in each even-numbered year.

Source: Laws 1994, LB 76, § 95.

32-404. Political subdivisions; elections; how held; notice of filing deadlines; certifications required; forms.

(1) When any political subdivision holds an election in conjunction with the statewide primary or general election, the election shall be held as provided in the Election Act. Any other election held by a political subdivision shall be held as provided in the act unless otherwise provided by the charter, code, or bylaws of the political subdivision.

(2) No later than December 1 of each odd-numbered year, the Secretary of State, election commissioner, or county clerk shall give notice to each political subdivision of the filing deadlines for the statewide primary election. No later than January 5 of each even-numbered year, the governing board of each political subdivision which will hold an election in conjunction with a statewide primary election shall certify to the Secretary of State, the election commissioner, or the county clerk the name of the subdivision, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office.

(3) No later than June 15 of each even-numbered year, the governing board of each reclamation district, county weed district, village, county under township organization, public power district receiving annual gross revenue of less than forty million dollars, or educational service unit which will hold an election in conjunction with a statewide general election shall certify to the Secretary of State, the election commissioner, or the county clerk the name of the subdivision, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office.

(4) The Secretary of State shall prescribe the forms to be used for certification to him or her, and the election commissioner or county clerk shall prescribe the forms to be used for certification to him or her.

Source: Laws 1994, LB 76, § 96; Laws 1997, LB 764, § 46; [Laws 2004, LB 927, § 1](#); [Laws 2017, LB451, § 6](#); [Laws 2021, LB285, § 7](#).

32-405. Special election; when held.

Any special election under the Election Act shall be held on the first Tuesday following the second Monday of the selected month unless otherwise specifically provided. No special election shall be held under the Election Act in April, May, June, October, November, or December of an even-numbered year unless it is held in conjunction with the statewide primary or general election. No special election shall be held under the Election Act in September of an even-numbered year except for a special election by a political subdivision pursuant to section [13-519](#) or [77-3444](#) to approve a property tax levy or exceed a property tax levy limitation. A special election for a Class III, IV, or V school district which is located in whole or in part in a county in which a city of the primary or metropolitan class is located may be held in conjunction with the primary or general election for a city of the primary or metropolitan class which is governed by a home rule charter.

Source: [Laws 2003, LB 521, § 4](#); [Laws 2014, LB946, § 6](#); [Laws 2020, LB1055, § 6](#).

Article 5 – Offices, Officeholders, Local Elections, & Vacancies

32-501. Residence requirement; restriction; home rule charter; legislative findings and declarations.

No person to be elected to office at any election or nominated at any primary election, except for state officers, shall be required to meet a residence requirement of longer than six months in order to be eligible to be a candidate for such office. The Legislature finds and declares that the election of public officials and the qualifications related thereto are a matter of general statewide concern notwithstanding the provisions of any home rule charter.

Source: Laws 1994, LB 76, § 97.

32-502. United States Senators; terms; qualifications; partisan ballot.

Two United States Senators shall be elected for terms of six years at the statewide general election. One senator shall be elected in 1994 and every six years thereafter, and one senator shall be elected in 1996 and every six years thereafter. Candidates for the United States Senate shall meet the qualifications found in Article I, section 3, of the Constitution of the United States. The senators shall be elected on the partisan ballot.

Source: Laws 1994, LB 76, § 98.

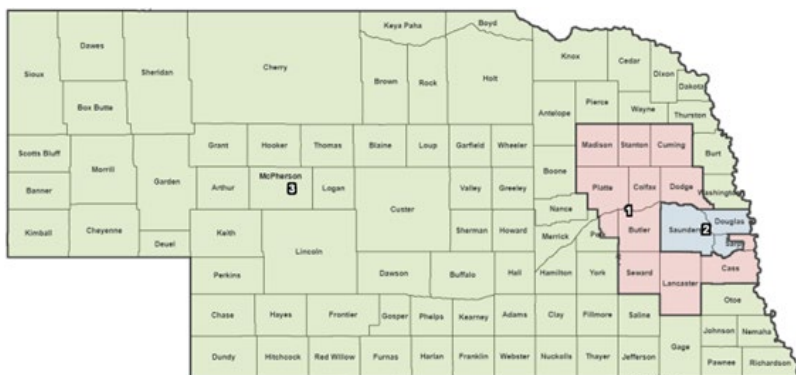
32-503. United States Representatives in Congress; terms; qualifications; partisan ballot.

The United States Representatives in Congress shall be elected from the three congressional districts established in section [32-504](#) for terms of two years at the statewide general election in each even-numbered year. Candidates for the United States House of Representatives shall meet the qualifications found in Article I, section 2, of the Constitution of the United States. The representatives shall be elected on the partisan ballot. The representatives shall be elected in accordance with the laws of the United States.

Source: Laws 1994, LB 76, § 99.

32-504. Congressional districts; numbers; boundaries; established by maps; Clerk of Legislature; Secretary of State; duties.

(1) Based on the 2020 Census of Population by the United States Department of Commerce, Bureau of the Census, the State of Nebraska is hereby divided into three districts for electing Representatives in the Congress of the United States, and each district shall be entitled to elect one representative.



(2) The numbers and boundaries of the districts are designated and established by maps identified and labeled as maps [CONG21-39002](#), [CONG21-39002-1](#), [CONG21-39002-2](#), and [CONG21-39002-3](#), filed with the Clerk of the Legislature, and incorporated by reference as part of Laws 2021, LB1, One Hundred Seventh Legislature, First Special Session.

(3) (a) The Clerk of the Legislature shall transfer possession of the maps referred to in subsection (2) of this section to the Secretary of State on October 1, 2021.

(b) When questions of interpretation of district boundaries arise, the maps referred to in subsection (2) of this section in possession of the Secretary of State shall serve as the indication of the legislative intent in drawing the district boundaries.

(c) Each election commissioner or county clerk shall obtain copies of the maps referred to in subsection (2) of this section for the election commissioner's or clerk's county from the Secretary of State.

(d) The Secretary of State shall also have available for viewing on his or her website the maps referred to in subsection (2) of this section identifying the boundaries for the districts.

Source: Laws 1994, LB 76, § 100; [Laws 2001, LB 851, § 1](#); [Laws 2011, LB704, § 1](#); [Laws 2021, First Spec. Sess., LB1, § 1](#).

32-505. Congressional districts; population figures and maps; basis.

For purposes of section [32-504](#), the Legislature adopts the official population figures and maps from the 2020 Census Redistricting (Public Law 94-171) TIGER/Line Shapefiles published by the United States Department of Commerce, Bureau of the Census.

Source: Laws 1994, LB 76, § 101; [Laws 2001, LB 851, § 2](#); [Laws 2011, LB704, § 2](#); [Laws 2021, First Spec. Sess., LB1, § 2](#).

32-506. Governor and Lieutenant Governor; terms; qualifications; partisan ballot.

The Governor and Lieutenant Governor shall be elected at the statewide general election in 1994 and each four years thereafter. Such officers shall serve for terms of four years or until their successors are elected and qualified. Candidates for Governor and Lieutenant Governor shall meet the qualifications found in [Article IV, sections 1](#) and [2](#), of the Constitution of Nebraska. The Governor and Lieutenant Governor shall be elected on the partisan ballot.

Source: Laws 1994, LB 76, § 102.

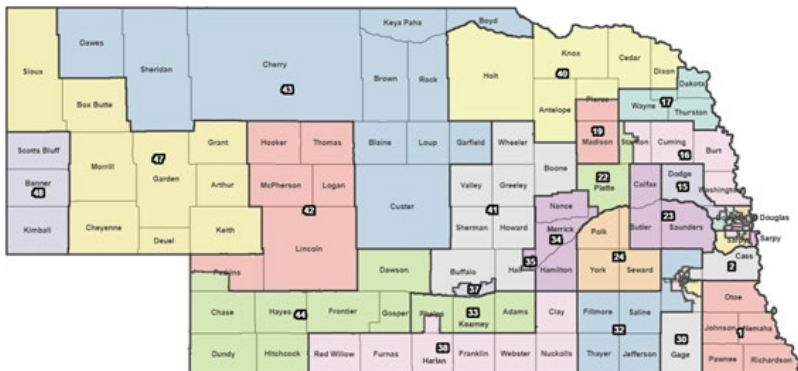
32-507. State Treasurer; Auditor of Public Accounts; Secretary of State; Attorney General; terms; qualifications; partisan ballot.

The State Treasurer, Auditor of Public Accounts, Secretary of State, and Attorney General shall be elected at the statewide general election in 1994 and each four years thereafter. Such officers shall serve for terms of four years or until their successors are elected and qualified. Candidates for State Treasurer shall meet the qualifications found in [Article IV, section 3](#), of the Constitution of Nebraska. Such officers shall be elected on the partisan ballot.

Source: Laws 1994, LB 76, § 103.

32-508. Members of the Legislature; districts; terms; qualifications; nonpartisan ballot.

The State of Nebraska is divided into forty-nine legislative districts as provided and described in sections [50-1153](#) and [50-1154](#).

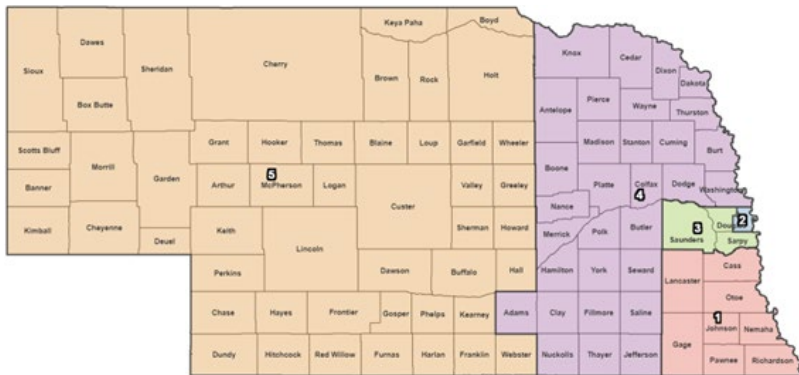


The members of the Legislature from the even-numbered districts shall be elected for terms of four years at the statewide general election in 1994 and each four years thereafter. The members of the Legislature from the odd-numbered districts shall be elected for terms of four years at the statewide general election in 1996 and each four years thereafter. Candidates for the Legislature shall meet the qualifications found in [Article III, sections 8 and 9](#), of the Constitution of Nebraska. The members of the Legislature shall be elected on the nonpartisan ballot.

Source: Laws 1994, LB 76, § 104; [Laws 2011, LB703, § 1](#).

32-509. Public service commissioners; districts; qualifications; partisan ballot; terms.

(1) The State of Nebraska is divided into five public service commissioner districts as provided and described in sections [75-101.01](#) and [75-101.02](#). A candidate for the office of public service commissioner shall meet the qualifications found in section [75-101](#). The commissioners shall be elected on the partisan ballot.

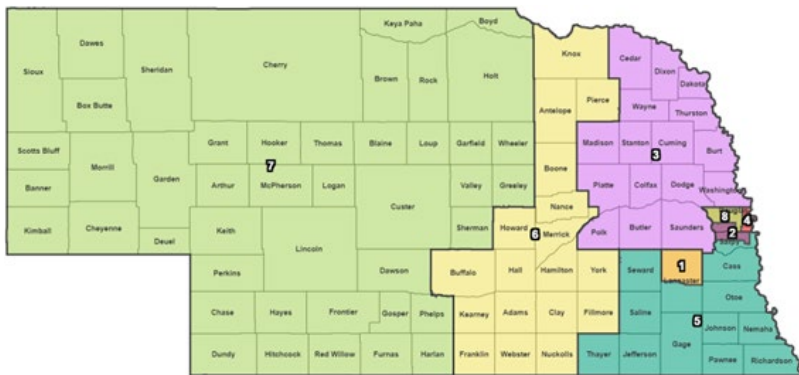


(2) Each public service commissioner shall be elected for a term of six years. One public service commissioner from public service commissioner district number one and one public service commissioner from public service commissioner district number three shall be elected at the statewide general election in 1994 and each six years thereafter. One public service commissioner from public service commissioner district number four and one public service commissioner from public service commissioner district number five shall be elected at the statewide general election in 1992 and each six years thereafter. One public service commissioner from public service commissioner district number two shall be elected at the statewide general election in 1996 and each six years thereafter.

Source: Laws 1994, LB 76, § 105; [Laws 2001, LB 855, § 1](#).

32-510. Board of Regents of the University of Nebraska, districts; terms; nonpartisan ballot.

The State of Nebraska is divided into eight districts for the election of the Board of Regents of the University of Nebraska as provided and described in sections [85-103.01](#) and [85-103.02](#).

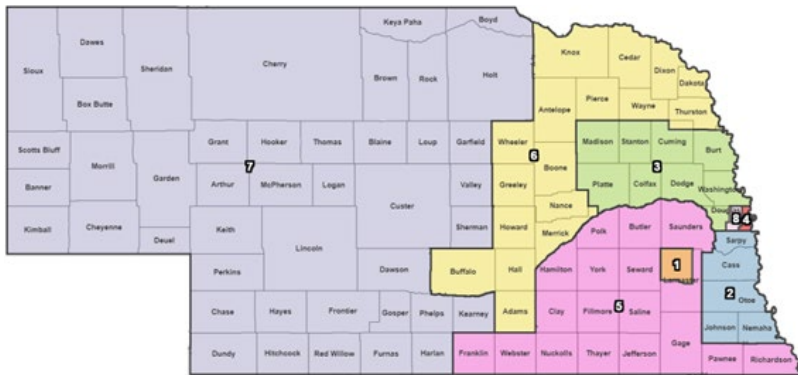


One regent from district number one and one regent from district number two shall be elected at the statewide general election in 1996 and each six years thereafter. One regent from district number six and one regent from district number seven shall be elected at the statewide general election in 1992 and each six years thereafter. One regent from district number three, one regent from district number four, one regent from district number five, and one regent from district number eight shall be elected at the statewide general election in 1994 and each six years thereafter. The regents shall serve for terms of six years or until their successors are elected and qualified. The regents shall be elected on the nonpartisan ballot.

Source: Laws 1994, LB 76, § 106; [Laws 2001, LB 854, § 1.](#)

32-511. State Board of Education; districts; terms; qualifications; nonpartisan ballot.

The State of Nebraska is divided into eight districts for the election of the State Board of Education as provided and described in sections [79-311](#) and [79-312](#).



One member from district number one, one member from district number two, one member from district number three, and one member from district number four shall be elected at the statewide general election in 1996 and each four years thereafter. One member from district number five, one member from district number six, one member from district number seven, and one member from district number eight shall be elected at the statewide general election in 1994 and each four years thereafter. The members shall serve for terms of four years or until their successors are elected and qualified. Candidates for the State Board of Education shall meet the qualifications found in section [79-313](#). The members shall be elected on the nonpartisan ballot.

Source: Laws 1994, LB 76, § 107; Laws 1996, LB 900, § 1038; [Laws 2001, LB 856, § 1.](#)

32-512. Public power district; public power and irrigation district; board of directors; nonpartisan ballot; terms; qualifications; qualified voters.

(1) After the selection of the original board of directors of a public power district as provided for in sections [70-803](#) and [70-805](#) or a district as provided for in sections [70-604](#) and [70-609](#), their successors shall be nominated and elected on the nonpartisan ballot, except that in districts receiving annual gross revenue of less than forty million dollars, the candidates for the board of directors shall not appear on the ballot in the primary election. The term of each elected director shall be not more than six years or until his or her successor is elected and qualified. Candidates for the board of directors shall meet the qualifications found in sections [70-610](#) and [70-619](#).

(2) Registered voters residing within the chartered territory and registered voters duly certified in accordance with section [70-604.03](#) shall be qualified to vote in the district as certified pursuant to section [70-611](#). The registered voters of a subdivision created under subsection (1) of section [70-612](#) may only cast their ballots for candidates for directors to be elected from such subdivision and for candidates for directors to be elected at large from the whole district. The registered voters of a subdivision created under subsection (2) or (3) of section [70-612](#) may only cast their ballots for candidates for directors to be elected from such subdivision.

Source: Laws 1994, LB 76, § 108; [Laws 2013, LB646, § 1.](#)

32-513. Natural resources districts; board of directors; terms; subdistricts; qualifications; nonpartisan ballot.

Except as provided in section [2-3213](#), candidates for the board of directors of natural resources districts shall be elected for four-year terms at the statewide general election. The number of directors, the length of their terms, and the subdistrict which they are to represent if any shall be determined by the board of directors pursuant to sections [2-3213](#) and [2-3214](#). Candidates for the board of directors shall meet the qualifications found in section [2-3214](#). District directors shall be elected on the nonpartisan ballot.

Source: Laws 1994, LB 76, § 109.

32-514. Community college area board of governors; districts; terms; nonpartisan ballot.

Candidates for membership on the community college area board of governors shall be elected from the election districts established by the board of governors pursuant to section [85-1512](#). Two members of the board shall be elected from each election district, and one member shall be elected at large from the area. Board members shall be elected for four-year terms. Board members shall be elected on the nonpartisan ballot.

Source: Laws 1994, LB 76, § 110.

32-515. Educational service unit board; terms; qualifications; nonpartisan ballot.

Candidates for the boards of educational service units, except boards of educational service units with only one member school district, shall be elected to represent the geographical boundaries of the educational service unit as provided in section [79-1217](#). The terms of members elected in 2008 to represent odd-numbered election districts established pursuant to section [79-1217.01](#) shall expire in 2011. The terms of members elected in 2008 to represent even-numbered election districts established under such section shall expire in 2013. Successors to the members elected in 2008 shall be elected for terms of four years. Candidates for the board of educational service units shall meet the qualifications found in section [79-1217](#). Board members shall be elected on the nonpartisan ballot.

Source: Laws 1994, LB 76, § 111; Laws 1996, LB 900, § 1039; [Laws 1999, LB 802, § 11](#); [Laws 2007, LB603, § 2](#).

32-516. Reclamation district; board of directors; nonpartisan ballot; terms.

After the selection of the original board of directors of a reclamation district as provided for in subdivision (5) of section [46-516](#), their successors shall be elected at a statewide general election on the nonpartisan ballot. The term of each member of the board thus elected shall be six years or until his or her successor is elected and qualified.

Source: Laws 1994, LB 76, § 112.

32-517. County clerk; terms; qualifications; partisan ballot.

Except as provided in section [22-417](#), a county clerk shall be elected in each county having a population of four hundred thousand inhabitants or less at the statewide general election in 1994 and each four years thereafter and in counties having a population in excess of four hundred thousand inhabitants at the statewide general election in 1996 and each four years thereafter. The county clerk shall meet the qualifications found in sections [23-1301](#) and [23-3203](#) if applicable. The county clerk shall be elected on the partisan ballot.

Source: Laws 1994, LB 76, § 113; Laws 1996, LB 1085, § 44.

32-518. Register of deeds; terms; continuation of office; when; qualifications; partisan ballot.

Except as provided in section [22-417](#), (1) a register of deeds shall be elected in each county having a population of more than twenty thousand and not more than four hundred thousand inhabitants at the statewide general election in 1962 and each four years thereafter and in counties having a population in excess of four hundred thousand inhabitants at the statewide general election in 1964 and each four

years thereafter and (2) if the population of a county which has a separate office of register of deeds pursuant to this section falls below twenty thousand inhabitants after establishing such an office or if a county which has a separate office of register of deeds immediately prior to July 10, 1990, has a population of twenty thousand inhabitants or less, the office of the register of deeds shall continue and the officer shall be elected pursuant to this section as if the county had a population of more than twenty thousand and not more than four hundred thousand inhabitants. The term of the register of deeds shall be four years or until his or her successor is elected and qualified. The register of deeds shall meet the qualifications found in section [23-1501](#). The register of deeds shall be elected on the partisan ballot.
Source: Laws 1994, LB 76, § 114; Laws 1996, LB 1085, § 45.

32-519. County assessor; election; when required; terms; qualifications; partisan ballot.

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

(2) The county board of any county shall order the submission of the question of electing a county assessor in the county to the registered voters of the county at the next statewide general election upon presentation of a petition to the county board

(a) conforming to the provisions of section [32-628](#),

(b) not less than sixty days before any statewide general election,

(c) signed by at least ten percent of the registered voters of the county secured in not less than two-fifths of the townships or precincts of the county, and

(d) asking that the question be submitted to the registered voters in the county.

The form of submission upon the ballot shall be as follows:

For election of county assessor;

Against election of county assessor.

If a majority of the votes cast on the question are against the election of a county assessor in such county, the duties of the county assessor shall be performed by the county clerk and the office of county assessor shall either cease with the expiration of the term of the incumbent or continue to be abolished if no such office exists at such time. If a majority of the votes cast on the question are in favor of the election of a county assessor, the office shall continue or a county assessor shall be elected at the next statewide general election.

(3) The county assessor shall meet the qualifications found in sections [23-3202](#) and [23-3204](#). The county assessor shall be elected on the partisan ballot.

Source: Laws 1994, LB 76, § 115; Laws 1996, LB 1085, § 46; [Laws 2009, LB121, § 4](#).

32-520. County sheriff; terms; qualifications; partisan ballot.

A county sheriff shall be elected in each county at the statewide general election in 1990 and each four years thereafter. The term of the county sheriff shall be four years or until his or her successor is elected and qualified. The county sheriff shall meet the qualifications found in sections [23-1701](#) and [23-1701.01](#). The county sheriff shall be elected on the partisan ballot.

Source: Laws 1994, LB 76, § 116.

32-521. County treasurer; terms; qualifications; partisan ballot.

A county treasurer shall be elected in each county at the statewide general election in 1990 and each four years thereafter. The term of the county treasurer shall be four years or until his or her successor is elected and qualified. The county treasurer shall meet the qualifications found in section [23-1601.01](#). The county treasurer shall be elected on the partisan ballot.

Source: Laws 1994, LB 76, § 117.

32-522. County attorney; terms; qualifications; partisan ballot.

Except as provided in section [23-1201.01](#), a county attorney shall be elected in each county at the statewide general election in 1990 and each four years thereafter. The term of the county attorney shall be four years or until his or her successor is elected and qualified. Candidates for the office of county attorney shall meet the qualifications found in sections [23-1201.01](#) and [23-1201.02](#). The county attorney shall be elected on the partisan ballot.

Source: Laws 1994, LB 76, § 118.

32-523. Public defender; election; when required; terms; qualifications; partisan ballot.

Except as otherwise provided in sections [23-3401](#) and [23-3404](#), the public defender shall, in counties having a population in excess of one hundred thousand inhabitants which have not elected a public defender prior to July 10, 1984, be elected at the next statewide general election following July 10, 1984, or the year in which the county attains a population of one hundred thousand inhabitants and shall, in other counties, be elected at the first statewide general election of county officers following approval by the county board and every four years thereafter. The term of the public defender shall be four years or until his or her successor is elected and qualified. The public defender shall meet the qualifications found in section [23-3401](#). The public defender shall be elected on the partisan ballot.

Source: Laws 1994, LB 76, § 119.

32-524. Clerk of the district court; election; when required; terms; partisan ballot.

(1) Except as provided in section [22-417](#):

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

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

(2) In any county upon presentation of a petition to the county board

(a) not less than sixty days before the statewide general election in 1976 or every four years thereafter,

(b) signed by registered voters of the county equal in numbers to at least fifteen percent of the total vote cast for Governor at the most recent gubernatorial election in the county, secured in not less than two-fifths of the townships or precincts of the county, and

(c) asking that the question of not electing a clerk of the district court in the county be submitted to the registered voters therein, the county board, at the next statewide general election, shall order the submission of the question to the registered voters of the county.

The form of submission upon the ballot shall be as follows:

For election of a clerk of the district court;
Against election of a clerk of the district court.

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

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

(5) The term of the clerk of the district court shall be four years or until his or her successor is elected and qualified. The clerk of the district court shall meet the qualifications found in section [24-337.04](#). The clerk of the district court shall be elected on the partisan ballot.

Source: Laws 1994, LB 76, § 120; Laws 1996, LB 1085, § 47; [Laws 2009, LB7, § 2](#); [Laws 2011, LB669, § 24](#).

32-525. County surveyor; election; when required; terms; qualifications; question of electing county surveyor; county board; powers; form of ballot; partisan ballot.

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

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

For election of county surveyor;
Against election of county surveyor.

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

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

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

(4) (a) Beginning in 2021, in each county having a population of less than one hundred fifty thousand inhabitants, the county board shall submit the question of electing a county surveyor in the county to the registered voters of the county at the next statewide general election if (i) the county board, by majority vote of all the members of the county board, adopts a resolution on or before September 1 prior to the next statewide general election to submit the question to the voters or (ii) a petition conforming to section [32-628](#) asking for the submission of the question to the voters is presented to the election commissioner or county clerk on or before September 1 prior to the next statewide general election signed by at least ten percent of the registered voters of the county. The election commissioner or county clerk shall verify the signatures pursuant to section [32-631](#) and place the question on the ballot if he or she determines that at least ten percent of the registered voters of the county have signed the petition.

(b) The form of submission upon the ballot shall be as follows:

For election of county surveyor;
Against election of county surveyor.

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

(d) If a majority of the votes cast on the question are in favor of the election of a county surveyor, the office shall continue to be elected as provided in subsection (1) of this section or, if no

elected county surveyor is in office, a county surveyor shall be elected at the next statewide general election as provided in subsection (1) of this section.

(5) The term of the county surveyor shall be four years or until his or her successor is elected and qualified. The county surveyor shall meet the qualifications found in sections [23-1901](#) and [23-1901.01](#). The county surveyor shall be elected on the partisan ballot.

Source: Laws 1994, LB 76, § 121; Laws 1996, LB 1085, § 48; [Laws 2014, LB946, § 7](#).

32-526. County engineer; election; when required; terms; qualifications; partisan ballot.

Except as provided in section [22-417](#), a county engineer shall be elected in each county having a population of one hundred fifty thousand inhabitants or more at the statewide general election in 1990 and each four years thereafter. The term of the county engineer shall be four years or until his or her successor is elected and qualified. The county engineer shall meet the qualifications found in section [23-1901](#). The county engineer shall be elected on the partisan ballot.

Source: Laws 1994, LB 76, § 122; Laws 1996, LB 1085, § 49.

32-528. County board of commissioners; terms; qualifications; partisan ballot; nomination and election by district; change of number of commissioners; procedure.

(1) In counties having a county board of three commissioners, two commissioners shall be elected at the statewide general election in 1994 and each four years thereafter, and one commissioner shall be elected at the statewide general election in 1996 and each four years thereafter. In counties having a county board of five commissioners, three commissioners shall be elected at the statewide general election in 1994 and each four years thereafter, and two commissioners shall be elected at the statewide general election in 1996 and each four years thereafter. In counties having a county board of seven or more commissioners, one commissioner shall be elected in each odd-numbered commissioner district at the statewide general election in 1994 and each four years thereafter, and one commissioner shall be elected in each even-numbered commissioner district at the statewide general election in 1996 and each four years thereafter.

(2) Except for commissioners first elected after the county adopts the commissioner form of government or has increased the number of commissioners, the term of each county commissioner shall be four years or until his or her successor is elected and qualified. At the first election held to choose the board of commissioners in any county having three commissioners, the person having the highest number of votes shall serve for four years and the two receiving the next highest number of votes shall serve for two years, and if any three or more persons have the same number of votes, their terms of office shall be determined by the county canvassing board. The county commissioners shall meet the qualifications found in section [23-150](#). Nothing in this section shall be construed to prohibit the reelection of a commissioner holding office if the commissioner is reelected to represent his or her respective district. The county commissioners shall be elected on the partisan ballot.

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

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

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

(4) In counties in which a majority has voted to have five commissioners as provided in section [23-148](#), the three commissioners of such county whose terms of office will expire after the election shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. Two commissioners shall be appointed pursuant to sections [32-567](#) and [32-574](#) to serve until the first Thursday after the first Tuesday in January following the next statewide general election. At the next statewide general election, commissioners shall be elected to fill the positions of any commissioners appointed under this section. At the first primary election after such appointments, filings

shall be accepted for terms of two years and for terms of four years so that two commissioners will be elected to four-year terms at one election and three commissioners will be elected to four-year terms at the next election.

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

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

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

Source: Laws 1994, LB 76, § 124; [Laws 2008, LB268, § 2](#); [Laws 2015, LB575, § 11](#); [Laws 2016, LB742, § 17](#).

32-529. County board of supervisors; districts; terms; qualifications; partisan ballot.

At the first general election after the adoption of township organization by a county, one supervisor shall be elected in each supervisor district. Thereafter one supervisor shall be elected in each odd-numbered supervisor district at the general election two years after the first general election and each four years thereafter, and one supervisor shall be elected in each even-numbered supervisor district at the general election four years after the first general election and each four years thereafter. Each county supervisor shall be nominated and elected by the registered voters of the district from which he or she is elected. Except for supervisors first elected after the county has adopted township organization, the term of each county supervisor shall be four years or until his or her successor is elected and qualified. The county supervisors shall meet the qualifications found in section [23-268](#). The county supervisors shall be elected on the partisan ballot.

Source: Laws 1994, LB 76, § 125.

32-530. Township officers; terms; qualifications; nonpartisan ballot.

After the initial appointments as provided for in sections [23-214](#) and [23-215](#), the officers of the township board shall be elected in counties under township government at the statewide general election in 1994 and every four years thereafter. Except for officers first appointed after the county has adopted township organization, the term of each officer shall be four years or until his or her successor is elected and qualified. The three candidates receiving the highest number of votes at the general election shall be the officers of the township board, and the three officers shall determine by majority vote which officer shall serve as township clerk, township treasurer, and chairperson of the township board. The township officers shall meet the qualifications found in sections [23-214](#) and [23-215](#). The township officers shall be elected on the nonpartisan ballot.

Source: Laws 1994, LB 76, § 126; Laws 1997, LB 764, § 47; [Laws 2003, LB 461, § 2](#).

32-531. County weed district board; terms; qualifications; nonpartisan ballot.

After the initial appointments to the county weed district board in counties in which the members are elected, the two members from cities, villages, or townships shall thereafter be elected at the statewide general election in 1994 and each four years thereafter, and the three members from rural areas shall be elected at the statewide general election in 1996 and each four years thereafter. After the initial appointments, the term of each member shall be four years or until his or her successor is elected and qualified. The members shall meet the qualifications found in section [2-953.01](#). The members shall be elected on the nonpartisan ballot.

Source: Laws 1994, LB 76, § 127.

32-532. Village board of trustees; terms; qualifications.

The members of a village board of trustees shall be elected at the statewide general election as provided in section [17-202](#) and each four years thereafter. Except as provided in such section, the term of each board member shall be four years or until his or her successor is elected and qualified. The board members shall meet the qualifications found in section [17-203](#).

Source: Laws 1994, LB 76, § 128; Laws 1995, LB 194, § 7.

32-533. Cities of the second class; officers; terms.

Commencing with the primary election in 1976 and every two years thereafter, all elected officers in all cities of the second class shall be nominated at the statewide primary election and elected at the statewide general election. All elected officers in a city of the second class shall serve for terms of four years or until their successors are elected and qualified.

Source: Laws 1994, LB 76, § 129.

32-534. Certain cities of the first class; officers; wards; terms; qualifications.

(1) In a city of the first class except a city having adopted the commissioner or city manager plan of government, a mayor shall be elected at large and council members shall be elected by ward or at large and by ward as provided in section [32-554](#). If members are elected by ward, one or two council members shall be elected from each ward, except that there shall be at least four council members, and two council members shall be required for each ward in any city having fewer than four wards. The council may provide for the election of the treasurer and clerk as provided in section [16-302.01](#).

(2) All elected officers in a city of the first class shall serve for terms of four years or until their successors are elected and qualified. The council members shall be nominated at the statewide primary election and elected at the statewide general election. The council members shall meet the qualifications found in section [16-302.01](#).

Source: Laws 1994, LB 76, § 130; [Laws 2001, LB 730, § 2](#); [Laws 2002, LB 970, § 2](#).

32-535. Cities of the primary class; city council; terms.

The members of the city council of a city of the primary class shall be elected at the general city election as provided in section [15-301](#). The term of each council member shall be four years or until his or her successor is elected and qualified.

Source: Laws 1994, LB 76, § 131.

32-536. Cities of the metropolitan class; city council; terms; districts; qualifications.

In a city of the metropolitan class, seven council members shall be elected to the city council for terms of four years at the general city election in 1993 pursuant to section [14-201](#). One council member shall be nominated and elected from each of the districts into which the city is divided pursuant to section [14-201.03](#). The council members shall meet the qualifications found in sections [14-204](#) and [14-230](#).

Source: Laws 1994, LB 76, § 132.

32-537. City with home rule charter; city council; qualifications; nominating petition or filing fee.

(1) In a city which adopts a home rule charter pursuant to sections [19-501](#) to [19-503](#) and [Article XI, sections 2](#) to [5](#), of the Constitution of Nebraska, the number of city council members shall be determined by the home rule charter. The council members of a city of the metropolitan class which adopts a home rule charter shall meet the qualifications found in sections [14-204](#) and [14-230](#).

(2) Any city having a home rule charter may provide in such charter for a nominating petition or filing fee or both for any person desiring to be a candidate for the office of council member or mayor.

Source: Laws 1994, LB 76, § 133.

32-538. City with city manager plan of government; city council; members; nomination and election; terms.

(1) In a city which adopts the city manager plan of government pursuant to the City Manager Plan of Government Act, the city council members shall be nominated at the statewide primary election and elected at the statewide general election.

(2) City council members shall be elected from the city at large unless the city council by ordinance provides for the election of all or some of the city council members by wards, the number and boundaries of which are provided for in section [16-104](#). City council members shall serve for terms of four years or until their successors are elected and qualified. The city council members shall meet the qualifications found in sections [19-613](#) and [19-613.01](#).

(3) The first election under an ordinance changing the number of city council members or their manner of election shall take place at the next statewide primary and general elections. City council members whose terms of office expire after the election shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. At the first election under an ordinance changing the number of city council members or their manner of election, one-half or the bare majority of city council members elected at large, as the case may be, who receive the highest number of votes shall serve for four years and the other or others, if needed, for two years. At such first election, one-half or the bare majority of city council members, as the case may be, who are elected by wards shall serve for four years and the other or others, if needed, for two years, as provided in the ordinance. If only one city council member is to be elected at large at such first election, such member shall serve for four years.

Source: Laws 1994, LB 76, § 134; [Laws 2001, LB 71, § 2](#); [Laws 2001, LB 730, § 3](#); [Laws 2017, LB113, § 37](#); [Laws 2019, LB193, § 240](#); [Laws 2020, LB1003, § 184](#).

Cross References: **City Manager Plan of Government Act**, see section [19-601](#).

32-539. City with commission plan of government; city council; members; nonpartisan ballot; mayor and council members; terms.

(1) In a city which adopts the commission plan of government pursuant to the Municipal Commission Plan of Government Act, the number of city council members shall be determined by the class and population of the city. In cities having two thousand or more but not more than forty thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, there shall be five members, in cities of the primary class, there shall be five members, and in cities of the metropolitan class, there shall be seven members. Council members shall be elected from the city at large. Nomination and election of all council members shall be by nonpartisan ballot. The mayor shall be elected for a four-year term.

(2) If a city elects to adopt the commission plan of government, the council member elected as the commissioner of the department of public works and the council member elected as the commissioner of the department of public accounts and finances shall each serve a term of four years and the council member elected as the commissioner of the department of streets, public improvements, and public property and the council member elected as the commissioner of the department of parks and recreation shall each serve a term of two years. Upon the expiration of such terms, all council members shall serve terms of four years and until their successors are elected and qualified.

(3) Commencing with the statewide primary election in 2000, and every two years thereafter, candidates shall be nominated at the statewide primary election and elected at the statewide general election except as otherwise provided in section [19-405](#).

Source: Laws 1994, LB 76, § 135; [Laws 1999, LB 250, § 3](#); [Laws 2017, LB113, § 38](#); [Laws 2019, LB193, § 241](#).

Cross References: **Municipal Commission Plan of Government Act**, see section [19-401](#).

32-540. Metropolitan utilities district; board of directors; election subdivisions; board; duties; nonpartisan ballot; terms; qualifications.

(1) Except as otherwise provided in subsection (2) of this section, in each metropolitan utilities district service area, two of the members of the board of directors shall be chosen at large by the registered voters within the district at the time of the statewide primary and statewide general elections

held in the even-numbered years, except that at the primary and general elections held in 1978 and every six years thereafter, three members, one of whom shall be known as the outside member, shall be elected at large by the registered voters within the district.

(2) (a) The board of directors of a metropolitan utilities district may by resolution provide for the division of the territory of the district into seven election subdivisions composed of substantially equal population and compact and contiguous territory and number the subdivisions consecutively. One member of the board of directors shall be elected from each subdivision.

(b) If the board of directors provides for seven election subdivisions prior to February 1, 2016, the board of directors shall assign each position on the board of directors to represent a numbered election subdivision for the remainder of the term of office for which the member is elected, regardless of whether the member resides in the subdivision, and shall make such assignments so that members representing election subdivisions numbered one and two hold office until the first Tuesday after the first Monday in January 2019 or until their successors are elected and qualified, members representing election subdivisions numbered three, four, and five hold office until the first Tuesday after the first Monday in January 2021 or until their successors are elected and qualified, and members representing election subdivisions six and seven hold office until the first Tuesday after the first Monday in January 2023 or until their successors are elected and qualified.

(c) A successor who resides in the numbered election subdivision shall be nominated and elected at the statewide primary and general elections held in the calendar year prior to the expiration of the term of the member who represents such numbered election subdivision.

(d) After each federal decennial census, the board of directors shall create new boundaries for the election subdivisions. In establishing the boundaries of the election subdivisions, the board of directors shall follow county lines wherever practicable, shall provide for the subdivisions to be composed of substantially equal population and compact and contiguous territory, and shall, as nearly as possible, follow the precinct lines created by the election commissioner or county clerk after each federal decennial census.

(3) Nomination and election of all directors shall be by nonpartisan ballot. Except as provided in subsection (2) of this section, members of the board shall hold office for a period of six years from the first Tuesday after the first Monday in January following their election or until their successors are elected and qualified. The directors shall meet the qualifications found in sections [14-2102](#) and [14-2103](#).

Source: Laws 1994, LB 76, § 136; [Laws 2014, LB1014, § 3](#).

32-543. Class III school district; board of education members; terms; qualifications.

(1) If a caucus is held for nominations under section [79-549](#) for a Class III school district, the board of education shall consist of six members to be elected by the registered voters of the school district at the statewide primary election. Two members shall be elected at each election for a term of six years. The members shall meet the qualifications found in section [79-543](#).

(2) Except as provided in subsection (1) of this section, members of the board of education of a Class III school district shall be nominated at the statewide primary election and elected at the statewide general election. The board of education of a Class III school district shall have no fewer than five members and no more than nine members as provided in section [79-549](#) or [79-550](#), and the members shall be nominated and elected at large or by district or ward as provided in section [32-554](#) or nominated by district or ward and elected at large as provided in section [79-550](#). The number of members to be nominated at the statewide primary election and elected at the statewide general election and the terms for which they will be nominated and elected shall be determined by the election commissioner or county clerk with the aid of the elected secretary of the board of education of the district. The terms of office of members of such board shall expire on the first Thursday after the first Tuesday in January. Terms shall be staggered so that approximately one-half of the members are elected to the board at each general election for terms of four years. When it becomes necessary to establish the staggering of terms by electing members for terms of different duration at the same election, candidates receiving the greatest number of votes shall be elected for the longest terms. The members shall meet the qualifications found in section [79-543](#).

Source: Laws 1994, LB 76, § 139; Laws 1996, LB 900, § 1042; Laws 1997, LB 595, § 1; Laws 1997, LB 764, § 48; [Laws 2006, LB 1024, § 4](#); [Laws 2014, LB946, § 9](#).

32-544. Class IV school district; board of education members; districts; terms; nonpartisan ballot; qualifications.

Candidates for the board of education of a Class IV school district shall be nominated and elected by district as provided in section [32-552](#) for four-year terms at the same time as members of the city council of the city in which the district is located. A member of the board shall be elected from each district pursuant to such section. Candidates shall be nominated and elected upon a nonpartisan ballot. At the general city election in 1979 and each four years thereafter, one member shall be elected from each even-numbered district. At the general city election in 1981 and each four years thereafter, one member shall be elected from each odd-numbered district. The members shall meet the qualifications found in section [79-543](#).

Source: Laws 1994, LB 76, § 140; Laws 1996, LB 900, § 1043.

32-545. Class V school district; board of education members; districts; qualifications; terms; nonpartisan ballot.

(1) A member of the board of education of a Class V school district shall be elected from each district provided for in section [32-552](#). Such election shall be held on the date provided in subsection (2) of this section. The members of such board of education shall meet the qualifications found in sections [79-543](#) and [79-552](#).

(2) In 2014, candidates for election to such board of education from even-numbered districts shall be nominated at the statewide primary election and elected at the statewide general election and shall take office on the first Monday in January 2015. In 2016, candidates for election to such board of education from odd-numbered districts shall be nominated at the statewide primary election and elected at the statewide general election and shall take office on the first Monday in January 2017. Thereafter, all members shall be nominated at the statewide primary election and elected at the statewide general election, shall take office on the first Monday in January following their election, and shall serve terms of four years or until their successors are elected and qualified. Candidates for election to such board of education shall be nominated upon the nonpartisan ballot.

Source: Laws 1994, LB 76, § 141; Laws 1996, LB 900, § 1044; [Laws 2013, LB125, § 1](#); [Laws 2020, LB1055, § 7](#).

32-546.01. Learning community coordinating council; members; election; appointment; vacancies; terms; per diem; expenses.

(1) Each learning community shall be governed by a learning community coordinating council. Through January 4, 2017, each council shall consist of eighteen voting members, with twelve members elected on a nonpartisan ballot from six numbered subcouncil districts created pursuant to section [32-555.01](#) and with six members appointed from such subcouncil districts pursuant to this section. Beginning January 5, 2017, each learning community coordinating council shall consist of twelve members elected on a nonpartisan ballot from six numbered subcouncil districts created pursuant to section [32-555.01](#). Members elected at the general election in 2014 shall continue to serve until the terms for which they were elected expire, and such members may run for reelection. Each voter shall be allowed to cast votes for one candidate at both the primary and general elections to represent the subcouncil district in which the voter resides. The four candidates receiving the most votes at the primary election shall advance to the general election. The two candidates receiving the most votes at the general election shall be elected. A candidate shall reside in the subcouncil district for which he or she is a candidate. Coordinating council members shall be elected on the nonpartisan ballot.

(2) The initial elected members shall be nominated at the statewide primary election and elected at the statewide general election immediately following the certification of the establishment of the learning community, and subsequent members shall be nominated at subsequent statewide primary elections and elected at subsequent statewide general elections. Except as provided in this section, such elections shall be conducted pursuant to the Election Act.

(3) Vacancies in office for elected members shall occur as set forth in section [32-560](#). Whenever any such vacancy occurs, the remaining elected members of such council shall appoint an individual residing within the geographical boundaries of the subcouncil district for the balance of the unexpired term.

(4) Members elected to represent odd-numbered districts in the first election for the learning community coordinating council shall be elected for two-year terms. Members elected to represent even-

numbered districts in the first election for the learning community coordinating council shall be elected for four-year terms. Members elected in subsequent elections shall be elected for four-year terms and until their successors are elected and qualified.

(5) The appointed members shall be appointed in November of each even-numbered year through 2014 after the general election. Appointed members shall be school board members of school districts in the learning community either elected to take office the following January or continuing their current term of office for the following two years. For learning communities to be established prior to July 21, 2016, pursuant to orders issued pursuant to section [79-2102](#), the Secretary of State shall hold a meeting of the school board members of the school districts in such learning community to appoint one member from such school boards to represent each of the subcouncil districts on the coordinating council of such learning community. For subsequent appointments, the current appointed members of the coordinating council shall hold a meeting of the school board members of such school districts to appoint one member from such school boards to represent each of the subcouncil districts on the coordinating council of the learning community. The appointed members shall be selected by the school board members of the school districts in the learning community who reside in the subcouncil district to be represented pursuant to a secret ballot, shall reside in the subcouncil district to be represented, and shall be appointed for two-year terms and until their successors are appointed and qualified.

(6) Vacancies in office for appointed members shall occur upon the resignation, death, or disqualification from office of an appointed member. Disqualification from office shall include ceasing membership on the school board for which membership qualified the member for the appointment to the learning community coordinating council or ceasing to reside in the subcouncil district represented by such member of the learning community coordinating council. Whenever such vacancy occurs, the remaining appointed members shall hold a meeting of the school board members of the school districts in such learning community to appoint a member from such school boards who lives in the subcouncil district to be represented to serve for the balance of the unexpired term.

(7) Through January 4, 2017, each learning community coordinating council shall also have a nonvoting member from each member school district which does not have either an elected or an appointed member who resides in the school district on the council. Such nonvoting members shall be appointed by the school board of the school district to be represented to serve for two-year terms, and notice of the nonvoting member selected shall be submitted to the Secretary of State by such board prior to December 31 of each even-numbered year through 2014. Each such nonvoting member shall be a resident of the appointing school district and shall not be a school administrator employed by such school district. Whenever a vacancy occurs, the school board of such school district shall appoint a new nonvoting member and submit notice to the Secretary of State and to the learning community coordinating council.

(8) Members of a learning community coordinating council shall take office on the first Thursday after the first Tuesday in January following their election, except that members appointed to fill vacancies shall take office immediately following administration of the oath of office. Each voting member shall be eligible for reimbursement of reasonable expenses related to service on the learning community coordinating council. Each nonvoting member shall be eligible for reimbursement of reasonable expenses related to service on the learning community coordinating council.

Source: [Laws 2007, LB641, § 49](#); [Laws 2008, LB1154, § 3](#); [Laws 2009, LB392, § 5](#); [Laws 2010, LB937, § 1](#); [Laws 2010, LB1070, § 1](#); [Laws 2016, LB1067, § 4](#).

32-547. City airport authority board; members; terms; qualifications.

Each airport authority board created pursuant to the Cities Airport Authorities Act in cities of the primary, first, and second classes and in villages shall consist of five members. Except for members initially appointed pursuant to section [3-502](#), members of the board shall serve for terms of six years and shall be nominated and elected in the manner provided by law for the election of officers of the city concerned and shall take office at the same time as the officers of such city. One member shall be elected at the first general city election after creation of the authority, two members at the second general city election after creation of the authority, and two members at the third general city election after the creation of the authority. The members shall meet the qualifications found in such section.

Source: Laws 1994, LB 76, § 143.

Cross References: **Cities Airport Authorities Act**, see section [3-514](#).

32-548. County airport authority board; members; terms; qualifications.

Each airport authority board created pursuant to sections [3-601](#) to [3-622](#) shall consist of five members. Except for members initially appointed pursuant to section [3-611](#), members shall serve for terms of six years and shall be nominated and elected in the manner provided by law for election of nonpartisan officers of the county. Two members shall be elected at the first general election after creation of the authority, two members at the second general election after creation of the authority, and one member at the third general election after the creation of the authority. The members shall meet the qualifications found in section [3-611](#).

Source: Laws 1994, LB 76, § 144.

32-549. Joint airport authority board; members; terms; qualifications.

Each airport authority board created pursuant to the Joint Airport Authorities Act shall consist of at least five members from districts as established in section [3-703](#). Except for members initially appointed pursuant to such section, members of the board shall serve for terms of six years and shall be nominated and elected in the manner provided by law for nonpartisan officers. The terms of all elected members shall commence on the first Thursday after the first Tuesday in January following their election. One member shall be elected at the first general election after creation of the authority, two members at the second general election after creation of the authority, and two members at the third general election after the creation of the authority. The members shall meet the qualifications found in such section.

Source: Laws 1994, LB 76, § 145.

Cross References: **Joint Airport Authorities Act**, see section [3-716](#).

32-550. Local hospital district board of directors; terms; nonpartisan ballot.

Two members of a local hospital district board of directors shall be elected at the first statewide primary election after the initial appointment of members pursuant to section [23-3534](#), and three members shall be elected at the second statewide primary election after such initial appointment. Members shall be elected from the hospital district at large for terms which begin on the first Tuesday in June following their election. Except as otherwise provided in this section, each member shall serve for a term of four years or until his or her successor is elected and qualified. The members shall be elected on the nonpartisan ballot.

Source: Laws 1994, LB 76, § 146.

32-551. Regional metropolitan transit authority; terms.

(1) Members of the board of directors of a regional metropolitan transit authority shall be nominated at the statewide primary election and elected at the statewide general election following the effective date of the conversion of such transit authority established under the Transit Authority Law into a regional metropolitan transit authority as provided in section [18-808](#), and subsequently elected members shall be nominated at subsequent statewide primary elections and elected at subsequent statewide general elections. Candidates for election shall be nominated upon a nonpartisan ballot.

(2) Members elected to represent odd-numbered districts in the first election of board members shall be elected for two-year terms. Members elected to represent even-numbered districts in the first election of board members shall be elected for four-year terms. Members elected in subsequent elections shall be elected for four-year terms and until their successors are elected and qualified.

(3) Members shall take office on the first Thursday after the first Tuesday in January following their election, except that members appointed to fill vacancies shall take office immediately following administration of the oath of office.

Source: [Laws 2019, LB492, § 36](#).

Cross References: **Transit Authority Law**, see section [14-1826](#).

32-552. Election districts; adjustment of boundaries; when; procedure; Class IV school district; Class V school district; districts.

(1) Except as provided by subsection (4) of this section, at least five months prior to an election, the governing board of any political subdivision requesting the adjustment of the boundaries of election districts shall provide to the election commissioner or county clerk

(a) written notice of the need and necessity of his or her office to perform such adjustments and

(b) a revised election district boundary map that has been approved by the requesting political subdivision's governing board and subjected to all public review and challenge ordinances of the political subdivision.

(2) After the next federal decennial census, the election commissioner of the county in which the greater part of a Class IV school district is situated shall, subject to review by the school board, divide the school district into seven numbered districts, substantially equal in population as determined by the most recent federal decennial census. The election commissioner shall consider the location of schools within the district and their boundaries. The election commissioner shall adjust the boundaries of the election districts, subject to final review and adjustment by the school board, to conform to changes in the territory and population of the school district and also following each federal decennial census. Except when specific procedures are otherwise provided, section [32-553](#) shall apply to all Class IV school districts.

(3) For purposes of election of members to the board of education of a Class V school district:

(a) (i) The Legislature hereby divides such school district into nine numbered election districts of compact and contiguous territory and of as nearly equal population as may be practical. Each election district shall be entitled to one member on the board of education of such Class V school district. The Legislature adopts the official population figures and maps from the 2010 Census Redistricting (Public Law 94-171) TIGER/Line Shapefiles published by the United States Department of Commerce, Bureau of the Census. The numbers and boundaries of the election districts are designated and established by a map identified and labeled as OPS-13-002, filed with the Clerk of the Legislature, and incorporated by reference as part of Laws 2013, LB125. Such districts are drawn using the boundaries of the Class V school district as they existed on February 12, 2013;

(ii) the Clerk of the Legislature shall transfer possession of the map referred to in subdivision (a)(i) of this subsection to the Secretary of State and the election commissioner of the county in which the greater part of the school district is situated on February 12, 2013;

(iii) when questions of interpretation of such election district boundaries arise, the map referred to in subdivision (a)(i) of this subsection in possession of such election commissioner shall serve as the indication of the legislative intent in drawing the election district boundaries; and

(iv) the Secretary of State and such election commissioner shall also have available for viewing on his or her website the map referred to in subdivision (a)(i) of this subsection identifying the boundaries for such election districts; and

(b) After the next federal decennial census, the election commissioner of the county in which the greater part of a Class V school district is situated shall divide the school district into nine numbered districts of compact and contiguous territory and of as nearly equal population as may be practical. The election commissioner shall adjust the boundaries of such districts, subject to final review and adjustment by the school board, to conform to changes in the territory of the school district and also following each federal decennial census.

(4) Following the release of the 2020 Census of Population data by the United States Department of Commerce, Bureau of the Census, as required by Public Law [94-171](#), the governing board of any political subdivision requesting the adjustment of the boundaries of election districts shall provide to the election commissioner or county clerk

(a) written notice of the need and necessity of his or her office to perform such adjustments and

(b) a revised election district boundary map that has been approved by the requesting political subdivision's governing board and subjected to all public review and challenge ordinances of the political subdivision by December 30, 2021.

(5) The Secretary of State may grant additional days upon request of the political subdivision if precinct maps are not delivered to the political subdivision by November 1, 2021, or for an extraordinary circumstance.

Source: Laws 1994, LB 76, § 148; Laws 1997, LB 764, § 49; [Laws 2002, LB 935, § 5](#); [Laws 2013, LB125, § 2](#); [Laws 2019, LB411, § 37](#); [Laws 2020, LB1055, § 8](#); [Laws 2021, LB285, § 8](#).

32-553. Political subdivision; redistrict; when; procedure.

(1) (a) When any political subdivision except a public power district nominates or elects members of the governing board by districts, such districts shall be substantially equal in population as determined by the most recent federal decennial census.

(b) Except as provided by subdivision (c) of this subsection,

(i) any such political subdivision which has districts in place on the date the census figures used in drawing district boundaries for the Legislature are required to be submitted to the state by the United States Department of Commerce, Bureau of the Census, shall, if necessary to maintain substantial population equality as required by this subsection, have new district boundaries drawn within six months after the passage and approval of the legislative bill providing for reestablishing legislative districts and

(ii) any such political subdivision in existence on the date the census figures used in drawing district boundaries for the Legislature are required to be submitted to the state by the United States Department of Commerce, Bureau of the Census, and which has not established any district boundaries shall establish district boundaries pursuant to this section within six months after such date.

(c) Following the release of the 2020 Census of Population data by the United States Department of Commerce, Bureau of the Census, as required by Public Law [94-171](#), any such political subdivision which has districts in place on the date the census figures used in drawing district boundaries for the Legislature are required to be submitted to the state by the United States Department of Commerce, Bureau of the Census, shall, if necessary to maintain substantial population equality as required by this subsection, have new district boundaries drawn and submitted to the election commissioner or county clerk by December 30, 2021, after the passage and approval of the legislative bill providing for reestablishing legislative districts. Any such political subdivision in existence on the date the census figures used in drawing district boundaries for the Legislature are required to be submitted to the state by the United States Department of Commerce, Bureau of the Census, and which has not established any district boundaries shall establish district boundaries and submit the boundaries to the election commissioner or county clerk pursuant to this section by December 30, 2021.

(d) The Secretary of State may grant additional days upon request of the political subdivision if precinct maps are not delivered to the political subdivision by November 1, 2021, or for an extraordinary circumstance.

(e) If the deadline for drawing or redrawing district boundary lines imposed by this section is not met, the procedures set forth in section [32-555](#) shall be followed.

(2) The governing board of each such political subdivision shall be responsible for drawing its own district boundaries and shall, as nearly as possible, follow the precinct lines created by the election commissioner or county clerk after each federal decennial census, except that the election commissioner of any county in which a Class IV or V school district is located shall draw district boundaries for such school district as provided in this section and section [32-552](#).

Source: Laws 1994, LB 76, § 149; Laws 1997, LB 595, § 2; [Laws 2001, LB 71, § 3](#); [Laws 2021, LB285, § 9](#).

32-554. Village, county, school district, or certain cities; elections at large or by district or ward; procedure.

(1) (a) Any city not under a home rule charter, village, county, or school district nominating and electing members to its governing board at large may, either by majority vote of the governing body or by petition of registered voters pursuant to subsection (2) of this section, submit, at a general election, the question of nominating and electing members to its governing board by district or ward.

(b) Any city not under a home rule charter, village, county having not more than four hundred thousand inhabitants as determined by the most recent federal decennial census, or school district nominating and electing members to its governing board by district or ward may, either by majority vote of the governing body or by petition of registered voters pursuant to subsection (2) of this section,

submit, at a general election, the question of nominating and electing members to its governing board at large.

(c) Any city of the first class, except a city having adopted the commissioner or city manager plan of government, nominating and electing members to its governing body by ward may, either by ordinance by majority vote of the governing body or by petition of registered voters pursuant to subsection (2) of this section, submit, at a general election, the question of nominating and electing some of the members to its governing body by ward and some at large. No more than four members of the city council may be elected on an at-large basis, and at least four members of the city council shall be elected by ward. The ordinance of the governing body or petition shall specify the number of at-large members to be elected. At the first election in which one or more at-large members are to be elected to the city council, the members shall be elected to serve for initial terms of office of the following lengths:

(i) If one at-large member is to be elected, he or she shall serve for a four-year term;

(ii) if two at-large members are to be elected, the candidate receiving the highest number of votes shall be elected to serve for a four-year term and the other elected member shall be elected to serve for a two-year term;

(iii) if three at-large members are to be elected, the two candidates receiving the highest number of votes shall be elected to serve for four-year terms and the other elected member shall be elected to serve for a two-year term; and

(iv) if four at-large members are to be elected, the two candidates receiving the highest number of votes shall be elected to serve for four-year terms and the other elected members shall be elected to serve for two-year terms.

Following the initial term of office, all at-large council members shall be elected to serve for four-year terms. No candidate may file as both an at-large candidate and a candidate by ward at the same election.

(2) Petitions for submission of the question shall be signed by registered voters of the city, village, county, or school district desiring to change the procedures for electing the governing board of the city, village, county, or school district. The petition or petitions shall be signed by registered voters equal in number to twenty-five percent of the votes cast for the person receiving the highest number of votes in the city, village, county, or school district at the preceding general election for electing the last member or members to its governing board. Each sheet of the petition shall have printed the full and correct copy of the question as it will appear on the official ballot. The petitions shall be filed with the county clerk or election commissioner not less than seventy days prior to the date of the general election, and no signatures shall be added or removed from the petitions after they have been so filed. Petitions shall be verified as provided in section [32-631](#). If the petition or petitions are found to contain the required number of valid signatures, the county clerk or election commissioner shall place the question on a separate ballot to be issued to the registered voters of the city, village, county, or school district entitled to vote on the question.

(3) (a) Any city, village, county, or school district voting to change from nominating and electing the members of its governing board by district or ward to nominating and electing some or all of such members at large shall notify the public and instruct the filing officer to accept the appropriate filings on an at-large basis. Candidates to be elected at large shall be nominated and elected on an at-large basis at the next primary and general election following submission of the question.

(b) Any city, village, county, or school district voting to change from nominating and electing the members of its governing board at large to nominating and electing by district or ward shall notify the public and instruct the filing officer to accept all filings by district or ward. Candidates shall be nominated and elected by district or ward at the next primary and general election following submission of the question. When district or ward elections have been approved by the majority of the electorate, the governing board of any city, village, county, or school district approving such question shall establish districts substantially equal in population as determined by the most recent federal decennial census except as provided in subsection (2) of section [32-553](#).

(4) Except as provided in section [14-201](#), each city not under a home rule charter, village, county, and school district which votes to nominate and elect members to its governing board by district or ward shall establish districts or wards so that approximately one-half of the members of its governing board may be nominated and elected from districts or wards at each election. Districts or wards shall be created not later than October 1 in the year following the general election at which the question was voted upon. If

the governing board fails to draw district boundaries by October 1, the procedures set forth in section [32-555](#) shall be followed.

Source: Laws 1994, LB 76, § 150; Laws 1997, LB 595, § 3; Laws 1997, LB 764, § 50; [Laws 2001, LB 730, § 4](#); [Laws 2003, LB 444, § 4](#); [Laws 2005, LB 566, § 30](#); [Laws 2013, LB299, § 3](#); [Laws 2016, LB742, § 18](#).

32-555. City, village, county, or school district; failure to redistrict; county attorney or election commissioner; duties; penalty.

(1) Except as provided in subsection (4) of this section, if the governing board of any city, village, county, or school district which nominates or elects members to the board by district or ward fails to draw district boundaries by the date established in subsection (1) of section [32-553](#) or subsection (4) of section [32-554](#), the county attorney of the county in which the board is located shall file an action in the district court for the purpose of ordering the board to draw district boundaries. If within six months after the receipt of such order the board does not comply, the members of the board shall be subject to removal and the court shall order the Secretary of State to draw district boundaries in accordance with the most recent federal decennial census. Any vacancy resulting from such removal from office shall be filled as provided by law.

(2) If the county attorney fails to file the action required by subsection (1) of this section, he or she shall be subject to removal from office. If the county attorney fails to file such action, any citizen within the jurisdiction of the governing board may file the action. The court shall order the board to pay any costs and attorney's fees involved in such action.

(3) If an election commissioner required to draw district boundaries for any county having more than four hundred thousand inhabitants as determined by the most recent federal decennial census pursuant to sections [23-151](#) and [32-553](#) fails to do so, the election commissioner shall be subject to

(a) suit by the county attorney for the purpose of ordering the drawing of district boundaries,

(b) removal from office pursuant to section [32-214](#) for failure to comply with an order to draw district boundaries within six months of receipt of such order, and

(c) suit by any citizen for the purpose of ordering the drawing of district boundaries and shall be obligated to pay any costs and attorney's fees involved in any such action.

(4) If the county board of any county having more than four hundred thousand inhabitants as determined by the most recent federal decennial census fails to complete the process of drawing district boundaries as provided for in sections [23-151](#) and [32-553](#), the procedures set forth in subdivision (3)(b) of section [23-151](#) shall be followed.

Source: Laws 1994, LB 76, § 151; Laws 1997, LB 595, § 4; [Laws 2001, LB 71, § 4](#); [Laws 2016, LB742, § 19](#).

32-555.01. Learning community; districts; redistricting.

The election commissioners of the applicable counties, pursuant to certification of the establishment of a learning community pursuant to section [79-2102](#), shall divide the territory of the new learning community into six numbered districts for the purpose of electing members to the learning community coordinating council in compliance with section [32-553](#) and for the purpose of organizing achievement subcouncils pursuant to section [79-2117](#). Such districts shall be compact and contiguous and substantially equal in population. The newly established subcouncil districts shall be certified to the Secretary of State on or before November 1 immediately following such certification. The newly established subcouncil districts shall apply beginning with the election of the first council members for such learning community. Following the drawing of initial subcouncil districts pursuant to this section, additional redistricting thereafter shall be undertaken by the learning community coordinating council according to section [32-553](#).

Source: [Laws 2007, LB641, § 37](#); [Laws 2009, LB392, § 6](#).

32-556. City, village, and school elections; requirements; applicability of act.

All city, village, and school issues and offices shall be combined on the statewide primary and general election ballots whenever possible. The issuance of separate ballots shall be avoided in a statewide election if city, village, or school offices or issues can reasonably be combined with the nonpartisan ballot and state law does not require otherwise. All city and village elections involving the election of officers, except cities with home rule charters, shall be held in accordance with the Election Act and in conjunction with the statewide primary or general election. All city elections in cities with home rule charters shall be held in accordance with the home rule charter except as otherwise provided in the Election Act and may be held in conjunction with the statewide primary or general election. If the home rule charter is silent as to any subject covered by the act, the act shall apply.

Source: Laws 1994, LB 76, § 152.

32-557. City, village, and school officers; partisan ballot; when allowed; requirements.

All elective city, village, and school officers shall be nominated and elected on a nonpartisan ballot unless a city or village provides for a partisan ballot by ordinance. No ordinance providing for nomination and election on a partisan ballot shall permit affiliation with any party not recognized as a political party for purposes of the Election Act. Such ordinance providing for nomination and election on a partisan ballot shall be adopted and effective not less than sixty days prior to the filing deadline.

Source: Laws 1994, LB 76, § 153.

32-558. City, village, and school elections; ballots; results; certificates of nomination or election.

City, village, and school district ballots shall be prepared for each city, village, or school election. The election commissioner, county clerk, or city or village clerk may certify and deliver all ballots, including ballots for early voting, across county lines to the election commissioner, county clerk, or city or village clerk in the adjoining county. The election commissioner, county clerk, or city or village clerk shall certify the results and shall issue certificates of nomination or election to the successful candidates.

Source: Laws 1994, LB 76, § 154; [Laws 2005, LB 98, § 5](#).

32-559. Political subdivision; special election; certification; cancellation; procedure.

(1) (a) Except as provided in section [77-3444](#), any issue to be submitted to the registered voters at a special election by a political subdivision shall be certified by the clerk of the political subdivision to the election commissioner or county clerk on or before the eighth Friday prior to the election. A special election may be held by mail as provided in sections [32-952](#) to [32-959](#). Any other special election under this section shall be subject to section [32-405](#).

(b) In lieu of submitting the issue at a special election, any political subdivision may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the clerk of the political subdivision to the election commissioner or county clerk by March 1 for the primary election and by September 1 for the general election. After the election commissioner or county clerk has received the certification of the issue to be submitted, he or she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the clerk of the political subdivision shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues. The election commissioner or county clerk shall prepare the ballots and issue ballots for early voting and shall also conduct the submission of the issue, including the receiving and counting of the ballots on the issue. The election returns shall be made to the election commissioner or county clerk. The ballots shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the county canvassing board, the election commissioner or county clerk shall certify the election results to the governing body of the political subdivision. The canvass by the county canvassing board shall have the same force and effect as if made by the governing body of the political subdivision.

(2) (a) A political subdivision that has submitted an issue for a special election under subdivision (1)(a) of this section may cancel the special election if the Secretary of State, election

commissioner, or county clerk receives a resolution adopted by the political subdivision canceling the special election on or before the fourth Thursday prior to the election. No cancellation shall be effective after such date. If a special election is canceled in such manner, the political subdivision shall be responsible for the costs incurred that are related to the canceled election. Such costs shall include all chargeable costs as provided in section [32-1202](#) associated with preparing for and conducting a special election.

(b) A political subdivision that has submitted an issue at a statewide primary or general election or at any scheduled county election under subdivision (1)(b) of this section may withdraw the issue from the ballot if the Secretary of State, election commissioner, or county clerk receives a resolution adopted by the political subdivision withdrawing the issue from the ballot no later than March 1 prior to a statewide primary election or September 1 prior to a statewide general election. No withdrawal shall be effective after such date. Any issue withdrawn in this manner shall not be printed on the ballot.

Source: Laws 1994, LB 76, § 155; Laws 1996, LB 964, § 3; Laws 1998, LB 306, § 4; [Laws 2003, LB 521, § 4](#); [Laws 2005, LB 98, § 6](#); [Laws 2022, LB843, § 23](#).

Cross References: School bonds, special elections, see sections [10-703](#) and [10-703.01](#).

32-560. Elective office; vacancy; when.

Every elective office shall be vacant, except as provided in section [32-561](#), upon the happening of any one of the following events at any time before the expiration of the term of such office:

- (1) Resignation of the incumbent;
- (2) Death of the incumbent;
- (3) Removal of the incumbent from office;
- (4) Decision of a competent tribunal declaring the office of the incumbent vacant;
- (5) Incumbent ceasing to be a resident of the state, district, county, township, or precinct in which the duties of his or her office are to be exercised or for which he or she may have been elected;
- (6) Failure to elect at an election when there is no incumbent to continue in office until his or her successor is elected and qualified;
- (7) The candidate who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason unable to assume the office for which he or she was a candidate;
- (8) Forfeiture of office as provided by law;
- (9) Conviction of a felony or of any public offense involving the violation of the oath of office of the incumbent; or
- (10) Incumbent of a high elective office assuming another elective office as provided in subsections (2) through (4) of section [32-604](#).

Source: Laws 1994, LB 76, § 156; Laws 1997, LB 221, § 1; Laws 1997, LB 764, § 51; [Laws 2002, LB 251, § 1](#).

Cross References: Political subdivisions, civil offices, applicability of provisions, see section [13-404](#); State civil offices, applicability of provisions, see section [81-2901](#).

32-561. Elective officer; military or naval service; no vacancy; exception; acting officer; appointment; powers; compensation.

(1) The acceptance of a commission to any military or naval office or the enlistment in or induction into the military or naval service of the United States which may require an incumbent in an elective office, except the office of member of the Legislature, to exercise military or naval duties within or without the state for any period of time within the term for which such person has been elected or appointed shall not create a vacancy of such office. While the incumbent exercises such military or naval duties within or without this state, he or she shall not be

(a) entitled to receive any compensation, perquisites, or emoluments of the elective office,

(b) required to keep and maintain an official bond or equivalent commercial insurance policy in force, or

(c) responsible for the acts and defalcations of an acting officer duly appointed and qualified to take the place of the incumbent in such office during the time the incumbent is in such military or naval office or is inducted into or enlists in the military or naval service.

(2) If the incumbent accepts a commission to any military or naval office or enlists in or is inducted into the military or naval service of the United States, the county board, the governing body of the city, village, or other political subdivision, or the Governor or other appointive power, officer, or agency of the state in or under which such incumbent holds office may appoint an acting officer for such office for the period during which the elected or appointed incumbent will be absent by reason of the exercise of such military or naval duties or during the period of the term for which the incumbent has been elected or appointed. The acting officer so appointed shall qualify for such office in the manner provided by law and shall, during the time of such service as such acting officer, be entitled to all the compensation, perquisites, and emoluments of such office, including the power to appoint a deputy in the manner provided by law.

Source: Laws 1994, LB 76, § 157; [Laws 2004, LB 884, § 16](#).

32-562. Resignations; how made.

The resignation of the incumbent of an elective office may be made as follows:

- (1) By the Governor to the Legislature if in session or, if not, to the Secretary of State;
- (2) By United States Senators and Representatives in the Congress of the United States, by incumbents elected by all the registered voters of the state, by judges of the Supreme Court, Court of Appeals, district courts, separate juvenile courts, Nebraska Workers' Compensation Court, and county courts, and by Regents of the University of Nebraska to the Governor;
- (3) By members of the Legislature to the presiding officer of the Legislature if in session, who shall immediately transmit information of the same to the Governor, or if such body is not in session, to the Governor;
- (4) By all county officers to the county board or the county clerk;
- (5) By members of the county board to the county clerk;
- (6) By all township officers to the township clerk;
- (7) By the township clerk to the township board;
- (8) By all city or village officers to the city council or village board;
- (9) By all school board members to the school board;
- (10) By all officers holding appointments to the officer or body by whom they were appointed; and
- (11) By all elective officers for which no other method is provided to the body on which they serve.

Such resignation shall be in writing and shall not take effect until accepted by the board or officer to whom the resignation is tendered.

Source: Laws 1994, LB 76, § 158; [Laws 2008, LB312, § 1](#).

32-563. Vacancies; pending appointment or election; possession and control of office; persons authorized.

When a vacancy occurs and before the election or appointment and qualification of a successor, possession shall be taken of all things pertaining to the office and the functions of the office shall be exercised as follows:

- (1) Of any of the county offices, by the deputy if there is one and, if not, by a replacement appointed by the county board to perform the functions of the office until a permanent successor is duly appointed or elected; and
- (2) Of any of the state offices, by the Governor or, in his or her absence or inability at the time of the occurrence, as follows:
 - (a) Of the Secretary of State by the State Treasurer;
 - (b) Of the Auditor of Public Accounts by the Secretary of State; and
 - (c) Of the State Treasurer by the Secretary of State or Auditor of Public Accounts.

The officer performing the functions of the State Treasurer shall make and sign an inventory of the money and warrants in the care of the office and transmit it to the Governor if he or she is in the state, and the Secretary of State shall take the keys of the safes and desks after depositing the books, papers, money, and warrants in such safes and desks and shall keep the key to the office.

Source: Laws 1994, LB 76, § 159.

32-564. Representatives in Congress; vacancy; how filled; special election; procedure.

(1) Except as otherwise provided in subsection (2) of this section:

(a) If a vacancy occurs in the office of Representative in Congress on or after August 1 in an even-numbered year and prior to the statewide general election in such year, the Governor shall order a special election to be held in conjunction with such statewide general election. The only candidates who may appear on the ballot for such office at such special election are those who were nominated at the statewide primary election in such year, those who comply with section [32-616](#), and those who comply with section [32-627](#) to fill a vacancy on the ballot if such a vacancy exists. The candidate receiving the most votes at such special election shall serve for the remainder of the vacated term and for the succeeding term of office;

(b) If a vacancy occurs in the office of Representative in Congress on or after the day of the statewide general election and prior to the end of the term of the office which is vacated, no special election shall be called; and

(c) If a vacancy occurs in such office at any time other than as described in subdivision (a) or (b) of this subsection, the Governor shall order a special election to be held within ninety days after the vacancy occurs. Each political party which polled at least five percent of the entire vote in the district in which the vacancy occurs may select a candidate following the applicable procedures in subsection (2) of section [32-627](#), except that the certificate and filing fee shall be submitted at least sixty-five days prior to the day of the election. Any candidate so selected shall have his or her name placed on the ballot with the appropriate political party designation. Any other person may have his or her name placed on the ballot without a political party designation by filing petitions pursuant to sections [32-617](#) and [32-618](#) and paying the filing fee as provided by section [32-608](#), except that the deadline for filing the petitions and paying the fee shall be sixty-five days prior to the day of the election. The candidate receiving the most votes at such special election shall serve for the remainder of the vacated term.

(2) (a) If the Speaker of the United States House of Representatives announces that there are more than one hundred vacancies in the House of Representatives requiring special elections according to 2 U.S.C. 8, as such section existed on July 18, 2008, and there is any vacancy in the office of Representative in Congress representing Nebraska, the Governor shall issue a writ of election. The writ of election shall specify the date of a special election to fill such vacancy to be held within forty-nine days after the Speaker's announcement.

(b) The Secretary of State shall notify the chairperson and secretary of each political party which polled at least five percent of the entire vote in the district in which the vacancy occurs that the party may select a candidate following the applicable procedures in subsection (2) of section [32-627](#), except that the certificate and filing fee shall be submitted within seven days after notification by the Secretary of State. Any candidate so selected shall have his or her name placed on the ballot with the appropriate political party designation.

(c) The ballot for any voter meeting the criteria of section [32-939](#) shall be transmitted to such voter within fifteen days after the Speaker's announcement and shall be accepted if received by the election commissioner or county clerk within forty-five days after transmission to the voter.

(d) The candidate receiving the most votes at such special election shall serve for the remainder of the vacated term.

Source: Laws 1994, LB 76, § 160; [Laws 2005, LB 682, § 1](#); [Laws 2008, LB856, § 1](#).

32-565. United States Senator; vacancy; how filled.

(1) When a vacancy occurs in the representation of the State of Nebraska in the Senate of the United States, the office shall be filled by the Governor. The Governor shall appoint a suitable person possessing the qualifications necessary for senator to fill such vacancy.

(2) (a) If the vacancy occurs sixty days or less prior to a statewide general election and if the term vacated expires on the following January 3, the appointee shall serve until the following January 3.

(b) If the vacancy occurs sixty days or less prior to a statewide general election and if the term extends beyond the following January 3, the appointee shall serve until January 3 following the second statewide general election next succeeding his or her appointment and at such election a senator shall be elected to serve the unexpired term if any.

(3) If the vacancy occurs more than sixty days prior to a statewide general election, the appointee shall serve until January 3 following the statewide general election and at such election a senator shall be elected to serve the unexpired term if any.

Source: Laws 1994, LB 76, § 161; Laws 1997, LB 764, § 52.

32-566. Legislature; vacancy; how filled.

(1) When a vacancy occurs in the Legislature, the office shall be filled by the Governor. The Governor shall appoint a suitable person possessing the qualifications necessary for a member of the Legislature.

(2) If the vacancy occurs at any time on or after May 1 of the second year of the term of office, the appointee shall serve for the remainder of the unexpired term. If the vacancy occurs at any time prior to May 1 of the second year of the term of office, the appointee shall serve until the first Tuesday following the first Monday in January following the next regular general election and at the regular general election a member of the Legislature shall be elected to serve the unexpired term as provided in subsection (3) of this section.

(3) (a) If the vacancy occurs on or after February 1 and prior to May 1 during the second year of the term of office, the vacancy shall be filled at the regular election in November of that year. Candidates shall file petitions to appear on the ballot for such election as provided in section [32-617](#).

(b) If the vacancy occurs at any time prior to February 1 of the second year of the term of office, the procedure for filling the vacated office shall be the same as the procedure for filling the office at the expiration of the term and candidates shall be nominated and elected at the statewide primary and general elections during the second year of the term.

Source: Laws 1994, LB 76, § 162; [Laws 2017, LB451, § 7](#).

32-567. Vacancies; offices listed; how filled.

Vacancies in office shall be filled as follows:

(1) In state and judicial district offices and in the membership of any board or commission created by the state when no other method is provided, by the Governor;

(2) In county offices, by the county board;

(3) In the membership of the county board, by the county clerk, county attorney, and county treasurer;

(4) In the membership of the city council, according to section [32-568](#) or [32-569](#), as applicable;

(5) In township offices, by the township board or, if there are two or more vacancies on the township board, by the county board;

(6) In offices in public power and irrigation districts, according to section [70-615](#);

(7) In offices in natural resources districts, according to section [2-3215](#);

(8) In offices in community college areas, according to section [85-1514](#);

(9) In offices in educational service units, according to section [79-1217](#);

(10) In offices in hospital districts, according to section [23-3534](#);

(11) In offices in metropolitan utilities districts, according to section [14-2104](#);

(12) In membership on airport authority boards, according to section [3-502](#), [3-611](#), or [3-703](#), as applicable;

(13) In membership on the board of trustees of a road improvement district, according to section [39-1607](#);

(14) In membership on the council of a municipal county, by the council;

(15) For learning community coordinating councils, according to section [32-546.01](#); and

(16) For regional metropolitan transit authority boards, according to section [18-808](#).

Source: Laws 1994, LB 76, § 163; Laws 1996, LB 900, § 1046; [Laws 2001, LB 142, § 38](#); [Laws 2007, LB641, § 1](#); [Laws 2014, LB946, § 10](#); [Laws 2015, LB575, § 12](#); [Laws 2019, LB492, § 37](#).

Cross References: **Public Service Commission**, vacancy, how filled, see section [75-103](#); **State Board of Education**, vacancy, how filled, see section [79-314](#).

32-568. Cities and villages; vacancy; how filled.

(1) If any vacancy occurs in the office of city council member of a city of the metropolitan class, the remaining members of the council shall appoint a person to fill such vacancy from the district in which the vacancy occurred for the remainder of the term. The person thus appointed shall qualify and give bond as by law provided for council members elected to such office. A vacancy in the office of mayor of a city of the metropolitan class shall be filled as provided by local law.

(2) The city council of a city of the primary class may provide for filling any vacancies that occur in any elective office by appointment by the mayor, with the advice and consent of the council, to hold office until the next general city election. In case of vacancy in the office of mayor of a city of the primary class or his or her absence or disability, the president of the council shall exercise the powers and duties of the office until such vacancy is filled or disability removed or, in case of temporary absence, until the mayor returns, and such acting mayor shall perform such other duties as may be required by law.

(3) In a city of the first class except a city which has adopted the commissioner or city manager plan of government, any vacancy on the council resulting from causes other than expiration of the term shall be filled by appointment by the mayor with the consent of the city council to hold office for the remainder of the term. When there is a vacancy in the office of the mayor in a city of the first class, the president of the city council shall serve as mayor for the unexpired term. In case of any temporary absence or disability on the part of the mayor, the president of the council shall exercise the powers and duties of the office of mayor until such disability is removed, or in case of temporary absence until the mayor returns, and shall perform such other duties as may be required by law.

(4) Any vacancy on the city council of a city of the second class shall be filled as provided in section [32-569](#). In the case of any vacancy in the office of mayor, or in case of his or her disability or absence, the president of the council shall exercise the office of mayor for the unexpired term, until such disability is removed, or in case of temporary absence, until the mayor returns. If the president of the council assumes the office of mayor for the unexpired term, there shall be a vacancy on the council.

(5) A vacancy on the board of trustees of a village shall be filled as provided in section [32-569](#), except that the board of trustees of a village situated in more than one county shall have power to fill by appointment any vacancy that may occur in their number.

(6) If any vacancy occurs in the office of council member in a city under the commission plan of government, the vacancy shall be filled as provided in section [32-569](#). If an incumbent in a city under the commission plan of government files for a city office other than the office he or she holds, the office he or she holds shall become vacant as of the date of the commencement of the term of the office for which he or she has filed. If such vacancy results in an unexpired term, such vacancy shall be filled by election for the remainder of the unexpired term. In a city under the commission plan of government, the vice president of the city council shall perform the duties of the mayor of the city in the absence or inability of the mayor to serve. If a vacancy occurs in the office of mayor by death or otherwise, the vice president shall perform the duties of mayor of the city until such time as the council shall fill such vacancy, which shall be done at the first council meeting after such vacancy occurs or as soon thereafter as may be practicable.

(7) If a vacancy occurs in the office of council member in a city under a city manager plan, a successor council member shall be elected at the next regular city election to serve for the remainder of the term, except that a majority of the remaining members of the council shall appoint a registered voter to serve as council member until the successor is so elected and has qualified. If the council members are elected by ward, the council member elected or appointed to fill the vacancy shall be a registered voter of the ward in which the vacancy exists. If for any reason the seats of one-half or more of the members of the council become vacant, the Secretary of State shall conduct a special election to fill the vacancies for the unexpired portion of each term. A vacancy in any office to which the council elects shall be filled by the council for the unexpired term.

(8) Vacancies in city offices in any city under home rule charter shall be filled as provided in the home rule charter.

Source: Laws 1994, LB 76, § 164; Laws 1997, LB 734, § 2; Laws 1997, LB 764, § 53; [Laws 2006, LB 1067, § 1](#); [Laws 2012, LB878, § 2](#).

32-569. Vacancies in city and village elected offices; procedure for filling.

(1) (a) Except as otherwise provided in subsection (2) or (3) of this section or section [32-568](#), vacancies in city and village elected offices shall be filled by the mayor and council or board of trustees for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the council or board of trustees at a regular or special meeting and shall appear as a part of the minutes of such meeting. The council or board of trustees shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the city or village or by posting in three public places in the city or village the office vacated and the length of the unexpired term.

(b) The mayor or chairperson of the board shall call a special meeting of the council or board of trustees or place the issue of filling such vacancy on the agenda at the next regular meeting at which time the mayor or chairperson shall submit the name of a qualified registered voter to fill the vacancy for the balance of the unexpired term. The regular or special meeting shall occur upon the death of the incumbent or within four weeks after the meeting at which such notice of vacancy has been presented. The council or board of trustees shall vote upon such nominee, and if a majority votes in favor of such nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the mayor or chairperson shall at the next regular or special meeting submit the name of another qualified registered voter to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the mayor or chairperson shall continue at such meeting to submit the names of qualified registered voters in nomination and the council or board of trustees shall continue to vote upon such nominations at such meeting until the vacancy is filled. The mayor shall cast his or her vote for or against the nominee in the case of a tie vote of the council. All council members and trustees present shall cast a ballot for or against the nominee. Any member of the city council or board of trustees who has been appointed to fill a vacancy on the council or board shall have the same rights, including voting, as if such person were elected.

(2) The mayor and council or chairperson and board of trustees may, in lieu of filling a vacancy in a city or village elected office as provided in subsection (1) of this section or subsection (3) of section [32-568](#), call a special city election to fill such vacancy.

(3) If vacancies exist in the offices of one-half or more of the members of a city council or village board, the Secretary of State shall conduct a special city election to fill such vacancies.

Source: Laws 1994, LB 76, § 165; Laws 1997, LB 734, § 3; [Laws 2006, LB 1067, § 2](#); [Laws 2015, LB575, § 14](#).

32-570. School board; vacancy; how filled.

(1) A vacancy in the membership of a school board shall occur as set forth in section [32-560](#) or in the case of absences, unless excused by a majority of the remaining members of the board, when a member is absent from the district for a continuous period of sixty days at one time or from more than two consecutive regular meetings of the board. The resignation of a member or any other reason for a vacancy shall be made a part of the minutes of the school board. The school board shall give notice of the date the vacancy occurred, the office vacated, and the length of the unexpired term

(a) in writing to the election commissioner or county clerk and

(b) by a notice published in a newspaper of general circulation in the school district.

(2) Except as provided in subsection (3) of this section, a vacancy in the membership of a school board resulting from any cause other than the expiration of a term shall be filled by appointment of a qualified registered voter by the remaining members of the board for the remainder of the unexpired term. A registered voter appointed pursuant to this subsection shall meet the same requirements as the member whose office is vacant.

(3) Any vacancy in the membership of a school board of a school district described in section [79-549](#) which does not nominate candidates at a primary election and elect members at the following general election shall be filled by appointment of a qualified registered voter by the remaining members of the board for the remainder of the unexpired term.

(4) If any school board fails to fill a vacancy on the board, the vacancy may be filled by election at a special election or school district meeting called for that purpose. Such election or meeting shall be called in the same manner and subject to the same procedures as other special elections or school district meetings.

(5) If there are vacancies in the offices of one-half or more of the members of a school board, the Secretary of State shall conduct a special school district election to fill such vacancies.

Source: [Laws 1994, LB 76, § 166](#); [Laws 1999, LB 272, § 15](#); [Laws 2010, LB965, § 1](#); [Laws 2012, LB878, § 3](#); [Laws 2013, LB125, § 3](#); [Laws 2016, LB874, § 1](#); [Laws 2018, LB377, § 2](#).

32-571. Vacancy; appointments; how made; term; filing; qualifications.

Appointments made pursuant to sections [32-565](#) to [32-570](#) and [32-573](#) shall be in writing and shall continue for the unexpired term and until a successor is elected and qualified except as otherwise provided in such sections. The written appointment shall be filed with the Secretary of State or county or township clerk. No person shall be appointed to fill a vacancy unless he or she has the qualifications required to be elected to such office at the time of the appointment unless otherwise specifically provided. Appointments made to fill vacancies created as the result of the recall process shall be subject to subsection (5) of section [32-1308](#).

Source: [Laws 1994, LB 76, § 167](#); [Laws 2003, LB 181, § 3](#); [Laws 2005, LB 682, § 2](#); [Laws 2008, LB312, § 2](#).

32-572. Officers for a fixed term; service until successor qualified; vacancy.

(1) Every officer elected or appointed for a fixed term shall hold office until his or her successor is elected or appointed and is qualified. The fixed term shall end and the successor, whether elected or appointed, shall qualify on the day for taking office as provided by law. This section shall not be construed in any way to prevent the removal or suspension of such officer during or after his or her term in cases provided by law.

(2) The appointment to fill any vacancy if the elective or appointive officer fails to qualify shall be made as provided in sections [32-566](#) to [32-570](#) and [32-573](#). If the vacancy is created by the elective or appointive officer on or before the day for taking office, the incumbent shall remain in office until his or her successor is appointed and qualified and sworn into office, and the swearing in shall not be more than one calendar month from the day for taking office as provided by law. The appointing board or officer shall have the authority to appoint any qualified registered voter to fill the vacancy.

Source: [Laws 1994, LB 76, § 168](#); [Laws 2002, LB 251, § 2](#); [Laws 2003, LB 181, § 4](#).

32-573. Board of Regents of the University of Nebraska; vacancy; how filled.

(1) When a vacancy occurs in the Board of Regents of the University of Nebraska, the office shall be filled by the Governor. The Governor shall appoint a suitable person possessing the qualifications necessary for a member of the Board of Regents.

(2) (a) If the vacancy occurs during the first year of the term or before February 1 during a calendar year in which a statewide general election will be held, the appointee shall serve until the first Thursday following the first Tuesday in January following such general election and at such general election a member of the Board of Regents shall be elected to serve the unexpired term if any.

(b) If the vacancy occurs on or after February 1 during a calendar year in which a statewide general election will be held and if the term vacated expires on the first Thursday following the first Tuesday in January following such general election, the appointee shall serve the unexpired term.

(c) If the vacancy occurs on or after February 1 during a calendar year in which a statewide general election will be held and if the term vacated extends beyond the first Thursday following the first Tuesday in January following such general election, the appointee shall serve until the first Thursday following the first Tuesday in January following the second general election next succeeding his or her appointment and at such election a member of the Board of Regents shall be elected to serve the unexpired term if any.

Source: [Laws 2003, LB 181, § 2](#); [Laws 2017, LB451, § 8](#).

32-574. Vacancies.

Unless otherwise provided by law, all vacancies shall be filled within forty-five days after the vacancy occurs unless good cause is shown that the requirement imposes an undue burden.

Source: [Laws 2015, LB575, § 13](#).

Article 6 – Candidate Filings, Nominations, & Petition Procedures

32-601. Political subdivision; offices to be filled; filing deadlines; notices required.

(1) Each political subdivision shall notify the election commissioner or county clerk of the offices to be filled no later than:

(a) January 5 of any election year as provided in subsection (2) of section [32-404](#); or

(b) June 15 of any election year as provided in subsection (3) of section [32-404](#).

(2) The election commissioner or county clerk shall give notice of the offices to be filled by election and the filing deadlines for such offices by publication in at least one newspaper of general circulation in the county once at least fifteen days prior to such deadlines.

Source: Laws 1994, LB 76, § 169; [Laws 2017, LB451, § 9](#).

32-602. Candidate; general requirements; limitation on filing for office.

(1) Any person seeking an elective office shall be a registered voter at the time of filing for the office pursuant to section [32-606](#) or [32-611](#).

(2) Any person filing for office shall meet the constitutional and statutory requirements of the office for which he or she is filing. If a person is filing for a partisan office, he or she shall be a registered voter affiliated with the appropriate political party if required pursuant to section [32-702](#). If the person is required to sign a contract or comply with a bonding or equivalent commercial insurance policy requirement prior to holding such office, he or she shall be at least nineteen years of age at the time of filing for the office.

(3) A person shall not be eligible to file for an office if he or she holds the office and his or her term of office expires after the beginning of the term of office for which he or she would be filing. This subsection does not apply to filing for an office to represent a different district, ward, subdistrict, or subdivision of the same governmental entity as the office held at the time of filing.

(4) (a) Except as provided in subdivision (b) of this subsection, a person shall not be eligible to file for an office until he or she has paid any outstanding civil penalties and interest imposed pursuant to the Nebraska Political Accountability and Disclosure Act. The filing officer shall determine such eligibility before accepting a filing. The Nebraska Accountability and Disclosure Commission shall provide the filing officers with current information or the most current list of such outstanding civil penalties and interest owed pursuant to subdivision (13) of section [49-14,123](#).

(b) A person owing a civil penalty to the commission shall be eligible to file for an office if:

(i) The matter in which the civil penalty was assessed is pending on appeal before a state court; and

(ii) The person files with the commission a surety bond running in favor of the State of Nebraska with surety by a corporate bonding company authorized to do business in this state and conditioned upon the payment of the civil penalty imposed under the Nebraska Political Accountability and Disclosure Act.

(5) The governing body of the political subdivision swearing in the officer shall determine whether the person meets all requirements prior to swearing in the officer.

Source: Laws 1994, LB 76, § 170; [Laws 2004, LB 884, § 17](#); [Laws 2011, LB499, § 1](#); [Laws 2017, LB85, § 1](#).

Cross References: Nebraska Political Accountability and Disclosure Act, see section [49-1401](#).

32-603. Candidacy for two or more elected offices at same election; prohibited; exception; filing officer; duties.

(1) No candidate for member of the Legislature or an elective office described in [Article IV, section 1](#) or [20](#), or [Article VII, section 3](#) or [10](#), of the Constitution of Nebraska shall be eligible to file as a candidate, to petition on the ballot as a candidate, to accept a nomination by a political party or by party convention, caucus, or committee to fill a vacancy, or to be a declared write-in candidate for more than one elective office to be filled at the same election except for the position of delegate to a county, state, or national political party convention. No candidate for any other high elective office as defined in subsection (6) of section [32-604](#) shall be eligible to file as a candidate, to petition on the ballot as a candidate, to

accept a nomination by a political party or by party convention, caucus, or committee to fill a vacancy, or to be a declared write-in candidate for more than one high elective office to be filled at the same election. Any such person who has filed for a high elective office shall withdraw such filing prior to filing for any other elective office to be filled at the same election except for the position of delegate to a county, state, or national political party convention. Any such person who has won a nomination in a primary election and who is nominated to any additional offices by a write-in vote or by a political party convention or committee shall decline one of the nominations pursuant to section [32-623](#) and shall do so within seven days after receiving any subsequent nomination. If the candidate fails to take such action, any subsequent nomination shall be declared void. Any filing made in violation of this section shall be void, and the Secretary of State, election commissioner, or county clerk shall not place the name of any person on the ballot for any office for which such person filed in violation of this section.

(2) If a filing officer determines that a candidate has filed for more than one office in violation of subsection (1) of this section, the filing officer shall notify the Secretary of State, the Secretary of State shall determine the order of the filings and notify the candidate that the subsequent filing is invalid, and the candidate's name shall not be printed on the ballot for such office. The Secretary of State shall notify the filing officers of the counties involved of the action taken on such subsequent filing.

(3) When the name of a candidate appears on the ballot for more than one office during an election in violation of subsection (1) of this section, the filing officer when possible shall correct the error by removing the candidate's name from the ballot and reprinting corrected ballots. When it is not possible to print a corrected set of ballots in time for the election, all votes cast for such candidate as a candidate for the subsequent office appearing on the ballot shall not be counted, and no certificate of nomination or election shall be issued to such candidate for such subsequent office.

Source: Laws 1994, LB 76, § 171; Laws 1997, LB 221, § 2.

32-604. Multiple office holding; when allowed.

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

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

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

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

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

(6) For purposes of this section,

(a) elective office has the meaning found in section [32-109](#) and includes an office which is filled at an election held in conjunction with the annual meeting of a public body created by an act of the Legislature but does not include a member of a learning community coordinating council appointed pursuant to subsection (5) or (7) of section [32-546.01](#) prior to January 5, 2017, and

(b) high elective office means a member of the Legislature, an elective office described in [Article IV, section 1](#) or [20](#), or [Article VII, section 3](#) or [10](#), of the Constitution of Nebraska, or a county, city, community college area, learning community, regional metropolitan transit authority, or school district elective office.

Source: Laws 1994, LB 76, § 172; Laws 1997, LB 221, § 3; [Laws 2003, LB 84, § 2](#); [Laws 2007, LB641, § 2](#); [Laws 2008, LB1154, § 4](#); [Laws 2010, LB951, § 2](#); [Laws 2016, LB1067, § 5](#); [Laws 2019, LB492, § 38](#).

32-605. Defeated candidate; prohibited acts; exception.

No candidate defeated at a primary election shall be permitted to file an affidavit declaring a write-in candidacy, file by petition, or file a nomination, if nominated by party convention or committee, for the following general election for the same office except as provided in section [32-615](#), [32-616](#), or [32-625](#).

Source: Laws 1994, LB 76, § 173; [Laws 2002, LB 251, § 3](#); [Laws 2014, LB144, § 1](#).

32-606. Candidate filing form; filing period.

(1) Any candidate may place his or her name on the primary election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in section [32-607](#). Except as otherwise provided in subsection (4) of this section, if a candidate for an elective office is an incumbent of any elective office, the filing period for filing the candidate filing form shall be between January 5 and February 15 prior to the date of the primary election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for any office after February 15 of that election year. All other candidates shall file for office between January 5 and March 1 prior to the date of the primary election. A candidate filing form and a copy of payment of the filing fee, if applicable, may be transmitted by facsimile for the offices listed in subdivision (1) of section [32-607](#) if

(a) the transmission is received in the office of the filing officer by the filing deadline and

(b) the original filing form and payment of the filing fee, if applicable, is mailed to the filing officer with a legible postmark bearing a date on or prior to the filing deadline and is in the office of the filing officer no later than seven days after the filing deadline.

(2) Any candidate for a township office in a county under township organization, the board of trustees of a village, the board of directors of a reclamation district, the county weed district board, the board of directors of a public power district receiving annual gross revenue of less than forty million dollars, or the board of an educational service unit may place his or her name on the general election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in section [32-607](#). Except as otherwise provided in subsection (4) of this section, if a candidate for an elective office is an incumbent of any elective office, the filing period for filing the candidate filing form shall be between January 5 and July 15 prior to the date of the general election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for any office after July 15 of that election year. All other candidates shall file for office between January 5 and August 1 prior to the date of the general election. A candidate filing form may be transmitted by facsimile for the offices listed in subdivision (1) of section [32-607](#) if

(a) the transmission is received in the office of the filing officer by the filing deadline and

(b) the original filing form is mailed to the filing officer with a legible postmark bearing a date on or prior to the filing deadline and is in the office of the filing officer no later than seven days after the filing deadline.

(3) Any city having a home rule charter may provide for filing deadlines for any person desiring to be a candidate for the office of council member or mayor.

(4) If a candidate for an elective office was appointed to an elective office to fill a vacancy after the deadline for an incumbent to file a candidate filing form in subsection (1) or (2) of this section but before the deadline for all other candidates, the candidate may file a candidate filing form for any office on or before the deadline for all other candidates.

Source: Laws 1994, LB 76, § 174; Laws 1996, LB 967, § 2; Laws 1997, LB 764, § 54; [Laws 1999, LB 802, § 12](#); [Laws 2007, LB641, § 3](#); [Laws 2009, LB392, § 7](#); [Laws 2011, LB449, § 4](#); [Laws 2011, LB550, § 1](#); [Laws 2013, LB125, § 4](#); [Laws 2018, LB377, § 3](#); [Laws 2020, LB1055, § 9](#); [Laws 2021, LB285, § 10](#).

32-607. Candidate filing forms; contents; filing officers.

All candidate filing forms shall contain the following statement:

I hereby swear that I will abide by the laws of the State of Nebraska regarding the results of the primary and general elections, that I am a registered voter and qualified to be elected, and that I will serve if elected.

Candidate filing forms shall also contain the following information regarding the candidate: Name; residence address; mailing address if different from the residence address; telephone number; office sought; party affiliation if the office sought is a partisan office; a statement as to whether or not civil penalties are owed pursuant to the Nebraska Political Accountability and Disclosure Act; and, if civil penalties are owed, whether or not a surety bond has been filed pursuant to subdivision (4)(b) of section [32-602](#). An email address shall also be included on the filing form as an optional field. Candidate filing forms shall be filed with the following filing officers:

(1) For candidates for national, state, or congressional office, directors of public power and irrigation districts, directors of reclamation districts, directors of natural resources districts, directors of metropolitan utilities districts, members of the boards of educational service units, members of governing boards of community colleges, delegates to national conventions, and other offices filled by election held in more than one county and judges desiring retention, in the office of the Secretary of State;

(2) For officers elected within a county, in the office of the election commissioner or county clerk;

(3) For officers in school districts which include land in adjoining counties, in the office of the election commissioner or county clerk of the county in which the greatest number of registered voters entitled to vote for the officers reside; and

(4) For city or village officers, in the office of the election commissioner or county clerk.

Source: Laws 1994, LB 76, § 175; Laws 1997, LB 764, § 55; [Laws 1999, LB 571, § 2](#); [Laws 2007, LB603, § 3](#); [Laws 2009, LB501, § 2](#); [Laws 2010, LB325, § 3](#); [Laws 2015, LB575, § 15](#); [Laws 2017, LB85, § 2](#); [Laws 2019, LB411, § 38](#); [Laws 2022, LB843, § 24](#).

Cross References: **Nebraska Political Accountability and Disclosure Act**, see section [49-1401](#).

32-608. Filing fees; payment; amount; not required; when; refund; when allowed.

(1) Except as provided in subsection (4) or (5) of this section, a filing fee shall be paid by or on behalf of each candidate prior to filing for office. For candidates who file in the office of the Secretary of State as provided in subdivision (1) of section [32-607](#), the filing fee shall be paid to the Secretary of State who shall remit the fee to the State Treasurer for credit to the Election Administration Fund. For candidates for any city or village office, the filing fee shall be paid to the city or village treasurer of the city or village in which the candidate resides. For candidates who file in the office of the election commissioner or county clerk, the filing fee shall be paid to the election commissioner or county clerk in the county in which the office is sought. The election commissioner or county clerk shall remit the fee to the county treasurer. The fee shall be placed in the general fund of the county, city, or village. No candidate filing forms shall be filed until the proper payment or the proper receipt showing the payment of such filing fee is presented to the filing officer. On the day of the filing deadline, the city or village treasurer's office shall remain open to receive filing fees until the hour of the filing deadline.

(2) Except as provided in subsection (4) or (5) of this section, the filing fees shall be as follows:

(a) For the office of United States Senator, state officers, including members of the Legislature, Representatives in Congress, county officers, and city or village officers, except the mayor or council members of cities having a home rule charter, a sum equal to one percent of the annual salary as of November 30 of the year preceding the election for the office for which he or she files as a candidate;

(b) For directors of public power and irrigation districts in districts receiving annual gross revenue of forty million dollars or more, twenty-five dollars, and in districts receiving annual gross revenue of less than forty million dollars, ten dollars;

(c) For directors of reclamation districts, ten dollars; and

(d) For Regents of the University of Nebraska, members of the State Board of Education, and directors of metropolitan utilities districts, twenty-five dollars.

(3) All declared write-in candidates shall pay the filing fees that are required for the office at the time that they present the write-in affidavit to the filing officer.

(4) No filing fee shall be required for any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than five hundred dollars per year. No filing fee shall be required for any candidate for membership on a school board, on the board of an educational service unit, on the board of governors of a community college area, on the board of directors of a natural resources district, or on the board of trustees of a sanitary and improvement district.

(5) No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office in forma pauperis. A pauper shall mean a person whose income and other resources for

maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own. Available resources shall include every type of property or interest in property that an individual owns and may convert into cash except:

- (a) Real property used as a home;
- (b) Household goods of a moderate value used in the home; and
- (c) Assets to a maximum value of three thousand dollars used by a recipient in a planned effort directed towards self-support.

(6) If any candidate dies prior to an election, the spouse of the candidate may file a claim for refund of the filing fee with the proper governing body prior to the date of the election. Upon approval of the claim by the proper governing body, the filing fee shall be refunded.

Source: Laws 1994, LB 76, § 176; Laws 1997, LB 764, § 56; Laws 1998, LB 896, § 9; Laws 1998, LB 1161, § 12; [Laws 1999, LB 272, § 16](#); [Laws 1999, LB 802, § 13](#); [Laws 2003, LB 537, § 1](#); [Laws 2004, LB 323, § 2](#); [Laws 2014, LB946, § 12](#); [Laws 2021, LB285, § 11](#).

32-609. Candidate filing form; designation of political affiliation prohibited; when.

The candidate filing form filed pursuant to sections [32-606](#) and [32-607](#) by each candidate for the State Board of Education, member of the Legislature, Regent of the University of Nebraska, director of a public power and irrigation district, reclamation district, or natural resources district, every other nonpartisan office created by law, member of a school board of a Class IV or V school district, and candidate for elective office of a city of the first or second class or a village shall not in any way refer to or designate the political affiliation of the candidate except as otherwise provided pursuant to section [32-557](#).

Source: Laws 1994, LB 76, § 177; Laws 1997, LB 764, § 57; [Laws 1999, LB 272, § 17](#).

32-610. Partisan elections; candidate; requirements.

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 if subsection (2) of section [32-720](#) applies to the political party. For any other political party, 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)
 - (a) the political party has at least ten thousand persons affiliated as indicated by voter registration records in Nebraska or
 - (b) at one of the two immediately preceding statewide general elections,
 - (i) a candidate nominated by the political party polled at least five percent of the entire vote in the state in a statewide race or
 - (ii) 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.

Source: Laws 1994, LB 76, § 178; [Laws 2012, LB1035, § 1](#); [Laws 2014, LB1048, § 2](#); [Laws 2017, LB34, § 1](#).

32-611. Nomination by registered voters; affidavit; requirements; candidate filing form; when required.

Twenty-five registered voters of the same political party may seek to have a person's name placed on the primary election ballot as a partisan candidate by filing an affidavit stating that they are registered voters, the political party with which they are registered, the name of the proposed candidate, and that the proposed candidate is a registered voter of the same political party. The affidavit shall be filed in the same manner and with the same filing officer as provided for candidate filing forms. The proposed candidate shall, within five days from the date of the filing of the affidavit, file a candidate filing form as provided in section [32-607](#) stating that he or she is a registered voter and is affiliated with the political party named in

the affidavit. If the candidate filing form is not filed within such five-day period, the name of the candidate shall not be placed upon the primary election ballot.

Source: Laws 1994, LB 76, § 179.

32-612. Change of political party affiliation; requirements for candidacy; prohibited acts.

(1) A change of political party affiliation by a registered voter so as to affiliate with the political party named in the candidate filing form or in an affidavit as a write-in candidate pursuant to section [32-615](#) after the first Friday in December prior to the statewide primary election shall not be effective to meet the requirements of section [32-610](#) or [32-611](#) or subsection (4) of this section, except that any person may change his or her political party affiliation after the first Friday in December prior to the statewide primary election to become a candidate of a new political party which has successfully completed the petition process required by section [32-716](#).

(2) No registered voter, candidate, or proposed candidate shall swear falsely as to political party affiliation or shall swear that he or she affiliates with two or more political parties. Any candidate who swears falsely as to political party affiliation or swears that he or she affiliates with two or more political parties shall not be the candidate of such party and shall not be entitled to assume the office for which he or she filed even if he or she receives a majority or plurality of the votes therefor at the following general election.

(3) The name of a candidate shall not appear printed on more than one political party ballot. A candidate who is the nominee of one political party shall not accept the nomination of another political party.

(4) In order to count write-in votes on a political party ballot in the primary election, the candidate who receives the votes must be a registered voter of that political party unless the political party allows candidates not affiliated with the party by not adopting a rule under section [32-702](#).

Source: Laws 1994, LB 76, § 180; Laws 1997, LB 764, § 58; [Laws 2007, LB646, § 4](#); [Laws 2015, LB575, § 16](#).

32-613. President; nominating petition; consent of candidate required; form of petition.

Any petition to place a person's name on the primary election ballot for President of the United States shall contain the names of not less than one hundred voters registered with the appropriate political party from each congressional district of the state, except that if the political party dissolves as provided in subsection (2) of section [32-720](#), the Secretary of State shall not accept a petition under this section. The name of the candidate for President shall be placed upon the ballot only when written consent of such person has been filed with the Secretary of State not less than sixty days before the primary election. The form of the petition shall comply with the requirements of section [32-628](#) and shall as nearly as possible conform to the form prescribed by the Secretary of State.

Source: Laws 1994, LB 76, § 181; Laws 1997, LB 764, § 59; [Laws 2014, LB1048, § 3](#).

32-614. President; petition candidates or advocated or recognized candidates; placing on ballot; affidavit of rejection of candidacy; purged candidate, when.

The names of persons in the political party

(1) who are presented by petition of their supporters to be party candidates for President of the United States or

(2) who have been determined by the Secretary of State to be generally advocated or recognized as candidates in national news media throughout the United States shall be printed on the primary election ballot for the office of President of the United States.

This section does not apply if the political party dissolves as provided in subsection (2) of section [32-720](#).

If a person does not want his or her name on the Nebraska primary election ballot, he or she shall, by March 10 of the presidential election year, execute and file an affidavit with the Secretary of State stating without qualification that he or she is not now and does not intend to become a candidate for office of President of the United States at the next presidential election in Nebraska or any other state. If a presidential candidate files such affidavit removing his or her name and subsequently becomes a

presidential candidate in another state, the candidate's affidavit in Nebraska shall be purged and shall have no force and effect. The Secretary of State shall then place such candidate's name on the primary election ballot.

Source: Laws 1994, LB 76, § 182; Laws 1997, LB 764, § 60; [Laws 2014, LB1048, § 4](#).

32-615. Write-in candidate; requirements.

(1) Except as otherwise provided in subsection (2) of this section, any candidate engaged in or pursuing a write-in campaign shall file a notarized affidavit of his or her intent together with the receipt for any filing fee with the filing officer as provided in section [32-608](#) no earlier than January 5 and no later than the second Friday prior to the election.

(2) For any county office elected pursuant to sections [32-517](#) to [32-529](#) which is subject to subdivision (1)(b) of section [32-811](#), a candidate may engage in or pursue a write-in campaign if he or she files a notarized affidavit of his or her intent together with the receipt for the filing fee with the filing officer as provided in section [32-608](#) on or before March 3 of the year of the statewide primary election. If such an affidavit is filed as prescribed, the election commissioner or county clerk shall place that county office on the statewide primary election ballot with the names of the candidate properly filed for the nomination of the applicable political party and a line for write-in candidates.

(3) A candidate submitting an affidavit under this section for a partisan office shall be a registered voter of the political party named in the affidavit unless the political party allows candidates not affiliated with the party by not adopting a rule under section [32-702](#).

(4) A candidate who has been defeated as a candidate in the primary election or defeated as a write-in candidate in the primary election shall not be eligible as a write-in candidate for the same office in the general election unless

(a) a vacancy on the ballot exists pursuant to section [32-625](#) or

(b) the candidate was a candidate for an office described in sections [32-512](#) to [32-550](#) and the candidate lost the election as a result of a determination pursuant to section [32-1122](#) in the case of a tie vote.

(5) A candidate who files a notarized affidavit shall be entitled to all write-in votes for the candidate even if only the last name of the candidate has been written if such last name is reasonably close to the proper spelling.

Source: Laws 1994, LB 76, § 183; [Laws 2002, LB 251, § 4](#); [Laws 2003, LB 537, § 2](#); [Laws 2011, LB449, § 5](#); [Laws 2014, LB56, § 1](#); [Laws 2014, LB144, § 2](#); [Laws 2015, LB575, § 17](#); [Laws 2022, LB843, § 25](#).

32-616. Nomination for general election; other methods.

(1) Any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or after March 1 and before the general election in the calendar year of the general election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in sections [32-617](#) to [32-621](#) or by nomination by political party convention or committee pursuant to section [32-627](#) or [32-710](#).

(2) Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under subsection (2) of section [32-625](#) and the candidate files for the office by petition as prescribed in sections [32-617](#) and [32-618](#), files as a write-in candidate as prescribed in section [32-615](#), or is nominated by political party convention or committee pursuant to section [32-627](#) or [32-710](#).

Source: Laws 1994, LB 76, § 184; Laws 1997, LB 764, § 61; [Laws 2002, LB 251, § 5](#); [Laws 2011, LB368, § 1](#); [Laws 2011, LB449, § 6](#); [Laws 2014, LB946, § 13](#).

32-617. Nomination by petition; requirements; procedure.

(1) Petitions for nomination for partisan and nonpartisan offices shall conform to the requirements of section [32-628](#). Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. A sample copy of the petition shall be filed with the filing officer prior to circulation. Petitions shall be signed by registered voters

residing in the district or political subdivision in which the officer is to be elected and shall be filed with the filing officer in the same manner as provided for candidate filing forms in section [32-607](#). Petition signers and petition circulators shall conform to the requirements of sections [32-629](#) and [32-630](#). No petition for nomination shall be filed unless there is attached thereto a receipt showing the payment of the filing fee required pursuant to section [32-608](#). Such petitions shall be filed by September 1 in the year of the general election.

(2) The filing officer shall verify the signatures according to section [32-631](#). Within three days after the signatures on a petition for nomination have been verified pursuant to such section and the filing officer has determined that pursuant to section [32-618](#) a sufficient number of registered voters signed the petitions, the filing officer shall notify the candidate so nominated by registered or certified mail, and the candidate shall, within five days after the date of receiving such notification, file with such officer his or her acceptance of the nomination or his or her name will not be printed on the ballot.

(3) A candidate placed on the ballot by petition shall be termed a candidate by petition. The words BY PETITION shall be printed upon the ballot after the name of each candidate by petition.

Source: Laws 1994, LB 76, § 185; [Laws 2003, LB 537, § 3](#); [Laws 2011, LB499, § 2](#).

32-618. Nomination by petition; number of signatures required.

(1) The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be as follows:

(a) For each nonpartisan office other than members of the Board of Regents of the University of Nebraska and board members of a Class III school district, at least ten percent of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the district or political subdivision in which the officer is to be elected, not to exceed two thousand;

(b) For members of the Board of Regents of the University of Nebraska, at least ten percent of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the regent district in which the officer is to be elected, not to exceed one thousand; and

(c) For board members of a Class III school district, at least twenty percent of the total number of votes cast for the board member receiving the highest number of votes at the immediately preceding general election in the school district.

(2) The number of signatures of registered voters needed to place the name of a candidate for an office upon the partisan ballot for the general election shall be as follows:

(a) For each partisan office to be filled by the registered voters of the entire state, at least four thousand, and at least seven hundred fifty signatures shall be obtained in each congressional district in the state;

(b) For each partisan office to be filled by the registered voters of a county, at least twenty percent of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election within the county, not to exceed two thousand, except that the number of signatures shall not be required to exceed twenty-five percent of the total number of registered voters voting for the office at the immediately preceding general election; and

(c) For each partisan office to be filled by the registered voters of a political subdivision other than a county, at least twenty percent of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election within the political subdivision, not to exceed two thousand.

Source: Laws 1994, LB 76, § 186; Laws 1997, LB 764, § 62; [Laws 2003, LB 181, § 5](#); [Laws 2003, LB 461, § 3](#); [Laws 2007, LB298, § 1](#); [Laws 2011, LB399, § 1](#); [Laws 2016, LB874, § 2](#); [Laws 2019, LB411, § 39](#).

32-619. Governor; selection of running mate; when.

Any candidate for the office of Governor circulating petitions or having petitions circulated in his or her behalf after the primary election and prior to the general election shall, prior to the circulation of such petitions, select the person whom he or she wishes to be his or her Lieutenant Governor for ballot purposes and have such person's name placed on the petitions. The written consent required under

section [32-619.01](#) of the Lieutenant Governor candidate shall be submitted when the petitions are submitted for verification.

Source: Laws 1994, LB 76, § 187; Laws 1997, LB 764, § 63; [Laws 2001, LB 768, § 3.](#)

32-619.01. Governor; selection of running mate; filing; procedure.

The candidate for Governor of each political party receiving the highest number of votes in the primary election shall select a candidate for Lieutenant Governor of the same political party by filing an affidavit indicating his or her choice with the Secretary of State. The candidate for Lieutenant Governor shall file a written consent with the Secretary of State. Both the affidavit and the written consent shall be filed on or before September 1 for the names to be on the general election ballot. The written consent shall be in lieu of a candidate filing form, and no filing fees shall be required for the candidate for Lieutenant Governor.

Source: [Laws 2001, LB 768, § 2.](#)

32-620. President and Vice President; candidates; certification; new political party; how treated; requirements; nonpartisan status; filing; application; contents.

(1) Partisan candidates for the offices of President and Vice President of the United States on the general election ballot shall be certified to the Governor and Secretary of State by the national nominating convention as provided by law.

(2) Candidates for the offices of President and Vice President of the United States of newly established political parties may obtain general election ballot position by filing with the Secretary of State an application containing:

- (a) The name or names to be printed on the ballot;
- (b) The name of the political party;
- (c) The written consent of the designated vice-presidential candidate to have his or her name printed on the ballot; and

(d) The names and addresses of the persons who will represent the applicant as presidential elector candidates together with the written consent of such persons to become candidates.

(3) Candidates for the offices of President and Vice President of the United States of nonpartisan status may obtain general election ballot position by filing with the Secretary of State:

- (a) An application containing:
 - (i) The name or names to be printed on the ballot;
 - (ii) The status of the candidacy as nonpartisan;
 - (iii) The written consent of the designated vice-presidential candidate to have his or her name printed on the ballot; and
 - (iv) The names and addresses of the persons who will represent the applicant as presidential elector candidates together with the written consent of such persons to become candidates; and

(b) A petition signed by not less than two thousand five hundred registered voters. Such petitions shall conform to the requirements of section [32-628](#) and shall be filed with the Secretary of State by August 1 in the year of the presidential general election.

Source: Laws 1994, LB 76, § 188; Laws 1997, LB 764, § 64; [Laws 2013, LB349, § 3.](#)

32-621. New political party; candidates; filing fee; petition of nomination.

When a new political party has been properly established under section [32-716](#) prior to the general election and after the primary election of the same year, all candidates except candidates for President or Vice President of the United States shall pay the filing fee as provided in section [32-608](#), file a candidate filing form with the filing officer as provided in section [32-607](#) no later than September 1 prior to the general election accompanied by a petition of nomination containing the names of not less than twenty-five registered voters of the political party obtained from the appropriate jurisdiction, and comply with the Nebraska Political Accountability and Disclosure Act.

Source: Laws 1994, LB 76, § 189; Laws 1997, LB 764, § 65.

Cross References: **Nebraska Political Accountability and Disclosure Act**, see section [49-1401](#).

32-622. Candidates; withdrawal after filing; notice, to whom given; extension of time for declination.

(1) If any person who has filed for elective office pursuant to subsection (1) of section [32-606](#) notifies the filing officer in writing duly acknowledged by March 1 before the primary election that he or she declines to be a candidate, the name shall not be printed on the primary election ballot, but no declination shall be effective after such date. A filing of nomination pursuant to section [32-611](#) shall extend the time for declination until March 6 before the primary election.

(2) If any person who has filed for elective office pursuant to subsection (2) of section [32-606](#) notifies the filing officer in writing duly acknowledged by August 1 before the general election that he or she declines to be a candidate, the name shall not be printed on the general election ballot, but no declination shall be effective after such date.

(3) Any election commissioner or county clerk receiving notice of declination for a candidate who originally filed with the Secretary of State shall immediately notify the office of the Secretary of State by telephone and forward the declination statement.

Source: Laws 1994, LB 76, § 190; [Laws 1999, LB 802, § 14.](#)

32-623. Declination of nomination; deadline; notice, to whom given; vacancy, how filled.

If any person nominated for elective office for the general election notifies the filing officer with whom the candidate filing form or other acceptance of nomination was filed by filing a statement, in writing and duly acknowledged, that he or she declines such nomination on or before August 1 before the election, the person's name shall not be printed on the ballot, but no declination shall be effective after such date. The filing officer shall inform one or more persons whose names are attached to the nomination if the candidate was nominated by a political party convention or committee or, if nominated at a primary election, the chairperson or secretary of the campaign or political party committee of his or her political party if there is one within the jurisdiction of the filing officer and, if not, at least three of the prominent members of the candidate's political party within the jurisdiction of the filing officer that such candidate has declined the nomination by mailing or delivering to them personally notice of such fact. Such declination shall create a vacancy on the ballot which may be filled pursuant to section [32-627](#). In lieu of filing a declination with the Secretary of State, the person so nominated may file a declination with the election commissioner or county clerk in the county in which he or she resides. Any election commissioner or county clerk receiving such a declination shall within five days after its receipt forward a copy of the written declination statement to the Secretary of State. The Secretary of State shall make notifications required by this section for all individuals for whom he or she receives a copy of the written declination statement.

Source: Laws 1994, LB 76, § 191; [Laws 2012, LB503, § 1](#); [Laws 2022, LB843, § 26.](#)

32-624. Candidate filing forms; objections; notice; actions authorized; filing officer; powers and duties.

A candidate filing form which appears to conform with sections [32-606](#) and [32-607](#) shall be deemed to be valid unless objections are made in writing within seven days after the filing deadline. If an objection is made, notice shall be mailed to all candidates who may be affected thereby. Any political party committee may institute actions in court based upon fraud or crime resorted to in connection with the candidate filing forms or the acceptance of a nomination. No county committee shall have the authority to bring such action as to candidates for congressional or state office or as to candidates to be elected from legislative districts composed of more than one county. A state political party committee may institute actions to determine the legality of any candidate for a state or congressional office or for any district office if the district composes more than one county. Objections to the use of the name of a political party may also be made and passed upon in the same manner as objections to a candidate filing form or other acceptance of nomination.

The filing officer with whom the candidate filing form was filed shall determine the validity of such objection, and his or her decision shall be final unless an order is made in the matter by a judge of the county court, district court, Court of Appeals, or Supreme Court on or before the fifty-fifth day preceding the election. Such order may be made summarily upon application of any political party committee or

other interested party and upon such notice as the court or judge may require. The decision of the Secretary of State or the order of the judge shall be binding on all filing officers.

Source: Laws 1994, LB 76, § 192; [Laws 2002, LB 1054, § 17.](#)

32-625. Vacancy on ballot; how filled.

(1) If there is a vacancy on the ballot for a nonpartisan office after the time for filing and before the primary election, the vacancy may only be filled by a petition candidate after the primary election pursuant to sections [32-617](#) and [32-618](#).

(2) A vacancy shall exist on the ballot for the general election when

(a) any person ceases to be a candidate for the office for which he or she filed a candidate filing form in the primary election and the number of candidates for office is less than twice the number of positions to be filled,

(b) no person was nominated for the office in the primary election, or

(c) one of the candidates who received a certificate of nomination for a nonpartisan office as a result of a primary election is ineligible, disqualified, deceased, or for any other reason unable to assume the office for which he or she was a candidate.

If such a vacancy exists for a nonpartisan office, such vacancy may be filled by filing petitions for nomination pursuant to such sections no later than September 1 prior to the general election.

Source: Laws 1994, LB 76, § 193; [Laws 2002, LB 251, § 6.](#)

32-627. Partisan office; vacancy on ballot; how filled.

(1) If a vacancy on the ballot arises for any partisan office except President and Vice President of the United States before a general election, the vacancy shall be filled by the majority vote of the proper committee of the same political party. If the vacancy exists for an office serving only a particular district of the state, only those members of the political party committee who reside within that district shall participate in selecting the candidate to fill the vacancy. No vacancy on the ballot shall be deemed to have occurred if a political party makes no nomination of a candidate at the primary election for the office. If a vacancy on the ballot arises for Governor, the vacancy shall be filled by the majority vote of the proper committee of the same political party, and the candidate for Governor shall select a person of the same political party to be the candidate for Lieutenant Governor on the general election ballot. If a vacancy on the ballot arises for the Lieutenant Governor on or before September 1, the candidate for Governor shall select a new candidate for Lieutenant Governor in the same manner as required in section [32-619.01](#).

(2) The chairperson and secretary of the executive committee for the political party shall make and file with the filing officer a certificate setting forth the cause of the vacancy, the name of the person so nominated, the office for which he or she was nominated, the name of the person for which the new nominee is to be substituted, the place of residence of the person so nominated, the street and number of the residence or place of business of the person so nominated if such person resides in a city, and the name of the political party with which the person so nominated affiliates which such committee represents. The certificate shall be signed by the chairperson and secretary with the name and places of their residences and sworn to by them before some officer authorized to administer oaths. If there is no executive committee of the political party or in lieu of the executive committee filling such vacancy, a mass convention of the political party may fill the vacancy and the chairperson and secretary of such convention shall make and file with the filing officer a certificate in form and manner substantially as is required to be filed by the chairperson and secretary of the executive committee under this subsection. The certificate shall be filed by September 1 for a general election and have the same force and effect as the candidate filing form provided for in section [32-607](#). The filing fee charged to candidates for such offices shall accompany the filing of the certificate.

Source: Laws 1994, LB 76, § 195; [Laws 2001, LB 768, § 4](#); [Laws 2012, LB503, § 2.](#)

32-628. Petitions; requirements.

(1) All petitions prepared or filed pursuant to the Election Act or any petition which requires the election commissioner or county clerk to verify signatures by utilizing the voter registration register shall provide a space at least two and one-half inches long for written signatures, a space at least two inches

long for printed names, and sufficient space for date of birth and street name and number, city or village, and zip code. Lines on each petition shall not be less than one-fourth inch apart. Petitions may be designed in such a manner that lines for signatures and other information run the length of the page rather than the width. Petitions shall provide for no more than twenty signatures per page.

(2) For the purpose of preventing fraud, deception, and misrepresentation, every sheet of every petition containing signatures shall have upon it, above the signatures, the statements contained in this subsection, except that a petition for recall of an elected official shall also have the additional information specified in subsection (2) of section [32-1304](#). The statements shall be printed in boldface type in substantially the following form:

WARNING TO PETITION SIGNERS—VIOLATION OF ANY OF THE FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL CHARGES: Any person who signs any name other than his or her own to any petition or who is not qualified to sign the petition shall be guilty of a Class I misdemeanor. Any person who falsely swears to a circulator's affidavit on a petition, who accepts money or other things of value for signing a petition, or who offers money or other things of value in exchange for a signature upon any petition shall be guilty of a Class IV felony.

(3) Every sheet of a petition which contains signatures shall have upon it, below the signatures, an affidavit as provided in this subsection, except that the affidavit for a petition for recall of an elected official shall also include the additional language specified in subsection (3) of section [32-1304](#). The affidavit shall be in substantially the following form:

STATE OF NEBRASKA)	
)	ss.
COUNTY OF)	

....., (name of circulator) being first duly sworn, deposes and says that he or she is the circulator of this petition containing signatures, that he or she is at least eighteen years of age, that each person whose name appears on the petition personally signed the petition in the presence of the affiant, that the date to the left of each signature is the correct date on which the signature was affixed to the petition and that the date was personally affixed by the person signing such petition, that the affiant believes that each signer has written his or her name, street and number or voting precinct, and city, village, or post office address correctly, that the affiant believes that each signer was qualified to sign the petition, and that the affiant stated to each signer the object of the petition as printed on the petition before he or she affixed his or her signature to the petition.

Circulator
 Address
 Subscribed and sworn to before me, a notary public, this day of 20.... at,
 Nebraska.
 Notary Public

(4) Each sheet of a petition shall have upon its face and in plain view of persons who sign the petition a statement in letters not smaller than sixteen-point type in red print on the petition. If the petition is circulated by a paid circulator, the statement shall be as follows: This petition is circulated by a paid circulator. If the petition is circulated by a circulator who is not being paid, the statement shall be as follows: This petition is circulated by a volunteer circulator.

Source: [Laws 1994, LB 76, § 196](#); [Laws 1995, LB 337, § 3](#); [Laws 1997, LB 460, § 1](#); [Laws 1999, LB 234, § 9](#); [Laws 2002, LB 1054, § 18](#); [Laws 2003, LB 444, § 5](#); [Laws 2008, LB39, § 1](#); [Laws 2012, LB759, § 1](#).

32-629. Petitions; signer; qualification; exception; circulator; qualification.

(1) Except as otherwise provided in section [32-1404](#) for initiative and referendum petitions, only a registered voter of the State of Nebraska shall qualify as a valid signer of a petition and may sign petitions under the Election Act.

(2) Only a person who is at least eighteen years of age shall qualify as a valid circulator of a petition and may circulate petitions under the Election Act.

Source: Laws 1994, LB 76, § 197; [Laws 2003, LB 444, § 6](#); [Laws 2008, LB39, § 2](#); [Laws 2012, LB759, § 2](#).

32-630. Petitions; signers and circulators; duties; prohibited acts.

(1) Each person who signs a petition shall, at the time of and in addition to signing, personally affix the date, print his or her last name and first name in full, and affix his or her date of birth and address, including the street and number or a designation of a rural route or voting precinct and the city or village or a post office address. A person signing a petition may use his or her initials in place of his or her first name if such person is registered to vote under such initials. No signer shall use ditto marks as a means of personally affixing the date or address to any petition. A wife shall not use her husband's first name when she signs a petition but shall personally affix her first name and her last name by marriage or her surname. Any signature using ditto marks as a means of personally affixing the date or address of any petition or any signature using a spouse's first name instead of his or her own shall be invalid.

(2) Each circulator of a petition shall personally witness the signatures on the petition and shall sign the circulator's affidavit.

(3) No person shall:

(a) Sign any name other than his or her own to any petition;

(b) Knowingly sign his or her name more than once for the same petition effort or

measure;

(c) Sign a petition if he or she is not a registered voter and qualified to sign the same

except as provided in section [32-1404](#);

(d) Falsely swear to any signature upon any such petition;

(e) Accept money or other thing of value for signing any petition; or

(f) Offer money or other thing of value in exchange for a signature upon any petition.

Source: Laws 1994, LB 76, § 198; Laws 1997, LB 460, § 2; [Laws 2003, LB 444, § 7](#); [Laws 2008, LB39, § 3](#); [Laws 2015, LB367, § 1](#).

32-631. Petitions; signature verification; procedure.

(1) All petitions that are filed with the election commissioner or county clerk for signature verification shall be retained in the election office and shall be open to public inspection. Upon receipt of the pages of a petition, the election commissioner or county clerk shall issue a written receipt indicating the number of pages of the petition in his or her custody to the person filing the petition for signature verification. Petitions may be destroyed twenty-two months after the election to which they apply.

(2) The election commissioner or county clerk shall determine the validity and sufficiency of such petition by comparing the names, dates of birth if applicable, and addresses of the signers with the voter registration records to determine if the signers were registered voters on the date of signing the petition. If it is determined that a signer has affixed his or her signature more than once to any petition and that only one person is registered by that name, the election commissioner or county clerk shall strike from the pages of the petition all but one such signature. Only one of the duplicate signatures shall be added to the total number of valid signatures. All signatures, dates of birth, and addresses shall be presumed to be valid if the election commissioner or county clerk has found the signers to be registered voters on or before the date on which the petition was signed. This presumption shall not be conclusive and may be rebutted by any credible evidence which the election commissioner or county clerk finds sufficient.

(3) If the election commissioner or county clerk verifies signatures in excess of one hundred ten percent of the number necessary for the issue to be placed on the ballot, the election commissioner or county clerk may cease verifying signatures and certify the number of signatures verified to the person who delivered the petitions for verification.

(4) If the number of signatures verified does not equal or exceed the number necessary to place the issue on the ballot upon completion of the comparison of names and addresses with the voter registration records, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name and address of each signer found not to be a registered voter and the petition page number and line number where the signature is found. If the signature or address is challenged for a reason other than the nonregistration of the signer, the election commissioner or county clerk shall set forth the reasons for the challenge of the signature.

Source: Laws 1994, LB 76, § 199; Laws 1997, LB 460, § 3; Laws 1997, LB 764, § 66; [Laws 2003, LB 444, § 8](#); [Laws 2019, LB411, § 40](#).

32-632. Petition; removal of name; procedure.

Any person may remove his or her name from a petition by an affidavit signed and sworn to by such person before the election commissioner, the county clerk, or a notary public. The affidavit shall be presented to the Secretary of State, election commissioner, or county clerk prior to or on the day the petition is filed for verification with the election commissioner or county clerk.

Source: Laws 1994, LB 76, § 200; Laws 1997, LB 764, § 67; [Laws 2011, LB499, § 3](#).

32-633. President; write-in campaign; filing; application; contents.

Any person engaged in or pursuing a write-in campaign for the office of President of the United States shall file with the Secretary of State a notarized affidavit of his or her intent together with an application containing:

- (1) The name of the person pursuing the write-in campaign;
- (2) The written consent of the designated vice-presidential candidate; and
- (3) The names and addresses of the persons who will represent the applicant as presidential elector candidates together with the written consent of such persons to become candidates.

Source: [Laws 2013, LB349, § 2](#).

Article 7 – Delegates, Conventions, & Political Parties

32-701. Political party; file delegate selection plan; contents; President; preference vote.

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

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

(b) Specify whether the delegates and alternate delegates are committed to a candidate for President of the United States based on the results of

(i) a caucus system which is open to all Nebraska residents who are affiliated with the party for purposes of registering to vote in Nebraska,

(ii) election at the statewide primary election, or

(iii) a combination of the methods listed in subdivisions (i) and (ii) of this subdivision;

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

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

(2) When candidates for the office of President of the United States are to be nominated, every registered voter of a political party shall have the opportunity to vote his or her preference on his or her party nominating ballot for his or her choice for one person to be the candidate of his or her political party for President of the United States by writing the name of the person of his or her choice for President in the blank space to be left upon the ballot for such purpose and making a cross or mark in the square or oval opposite the written name or by making a cross or mark in the square or oval opposite the printed name of the person of his or her choice.

Source: Laws 1994, LB 76, § 201; [Laws 2014, LB1048, § 5.](#)

32-702. Partisan primary election; candidate; affiliation required; when; rule or revocation of rule; when effective.

Any political party may, by the adoption of a rule, require that any individual whose name is placed on such party's partisan primary election ballot be a registered voter affiliated with such party. If the political party adopts or revokes the rule and notifies the Secretary of State by filing the rule or notice of the revocation with the Secretary of State prior to December 1 of the calendar year before a statewide primary election, the rule or revocation is effective for the next and subsequent statewide primary elections. If a rule or notice of revocation is filed with the Secretary of State on or after December 1 of the calendar year before a statewide primary election and on or before the day of the statewide primary election, the rule or revocation is effective for the subsequent statewide primary elections.

Source: Laws 1994, LB 76, § 202; [Laws 2014, LB1048, § 6.](#)

32-703. Delegates to national convention; selection or election; national party rules; state political party; duty.

In each presidential election year, the total number of delegates and alternate delegates representing this state at the national conventions of the political parties and their method of selection or election shall be determined by the rules of the national political party holding the convention. The Secretary of State in consultation with the Attorney General shall have the authority to do all things necessary in the administration of the Election Act, including ballot preparation, separation of ballots, and ballot instructions, to comply with and carry out the intent of national political party rules and court decisions.

Whenever the act is in conformity with national political party rules as to the election of delegates, the election procedures found in the act shall be followed. The state political party shall furnish a copy of the national political party rules regarding selection of delegates to the Secretary of State no later than December 1 of the year preceding each presidential election year.

Source: Laws 1994, LB 76, § 203; Laws 1997, LB 764, § 68; [Laws 2014, LB1048, § 7](#).

32-704. Candidates; delegate or alternate delegate to national convention; filing form; contents; Secretary of State; duties.

Any person seeking to be elected as a delegate or alternate delegate to the national convention of a political party shall submit a filing form under this section regardless of the method of election used by the political party. The filing form for nomination of a candidate for election as a delegate or alternate delegate to the national convention of a political party shall

(1) contain a statement of commitment to a candidate for the office of President of the United States or that he or she is uncommitted,

(2) include a pledge swearing to support the candidate for President of the United States to which the candidate for delegate or alternate delegate to the national convention is committed until

(a) such candidate receives less than thirty-five percent of the votes for nomination by such convention or releases the delegate from such commitment or

(b) two convention nominating ballots have been taken, and

(3) be filed with the Secretary of State. No filing form for nomination shall be accepted unless signed by the candidate. The Secretary of State shall prescribe the filing form for nomination.

Source: Laws 1994, LB 76, § 204; [Laws 2014, LB1048, § 8](#).

32-705. Delegates to national convention; certificates of election; Secretary of State shall issue.

The Secretary of State shall issue certificates of election to persons elected as delegates to national conventions of the political parties. The certificate shall show the number of votes received in the state by each candidate of the political party for President represented by such delegate.

Source: Laws 1994, LB 76, § 205.

32-707. County conventions; time; place; notice; registration of delegates; procedure.

(1) A political party may conduct county conventions at an hour and place to be designated by a political party. The political party shall cause to be published, at least seven days prior to the date of the county convention, an official notice of the date, time, and place of the convention. The political party may elect to have delegates to the county convention register with the election commissioner or county clerk.

(2) If a political party elects to have delegates to the county convention register with the election commissioner or county clerk, such delegates shall register with the election commissioner or county clerk on or before March 1 of each year in which the political party conducts a county convention. The election commissioner or county clerk shall deliver to the state chairperson of a political party the roll, properly certified, showing the name, address, and precinct of each delegate registered for such convention, no later than March 15 of each presidential election year. If there is not a full quota of delegates for the county convention as established by the political party, the delegates at the county convention may select delegates to fill the quota from the registered voters affiliated with the political party in the county.

Source: Laws 1994, LB 76, § 207; Laws 1997, LB 764, § 69; [Laws 2009, LB133, § 1](#); [Laws 2014, LB1048, § 9](#).

32-710. State conventions; when held; organization; platform; selection of presidential electors.

Each political party shall hold a state convention biennially on a date to be fixed by the state central committee but not later than September 1. Candidates for elective offices may be nominated at such conventions pursuant to section [32-627](#) or [32-721](#). Such nominations shall be certified to the Secretary of State by the chairperson and secretary of the convention. The certificates shall have the same force and effect as nominations in primary elections. A political party may not nominate a candidate at the

convention for an office for which the party did not nominate a candidate at the primary election except as provided for new political parties in section [32-621](#). The convention shall formulate and promulgate a state platform, select a state central committee, select electors for President and Vice President of the United States, and transact the business which is properly before it. One presidential elector shall be chosen from each congressional district, and two presidential electors shall be chosen at large. The officers of the convention shall certify the names of the electors to the Governor and Secretary of State. **Source:** Laws 1994, LB 76, § 210; Laws 1997, LB 764, § 70; [Laws 2011, LB368, § 2](#); [Laws 2015, LB575, § 18](#).

32-712. President and Vice President; candidates; certification of names and addresses; time; Secretary of State; place names on ballot.

Not later than September 8 prior to any general election at which candidates for President and Vice President of the United States are to be voted upon by the registered voters of the state, the appropriate officers of the various national political party conventions shall certify the names and addresses of such candidates selected by convention to the Secretary of State. The Secretary of State shall then take appropriate steps to place the names of the presidential and vice-presidential candidates on the ballot. **Source:** Laws 1994, LB 76, § 212; [Laws 2008, LB857, § 1](#).

32-713. Presidential electors; notice of appointment; meeting; pledge.

(1) The certificates of appointment for presidential electors shall be served by the Governor on each person appointed. The Governor shall notify the presidential electors to be at the State Capitol at noon on the first Monday after the second Wednesday in December after appointment and report to the Governor at his or her office in the capitol as being in attendance. The Governor shall serve the certificates of appointment by registered or certified mail. In submitting this state's certificate of ascertainment as required by 3 U.S.C. 6, the Governor shall certify this state's presidential electors and state in the certificate that:

(a) The presidential electors will serve as presidential electors unless a vacancy occurs in the office of presidential elector before the end of the meeting at which the presidential electors cast their votes, in which case a substitute presidential elector will fill the vacancy; and

(b) If a substitute presidential elector is appointed to fill a vacancy, the Governor will submit an amended certificate of ascertainment stating the names on the final list of this state's presidential electors.

(2) The presidential electors shall convene at 2 p.m. of such Monday at the Governor's office in the capitol. Each presidential elector shall execute the following pledge: As a presidential elector duly selected (or appointed) for this position, I agree to serve and to mark my ballots for President and Vice President for the presidential and vice-presidential candidates who received the highest number of votes in the state if I am an at-large presidential elector or the highest number of votes in my congressional district if I am a congressional district presidential elector.

Source: Laws 1994, LB 76, § 213; [Laws 2014, LB946, § 14](#).

32-714. Presidential electors; vacancies; how filled; meeting; procedure; violation of pledge; effect.

(1) The Governor shall provide each presidential elector with a list of all the presidential electors. If any presidential elector is absent or if there is a deficiency in the proper number of presidential electors, those present shall elect from the citizens of the state so many persons as will supply the deficiency and immediately issue a certificate of election, signed by those present or a majority of them, to the person or persons so chosen. In case of failure to elect as required in this subsection by 3 p.m. of such day or in case of a vacancy created under subsection (4) of this section, the Governor shall fill the vacancies by appointment. Each appointee shall execute the pledge in section [32-713](#). After all vacancies are filled, the presidential electors shall proceed with the election of a President of the United States and a Vice President of the United States and certify their votes in conformity with the Constitution and laws of the United States.

(2) The Secretary of State shall provide each presidential elector with a presidential and vice-presidential ballot. Each at-large presidential elector shall mark his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in the state and consistent with his or her pledge. Each congressional district presidential elector shall mark his or her ballot for the presidential and vice-presidential candidates who received the highest number of votes in his or her congressional district and consistent with his or her pledge.

(3) Each presidential elector shall present the completed ballot to the Secretary of State. The Secretary of State shall examine each ballot and accept as cast each ballot marked by a presidential elector consistent with his or her pledge. The Secretary of State shall not accept and shall not count the ballot if the presidential elector has not marked the ballot or has marked the ballot in violation of his or her pledge.

(4) A presidential elector who refuses to present a ballot, who attempts to present an unmarked ballot, or who attempts to present a ballot marked in violation of his or her pledge vacates the office of presidential elector.

Source: Laws 1994, LB 76, § 214; [Laws 2014, LB946, § 15](#).

32-715. Presidential electors; compensation.

The Secretary of State shall incorporate in his or her budget the sum of five hundred dollars for the payment of requests for payment or reimbursement presented by the presidential electors of the electoral college. The electors shall receive compensation of five dollars for each day of attendance and shall be reimbursed for mileage as provided in section [81-1176](#).

Source: Laws 1994, LB 76, § 215; Laws 1997, LB 764, § 71.

32-716. New political party; formation; petition; requirements.

(1) Any person, group, or association desiring to form a new political party shall present to the Secretary of State petitions containing signatures totaling not less than one percent of the total votes cast for Governor at the most recent general election for such office. The signatures of registered voters on such petitions shall be so distributed as to include registered voters totaling at least one percent of the votes cast for Governor in the most recent gubernatorial election in each of the three congressional districts in this state. Petition signers and petition circulators shall conform to the requirements of sections [32-629](#) and [32-630](#). The petitions shall be filed with the Secretary of State no later than January 15 before any statewide primary election for the new political party to be entitled to have ballot position in the primary election of that year. If the new political party desires to be established and have ballot position for the general election and not in the primary election of that year, the petitions shall be filed with the Secretary of State on or before July 15 of that year. Prior to the circulation of petitions to form a new political party, a sample copy of the petitions shall be filed with the Secretary of State by the person, group, or association seeking to establish the new party. The sample petition shall be accompanied by the name and address of the person or the names and addresses of the members of the group or association sponsoring the petition to form a new political party. The sponsor or sponsors of the petition shall file, as one instrument, all petition papers comprising a new political party petition for signature verification with the Secretary of State. All signed petitions in circulation but not filed with the Secretary of State shall become invalid after July 15 in the year of the statewide general election.

(2) The petition shall conform to the requirements of section [32-628](#). The Secretary of State shall prescribe the form of the petition for the formation of a new political party. The petition shall be addressed to and filed with the Secretary of State and shall state its purpose and the name of the party to be formed. Such name shall not be or include the name of any political party then in existence or any word forming any part of the name of any political party then in existence, and in order to avoid confusion regarding party affiliation of a candidate or registered voter, the name of the party to be formed shall not include the word "independent" or "nonpartisan". The petition shall contain a statement substantially as follows:

We, the undersigned registered voters of the State of Nebraska and the county of, being severally qualified to sign this petition, respectfully request that the above-named new political party be formed in the State of Nebraska, and each for himself or herself says: I have personally signed this petition on the date opposite my name; I am a registered voter of the State

of Nebraska and county of and am qualified to sign this petition; and my date of birth and city, village, or post office address and my street and number or voting precinct are correctly written after my name.

Source: Laws 1994, LB 76, § 216; Laws 1997, LB 460, § 4; [Laws 2006, LB 940, § 1](#); [Laws 2021, LB285, § 12](#).

32-717. New political party; validity of petition signatures; certification of establishment; copy of constitution and bylaws; filed.

Within twenty business days after all the petitions to form a new political party which contain signatures are filed with the Secretary of State, he or she shall determine the validity and sufficiency of such petitions and signatures. Clerical and technical errors in a petition shall be disregarded if the forms prescribed by the Secretary of State are substantially followed. If the petitions are determined to be sufficient and valid, the Secretary of State shall issue a certification establishing the new political party. Copies of such certification shall be issued to the person, group, or association forming the new political party. Within twenty days after the certification of establishment of the new political party by the Secretary of State, the person, group, or association forming the new political party or its new officers shall file with the Secretary of State the constitution and bylaws of such party along with a certified list of the names and addresses of the officers of the new political party.

Source: Laws 1994, LB 76, § 217; [Laws 2021, LB285, § 13](#).

32-719. Political party conventions; individual vote; unit voting prohibited.

At all political party conventions held under sections [32-707](#) and [32-710](#), each delegate shall be entitled to register his or her individual vote, and it shall be unlawful to attempt to bind any delegate by any political party or convention rules requiring the delegates from any political subdivision to such convention to vote as one unit.

Source: Laws 1994, LB 76, § 219; [Laws 2014, LB1048, § 10](#).

32-720. Division of political party ballot; preference; how determined; dissolution of political party; procedure; effect.

(1) In case of a division of any political party, the Secretary of State shall give the preference of party name to the convention held at the time and place designated in the call of the regularly constituted political party authorities, and if the other faction presents no other party name, the Secretary of State shall select a name or title and place the same on the ballot before the list of candidates of such faction. The action of the preceding national convention of such party, regularly called, shall determine the action of the Secretary of State or the court in its decision. The Secretary of State may be compelled by peremptory order of mandamus to perform such duty.

(2) A political party may dissolve by filing a notice of dissolution with the Secretary of State. The notice shall be filed by the executive committee or state central committee of the political party or, if no such committee exists, by an officer of the political party. If the notice is filed prior to December 1 of the calendar year before the statewide primary election, the Secretary of State shall not accept any filings for the political party or place the political party on the statewide primary election ballot for the statewide primary election.

Source: Laws 1994, LB 76, § 220; [Laws 2014, LB1048, § 11](#).

32-721. Candidate at special election; nomination by convention or committee; certificates of nomination; time of filing.

Any candidate of any political party for an office to be filled at a special election shall be nominated by a convention or central committee of his or her political party. The nomination shall be in writing, shall contain the name of the office for which each person was nominated and the name and residence of each person so nominated, including, if in a city, the street and number of residence, and place of business, if any, and shall designate in not more than five words the political party which such convention or committee represents. The presiding officer and the secretary of such convention or committee shall sign

the nomination and include their respective places of business and take an oath before an officer qualified to administer oaths that the affiants were such officers at such convention or committee and that the certificate and the statements therein contained are true to the best of their knowledge and belief. Such conventions or committee meetings shall be held not less than seventy days prior to the date fixed by law for the election of the persons so nominated. The nomination shall be filed with the filing officer prescribed in section [32-607](#) not less than seventy days before the election.

Source: Laws 1994, LB 76, § 221.

Article 8 – Ballots, Printing, Ballot Order, Public Notices, Rotation, & Write-Ins

32-801. Official ballot; certifications required.

At least fifty days before any statewide primary or general election, the Secretary of State shall transmit in ballot form to each election commissioner or county clerk a certification of the candidates, offices, and issues that appear on the state ballot. The certification prior to the primary election shall name the office to be filled, the length of the term, the number of candidates to be voted for, the name of each candidate for whom candidate filing forms or petitions have been filed in the office of the Secretary of State and who is entitled to be voted for at such primary election, and the party affiliation or nonpartisan status of each candidate. A separate statement of the city or village of residence of each candidate shall be included with the certification, but the city or village of residence shall not appear on the official ballot. The certification prior to the general election shall name the office to be filled, the length of the term, the number of candidates to be voted for, the name of each candidate who was nominated at the primary election or who filed by petition as shown by the records in the office of the Secretary of State and who is entitled to be voted for at the general election, and the party affiliation or nonpartisan status of each candidate for partisan offices.

Source: Laws 1994, LB 76, § 222; Laws 1997, LB 764, § 72.

32-802. Notice of election; contents.

The notice of election for any election shall state the date on which the election is to be held and the hours the polls will be open and list all offices, candidates, and issues that will appear on the ballots. The notice of election shall be printed in English and in any other language required pursuant to the Voting Rights Act Language Assistance Amendments of 1992. In the case of a primary election, the notice of election shall list all offices and candidates that are being forwarded to the general election. The notice of election shall only state that amendments or referendums will be voted upon and that the Secretary of State will publish a true copy of the title and text of any amendments or referendums once each week for three consecutive weeks preceding the election. Such notice of election shall appear in at least one newspaper designated by the election commissioner, county clerk, city council, or village board no later than forty-two days prior to the election. The election commissioner or county clerk shall, not later than forty-two days prior to the election,

(1) post in his or her office the same notice of election published in the newspaper and

(2) provide a copy of the notice to the political subdivisions appearing on the ballot.

The election commissioner or county clerk shall correct the ballot to reflect any corrections received within five days after mailing the notice as provided in section [32-819](#). The notice of election shall be posted in lieu of sample ballots until such time as sample ballots are printed. If joint elections are held in conjunction with the statewide primary or general election by a county, city, or village, only one notice of election need be published and signed by the election commissioner or county clerk.

Source: Laws 1994, LB 76, § 223; [Laws 2002, LB 935, § 6](#); [Laws 2017, LB451, § 10](#).

32-803. Sample of official ballot; publication; requirements; rate; limitation.

(1) A sample of the official ballot shall be printed in one or more newspapers of general circulation in the county, city, or village as designated by the election commissioner, county clerk, city council, or village board. The sample shall be printed in English and in any other language required pursuant to the Voting Rights Language Assistance Act of 1992.

(2) Except for elections conducted in accordance with section [32-960](#), such publication shall be made not more than fifteen nor less than two days before the day of election, and the same shall appear in only one regular issue of each paper. For elections conducted in accordance with section [32-960](#), such publication shall be made not less than thirty days before the election.

(3) The form of the ballot so published shall conform in all respects to the form prescribed for official ballots as set forth in sections [32-806](#), [32-809](#), and [32-812](#), but larger or smaller type may be used. When paper ballots are not being used, a reduced-size facsimile of the official ballot shall be

published as it appears on the voting system. Such publication shall include suitable instructions to the voters for casting their ballots using the voting system being used at the election.

(4) The rate charged by the newspapers and paid by the county board for the publication of such sample ballot shall not exceed the rate regularly charged for display advertising in such newspaper in which the publication is made.

Source: Laws 1994, LB 76, § 224; Laws 1997, LB 764, § 73; [Laws 2003, LB 358, § 10](#); [Laws 2019, LB411, § 41](#).

32-804. Sample ballots; distribution.

If in the judgment of the election commissioner, county clerk, or city or village clerk the sample ballot published in the newspaper will not be seen by the voters generally, sample ballots may be printed on light red, light green, or light pink paper. The sample ballots shall be distributed not less than three nor more than thirty-five days before the election in an amount not to exceed ten percent of the total number of votes cast in such county, city, or village at the immediately preceding general election. The separate sample ballots shall be of the exact size and form as the official ballot.

Source: Laws 1994, LB 76, § 225.

32-805. Ballots; preparation; contents; posting.

The election commissioner or county clerk shall prepare the necessary ballots for every election in which candidates for elective office are certified to or filed with the election commissioner or county clerk or whenever any question is to be submitted to a vote of the registered voters of any locality and not to the state generally. The ballots shall be printed in English and in any other language required pursuant to the Voting Rights Act Language Assistance Amendments of 1992. If a question is submitted to the registered voters of any city or village alone, the city or village clerk shall provide the necessary ballots. Sample ballots shall be prepared for each precinct and shall be the same as the official ballots for the precinct. The official ballot shall be headed with the words Official Ballot, and the sample ballot shall be headed with the words sample Ballot. All official and sample ballots shall be in the possession of the election commissioner, county clerk, or city or village clerk at least ten days before the election and subject to inspection by the candidates or their agents. One set of sample ballots shall be posted in the office of the election commissioner or county clerk not later than ten days prior to the election. Two sample ballots shall be posted at each polling place in each precinct on the morning of election day by the judges and clerks of election at or near the polling place. Additional sample ballots may be printed. No person other than an election commissioner, county clerk, or city or village clerk shall print or cause to be printed or distributed any ballot marked Official Ballot.

Source: Laws 1994, LB 76, § 226.

32-806. Official ballots; color; type style and size.

All official ballots prepared pursuant to the Election Act shall be white in color, except that the election commissioner, county clerk, or city or village clerk may designate a distinctive color of ballot or ink for city, village, or school elections or, when authorized by the Secretary of State, for elections of any other political subdivision. If a distinctive color is designated, the color of the ballot shall not be the same as the sample ballots as provided in section [32-804](#). The style and size of type on official ballots shall be as close as possible to the style used on the ballots furnished by the Secretary of State.

Source: Laws 1994, LB 76, § 227.

32-807. Ballots; number; printing and delivery.

The election commissioner, county clerk, or city or village clerk shall print and deliver to each precinct or district in the county, city, or village an approximate number of ballots based upon what would appear sufficient at the time the ballots are to be printed. Such totals shall take into consideration increases in registration, early voting, annexations, changes in boundaries, spoiled ballots, and any other factor that may influence the total number of ballots needed. Additional ballots shall be printed to meet any

contingency in order to provide a sufficient number of ballots for each precinct or district in the county, city, or village.

Source: Laws 1994, LB 76, § 228; [Laws 2005, LB 98, § 7](#).

32-808. Ballots for early voting; delivery; special ballot; publication of application form.

(1) Except as otherwise provided in section [32-939.02](#), ballots for early voting to be mailed pursuant to section [32-941](#) shall be ready for delivery to registered voters at least thirty-five days prior to each statewide primary or general election and at least fifteen days prior to all other elections.

(2) The election commissioner or county clerk shall not mail or issue any ballot for early voting if the election to which such ballot pertains has already been held.

(3) The election commissioner or county clerk shall publish in a newspaper of general circulation in the county an application form to be used by registered voters in making an application for a ballot for early voting after the ballots become available. The publication of the application shall not be required if the election is held by mail pursuant to sections [32-952](#) to [32-959](#).

Source: Laws 1994, LB 76, § 229; Laws 1996, LB 964, § 4; Laws 1997, LB 764, § 74; [Laws 1999, LB 571, § 3](#); [Laws 2005, LB 98, § 8](#); [Laws 2007, LB646, § 5](#); [Laws 2010, LB951, § 3](#); [Laws 2013, LB271, § 1](#).

Cross References: Ballots for early voting for school bond elections, see section [10-703.01](#).

32-808.01. Ballot for early voting; application; distribution by mail; requirements; applicability.

(1) Except as provided in subsection (2) of this section, any person or organization distributing an application by mail for a ballot for early voting shall use the form prescribed by the Secretary of State. The form shall contain on the top of the first page in bold type

- (a) the identity of the person or organization distributing the form and
- (b) the following statements:

You may submit this form if you wish to request a ballot for early voting. You do not need to complete this form if you have already requested a ballot for early voting for this election.

(2) This section shall not apply to an application for a ballot for early voting distributed by the Secretary of State, an election commissioner, or a county clerk.

Source: [Laws 2022, LB843, § 31](#).

32-809. Statewide primary election; official ballot; form; contents.

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

(2) All proposals for constitutional amendments and candidates on the nonpartisan ballot shall be submitted on a ballot where bold lines separate one office or issue from another. Proposals for constitutional amendments proposed by the Legislature shall be placed on the ballot as provided in sections [49-201](#) to [49-211](#). All constitutional amendments shall be placed on a separate ballot when a paper ballot is used which requires the ballot after being voted to be folded before being deposited in a ballot box. When an optical-scan ballot is used which requires a ballot envelope or sleeve in which the ballot after being voted is placed before being deposited in a ballot box, constitutional amendments may be printed on either side of the ballot and shall be separated from other offices or issues by a bold line. Constitutional amendments so arranged shall constitute a separate ballot.

(3) Except as otherwise provided in section [32-811](#), the statewide primary election ballot shall contain the name of every candidate filing or recognized under subsection (1) of section [32-606](#) and sections [32-611](#), [32-613](#), and [32-614](#) and no other names. No name of a candidate for member of the Legislature or an elective office described in [Article IV, section 1](#), of the Constitution of Nebraska shall appear on any ballot or any series of ballots at any primary election more than once. When two or more of

the last names of candidates for the same office at the primary election are the same in spelling or sound, the official ballots may, on the request of any such candidate, have his or her address printed immediately below his or her name in capital and lowercase letters in lightface type of the same size as the type in which the name of the candidate is printed.

Source: Laws 1994, LB 76, § 230; [Laws 2003, LB 358, § 11](#); [Laws 2012, LB878, § 4](#); [Laws 2022, LB843, § 27](#).

32-810. Primary election ballot; arrangement of names and proposals.

(1) The election commissioner or county clerk shall place the names of all partisan candidates certified to him or her by the Secretary of State and of those partisan candidates filing in his or her office on a primary election ballot headed with the political party designation. The names of each nonpartisan candidate certified by the Secretary of State and of each nonpartisan candidate filing in the office of the election commissioner or county clerk shall be placed on the primary election ballot headed by the words Nonpartisan Ticket.

(2) 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 an optical-scan ballot is used. All proposals on the ballot submitted by a political subdivision shall follow all offices on the ballot for such political subdivision.

(3) The election commissioner or county clerk shall follow the order of precincts or wards as set out in the official abstract book on file in his or her office in preparing the official ballots. At the primary election, on the first set of ballots for the first precinct or ward shall be the names of candidates filing by date and hour as certified by the Secretary of State and for local candidates the names of candidates shall be listed in the order of filing by date and hour with the election commissioner or county clerk. When there are more candidates than vacancies for the same office, the names of all partisan and nonpartisan candidates at a primary election shall be rotated precinct by precinct in each office division in the order in which the precincts are set out in the official abstract book. In making the changes of position, the printer shall take the line of type at the head of each office division and place it at the bottom of that division, shoving up the column so that the name that was second shall be first after the change.

Source: Laws 1994, LB 76, § 231; Laws 1997, LB 764, § 75; [Laws 1999, LB 571, § 4](#); [Laws 2003, LB 358, § 12](#).

32-811. Political subdivisions; certain county officers; political party convention delegates; names not on ballot; when.

(1) (a) If the names of candidates properly filed for nomination at the primary election for directors of natural resources districts, directors of public power 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.

(b) If the number of candidates properly filed for the nomination of a political party at the primary election for any county officer elected pursuant to sections [32-517](#) to [32-529](#) does not exceed the number of candidates to be nominated by that party for that office, any such properly filed candidates shall be declared nominated and their names shall not appear on any primary election ballots.

(c) 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](#) or [32-815](#).

(2) Candidates shall not appear on the ballot in the primary election for the offices listed in subsection (2) of section [32-606](#).

(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.

Source: Laws 1994, LB 76, § 232; Laws 1995, LB 194, § 8; Laws 1997, LB 764, § 76; [Laws 2003, LB 15, § 1](#); [Laws 2011, LB449, § 7](#); [Laws 2012, LB878, § 5](#); [Laws 2012, LB1035, § 2](#); [Laws 2014, LB56, § 2](#).

32-812. Statewide general election; official ballot; form.

The form of the official ballot at the statewide general election shall be prescribed by the Secretary of State. At the top of the ballot for general elections and over all else shall be printed in boldface type the words Official Ballot, General Election, November, 20.... . Each division containing the names of the office and a list of candidates nominated for such office shall be separated from other groups by a bold line. The ballot shall list at-large candidates and subdistrict candidates under appropriate headings.

Source: Laws 1994, LB 76, § 233; [Laws 2004, LB 813, § 15](#).

32-813. Statewide general election; ballot; contents.

(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 an optical-scan ballot is used. All proposals on the ballot submitted by a political subdivision shall follow all offices on the ballot submitted by a political subdivision.

(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 next to the brackets and one square or oval opposite the names 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" next to the brackets and one square or oval opposite the names 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 fill in the names of the candidates of his or her choice. The lines shall be enclosed with brackets with one square or oval opposite the names 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 of each political party receiving the highest number of votes in the primary election shall be grouped together with their respective candidates for Lieutenant Governor. Each group shall be enclosed with brackets with the political party name next to the brackets and one square or oval opposite the names 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" next to the brackets and one square or oval opposite the names in which the voter indicates his or her choice for Governor and Lieutenant Governor jointly. Beneath the names of the candidates for Governor nominated at a primary election by political party and

their respective candidates for Lieutenant Governor and beneath the names of all candidates for Governor and Lieutenant Governor placed on the general election ballot by petition, one write-in line shall be provided in which the registered voter may fill in the name of the candidate for Governor of his or her choice and one square or oval opposite the line in which the voter indicates his or her choice for 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 an 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 an optical-scan ballot if the ballot is placed in a ballot envelope 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 an optical-scan ballot if the ballot is placed in a ballot envelope 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 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](#).

Source: Laws 1994, LB 76, § 234; [Laws 1999, LB 571, § 5](#); [Laws 2001, LB 252, § 1](#); [Laws 2001, LB 768, § 5](#); [Laws 2003, LB 358, § 13](#); [Laws 2015, LB575, § 19](#).

32-814. General election ballot; arrangement of names.

(1) The election commissioner or county clerk shall place the names of all nonpartisan candidates upon the same official general election ballot as the partisan candidates. The names placed on the official and sample general election ballots shall be the names of candidates nominated in the primary election, the names of petition candidates if any, the names of automatically nominated candidates as provided in section [32-811](#), and the names of candidates filing as provided in subsection (2) of section [32-606](#). The names of the candidates shall be placed under the proper titles.

(2) The election commissioner or county clerk shall place on the official general election ballot in each office division no more than twice as many names as there are places to be filled at the general election unless more than one candidate has successfully petitioned on the ballot to fill a vacancy after the primary election. The names of the nonpartisan candidates who received the highest number of votes for the office for which they were candidates in the primary election shall be placed on the official ballot. If more than one person was a candidate for the same position in the primary election, the election

commissioner or county clerk shall place on the official ballot the names of the two persons who received the highest number of votes in the primary election for the position for which they were candidates.

(3) When the name of a person is written in and voted for as a candidate for an office for which he or she did not file in the primary election, such person shall not be entitled to a certificate of nomination at the primary election and shall not have his or her name placed on the general election ballot unless he or she

(a) receives at least five percent of the total vote cast for Governor or for President of the United States at the immediately preceding general election in the political subdivision from which nominees for such position are to be chosen,

(b) is one of the candidates receiving the number of votes qualifying him or her for nomination, and

(c) meets the requirements for the office.

(4) If there are more candidates than vacancies for the same office, the election commissioner or county clerk shall rotate the names of the nonpartisan candidates on the official general election ballot. The election commissioner or county clerk shall follow the order of precincts or wards as set out in the official abstract book on file in his or her office in preparing the official ballots. The first set of ballots for the first precinct or ward shall be the names of candidates filing by date and hour or of those candidates filing petitions, and for local candidates the names of candidates shall be listed in the order of filing by date and hour with the election commissioner or county clerk or of those candidates filing petitions. Thereafter the names shall be rotated precinct by precinct in each office division in the order in which the precincts are set out in the official abstract book. In making the change of position, the printer shall take the line of type at the head of each division and place it at the bottom of that division, shoving up the column so that the name that was second shall be first after the change.

Source: Laws 1994, LB 76, § 235; Laws 1997, LB 764, § 77.

32-815. General election ballot; partisan candidates; placement and rotation of names.

(1) The names of candidates for each partisan elective office shall be arranged on the ballot of the general election so that the political party polling the highest number of votes at the last general election for Governor will have the name of its nominee immediately beneath the name of the office for which the candidate was nominated, the political party polling the second highest number of votes will have the second place, the political party having the third highest number of votes will have the third place, and continuing with the political parties in descending order of number of votes, leaving those candidates whose names appear upon the ballot by petition to appear beneath all other candidates placed there by nomination. For each office for which there are more candidates than vacancies and there are two or more nominees of the same political party, the election commissioner or county clerk shall rotate the names of such candidates on the official ballot. In printing the ballots for the various election districts, the positions of the names shall be changed in each office division for each election district. In making the change of position, the printer shall take the line of type at the head of each division and place it at the bottom of that division, shoving up the column so that the name that was second shall be first after the change.

(2) The name of the person receiving the highest number of votes at a primary election as the candidate of a political party for an office shall be placed on the official ballot except as otherwise provided in the Election Act. Except as provided in section [32-811](#) for automatically nominated candidates, no person shall be certified as a candidate of any political party for such office by the Secretary of State, election commissioner, or county clerk unless the person receives a number of votes at least equal to five percent of the total ballots cast at the primary election by registered voters affiliated with that political party in the district which the office serves and meets the requirements for the office.

Source: Laws 1994, LB 76, § 236; Laws 1997, LB 764, § 78; [Laws 1999, LB 571, § 6](#); [Laws 2014, LB56, § 3](#).

32-816. Official ballots; write-in space provided; exceptions; requirements.

(1) A blank space shall be provided at the end of each office division on the ballot for registered voters to fill in the name of any person for whom they wish to vote and whose name is not printed upon the ballot. A square or oval shall be printed opposite each write-in space similar to the square or oval

placed opposite 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 optical-scan ballots and any other voting system authorized for use under the Election Act. 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 fill in the name of the candidate for whom he or she desires to cast his or her ballot.

Source: Laws 1994, LB 76, § 237; Laws 1997, LB 764, § 79; [Laws 2001, LB 252, § 2](#); [Laws 2003, LB 358, § 14](#); [Laws 2010, LB852, § 1](#); [Laws 2019, LB411, § 42](#); [Laws 2021, LB285, § 14](#).

32-817. Official ballots; printing requirements.

The names of the candidates shall be set in boldface type using capital and lowercase letters. A square or oval shall be printed opposite the name of each candidate. At the general election, the name of the party represented by a candidate for partisan office shall be printed in capital and lowercase letters next to the name. Proposals submitted by initiative or referendum or for constitutional amendments shall be printed in capital and lowercase letters, but the title heading and number thereof shall be in boldface type, and the square or oval for voting thereon shall be printed opposite the text so that it is clear for which issue the voter is casting a vote. Ballots shall be printed with substantially the same appearance, including type and form, as the sample ballot furnished by the Secretary of State.

Source: Laws 1994, LB 76, § 238; [Laws 2003, LB 358, § 15](#).

32-818. Death of candidate; removal of name from ballot.

The Secretary of State, election commissioner, county clerk, or city or village clerk may remove a name from the ballot upon personal knowledge or proof of death at any time prior to the actual printing of the ballot even if the notice of election has been published containing the name of such deceased candidate or nominee.

Source: Laws 1994, LB 76, § 239.

32-819. Ballots; errors; how corrected.

(1) Whenever it appears by affidavit that an error or omission has occurred in the name or description of a candidate nominated for office or in the printing of the sample or official ballots, the county or district judge sitting at chambers may by order, upon the application of any registered voter, require the election commissioner, county clerk, or city or village clerk to correct such error or to show cause why such error or omission should not be corrected.

(2) The election commissioner, county clerk, or city or village clerk shall correct without delay any patent error in the ballots which he or she may discover or which is brought to his or her attention and which can be corrected without interfering with the timely distribution of the ballots.

(3) The election commissioner, county clerk, or city or village clerk shall not be required to correct any error on the ballot after the thirty-fifth day prior to the election except as otherwise ordered by the court.

Source: Laws 1994, LB 76, § 240; [Laws 2002, LB 935, § 7](#).

32-820. Ballots; political party circle or other predetermined selection; prohibited.

No official ballot for an elective office within this state shall contain any political party circle or any provision for voting for all candidates of one political party or for a predetermined selection of candidates of one political party by the making of a mark or other indication.

Source: Laws 1994, LB 76, § 241.

32-821. Ballots; delivery to election officials; unofficial ballots; when authorized.

Before the opening of the polls the election commissioner, county clerk, or city or village clerk shall cause to be delivered to the judges of election at each polling place the proper number of ballots as provided for in section [32-807](#). The ballots for each precinct shall be enclosed in a sealed packet marked with the proper designation of the precinct, and at the opening of the polls, the package of ballots shall be publicly broken by one of the judges of election. If for any cause the official ballots prepared by the election commissioner, county clerk, or city or village clerk are not ready for distribution at any polling place or if the supply of ballots is exhausted before the polls are closed, printed, copied, or written ballots which are as nearly as possible in the form of official ballots may be used.

Source: Laws 1994, LB 76, § 242.

32-822. Ballots; numbering of classes.

When voters are presented with more than one ballot on election day, the election commissioner, county clerk, or city or village clerk may number each class of ballots to identify the style, precinct, or number of split ballots for convenience in distributing and counting the ballots. No number shall be placed or printed upon a ballot to be recorded so as to be able to determine the identity of the person who voted such ballot.

Source: Laws 1994, LB 76, § 243.

Article 9 – Election Day, Polling Places, Voting, Early Voting, & Provisional Ballots

32-901. Ballots; voting procedure.

(1) To vote for a candidate or on a ballot question using a paper ballot that is to be manually counted, the registered voter shall make a cross or other clear, discernable mark in the square opposite the name of every candidate, including write-in candidates, for whom he or she desires to vote and, in the case of a ballot question, opposite the answer he or she wishes to give. Making a cross or other clear, discernable mark in the square constitutes a valid vote.

(2) To vote for a candidate or on a ballot question using a ballot that is to be counted by optical scanner, the registered voter shall fill in the oval or other space provided opposite the name of every candidate, including write-in candidates, for whom he or she desires to vote and, in the case of a ballot question, opposite the answer he or she wishes to give. A mark in the oval or provided space that is discernable by the scanner constitutes a valid vote.

(3) To vote for a candidate or on a ballot question using a voting system with an electronic aspect authorized for use under the Election Act, the registered voter shall follow the instructions for using the voting system to cause a mark to be recorded opposite the candidate or ballot question response for which the voter wishes to vote. Causing such mark to be recorded does not constitute a valid vote. A paper ballot printed to reflect the voter's choices constitutes a valid vote.

Source: Laws 1994, LB 76, § 244; [Laws 2003, LB 358, § 16](#); [Laws 2005, LB 566, § 31](#); [Laws 2019, LB411, § 43](#).

32-902. Voting instructions; voting information; posting.

(1) The election commissioner or county clerk shall cause instructions for the guidance of registered voters in preparing their ballots to be printed in large, clear type on cards in English. He or she shall furnish at least five such cards to each polling place in each precinct at the same time and in the same manner as the printed ballots. The judges or clerks of election shall post such cards in each voting booth on the day of election. The card shall contain full instructions on preparing and casting ballots, including how to cast a write-in vote. The form and contents of the cards shall be approved by the Secretary of State.

(2) The election commissioner or county clerk shall cause voting information to be posted in each polling place on the day of election. The voting information shall include the following information as approved by the Secretary of State:

(a) Information regarding the date of the election and the hours during which polling places will be open;

(b) Instructions for voters who registered to vote pursuant to section [32-304](#) or by mail and first-time voters;

(c) General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated; and

(d) General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation.

Source: Laws 1994, LB 76, § 245; [Laws 2003, LB 358, § 17](#); [Laws 2014, LB661, § 13](#).

32-903. Precincts; creation; requirements; election commissioner or county clerk; powers and duties.

(1) The election commissioner or county clerk shall create precincts composed of compact and contiguous territory within the boundary lines of legislative districts. The precincts shall contain not less than seventy-five nor more than one thousand seven hundred fifty registered voters based on the number of voters voting at the last statewide general election, except that a precinct may contain less than seventy-five registered voters if in the judgment of the election commissioner or county clerk it is necessary to avoid creating an undue hardship on the registered voters in the precinct. The election commissioner or county clerk shall create precincts based on the number of votes cast at the immediately

preceding presidential election or the current list of registered voters for the precinct. The election commissioner or county clerk shall revise and rearrange the precincts and increase or decrease them at such times as may be necessary to make the precincts contain as nearly as practicable not less than seventy-five nor more than one thousand seven hundred fifty registered voters voting at the last statewide general election. The election commissioner or county clerk shall, when necessary and possible, readjust precinct boundaries to coincide with the boundaries of cities, villages, and school districts which are divided into districts or wards for election purposes. The election commissioner or county clerk shall not make any precinct changes in precinct boundaries or divide precincts into two or more parts between the statewide primary and general elections unless he or she has been authorized to do so by the Secretary of State. If changes are authorized, the election commissioner or county clerk shall notify each state and local candidate affected by the change.

(2) The election commissioner or county clerk may alter and divide the existing precincts, except that when any city of the first class by ordinance divides any ward of such city into two or more voting districts or polling places, the election commissioner or county clerk shall establish precincts or polling places in conformity with such ordinance. No such alteration or division shall take place between the statewide primary and general elections except as provided in subsection (1) of this section.

(3) Following the release of the 2020 Census of Population data by the United States Department of Commerce, Bureau of the Census, as required by Public Law 94-171, the election commissioner or county clerk shall create, revise, or rearrange precincts in compliance with subsections (1) and (2) of this section and deliver maps of the updated precinct boundaries to all applicable political subdivisions within the jurisdiction of the election commissioner or county clerk by November 1, 2021.

(4) The Secretary of State may grant additional days for election commissioners and county clerks to meet the requirements of subsection (3) of this section for an extraordinary circumstance.

Source: [Laws 1994, LB 76, § 246](#); [Laws 1997, LB 764, § 80](#); [Laws 2003, LB 358, § 18](#); [Laws 2005, LB 401, § 3](#); [Laws 2011, LB449, § 8](#); [Laws 2019, LB411, § 44](#); [Laws 2021, LB285, § 15](#).

32-904. Polling places; designation; changes; notification required.

(1) The election commissioner or county clerk shall designate the polling places for each precinct at which the registered voters of the precinct will cast their votes. Polling places representing different precincts may be combined at a single location when potential sites cannot be found, contracts for utilizing polling sites cannot be obtained, or a potential site is not accessible to handicapped persons as provided in section [32-907](#).

(2) When combining polling places at a single site for an election other than a special election, the election commissioner or county clerk shall clearly separate the polling places from each other and maintain separate receiving boards. When combining polling places at a single site for a special election, the election commissioner or county clerk may combine the polling places and receiving boards.

(3) Polling places shall not be changed between the statewide primary and general elections unless the election commissioner or county clerk has been authorized to make such change by the Secretary of State. If changes are authorized, the election commissioner or county clerk shall notify each state and local candidate affected by the change.

(4) Notwithstanding any other provision of the Election Act, the Secretary of State may adopt and promulgate rules and regulations, with the consent of the appropriate election commissioner or county clerk, for the establishment of polling places which may be used for voting pursuant to section [32-1041](#) for the twenty days preceding the day of election. Such polling places shall be in addition to the office of the election commissioner or county clerk and the polling places otherwise established pursuant to this section.

Source: [Laws 1994, LB 76, § 247](#); [Laws 1997, LB 764, § 81](#); [Laws 2005, LB 401, § 4](#); [Laws 2007, LB646, § 6](#); [Laws 2019, LB411, § 45](#).

32-905. Political subdivision; building; use as polling place or for election training purposes; when.

A political subdivision which receives federal or state funds and owns or leases a building which is suitable for a polling place in the county shall make the building available to the election commissioner or

county clerk for use as a polling place or for election training purposes. The political subdivision shall not charge for the use of the building as a polling place or for election training purposes.

Source: Laws 1994, LB 76, § 248; [Laws 2022, LB843, § 28.](#)

32-906. Polling place; supplies and equipment; designation outside precinct; standards.

(1) The election commissioner or county clerk shall provide each polling place with ballot boxes, ballot box locks and keys, and a sufficient number of voting booths furnished with supplies and conveniences to enable each registered voter to prepare his or her ballot for voting and to secretly mark his or her ballot. One voting booth shall be provided for approximately every one hundred registered voters in the precinct. The election commissioner or county clerk may increase or decrease the number of voting booths to accommodate the expected voter turnout of any election other than a statewide election.

(2) When there is no structure within the precinct suitable for use as a polling place, the election commissioner or county clerk may designate a polling place outside the precinct and convenient thereto which shall be provided with voting booths furnished with supplies and conveniences as are other polling places.

(3) Standards for polling places shall include any applicable standards developed under sections [81-5,147](#) and [81-5,148](#).

Source: Laws 1994, LB 76, § 249; [Laws 2003, LB 358, § 19](#); [Laws 2007, LB646, § 7.](#)

32-907. Polling places; accessibility requirements; Secretary of State; duties; training manual; training.

(1) All polling places shall be accessible to all registered voters and shall be in compliance with the federal Americans with Disabilities Act of 1990, as amended, and the federal Help America Vote Act of 2002, as amended. In addition, all polling places shall be modified or relocated to architecturally barrier-free buildings to provide unobstructed access to such polling places by people with physical limitations as required by this section. At least one voting booth shall be so constructed as to provide easy access for people with limitations, shall accommodate a wheelchair, and shall have a cover or barrier to provide privacy. The modifications required by this section may be of a temporary nature to provide such unobstructed access only on election day.

(2) All polling places shall meet the requirements of the federal Americans with Disabilities Act of 1990, as amended, and the federal Help America Vote Act of 2002, as amended, including, but not limited to, requirements for:

- (a) Parking;
- (b) An exterior route to an accessible entrance;
- (c) Polling place entrances;
- (d) The route from the entrance into the voting area;
- (e) Voting areas, including, but not limited to, a sign
 - (i) that indicates that assistance is available,
 - (ii) that contains the contact telephone number approved by the Secretary of

State, and

(iii) posted with visible lettering that is two inches, plus one-eighth inch per foot of viewing distance more than one hundred eighty inches from viewing points;

- (f) Ramps;
- (g) Lifts; and
- (h) Elevators.

(3) The Secretary of State shall develop, print, and make publicly available a training manual regarding accessibility requirements of the Election Act, the federal Americans with Disabilities Act of 1990, as amended, and the federal Help America Vote Act of 2002, as amended.

(4) The Secretary of State shall include in the biennial training for election commissioners and county clerks current standards for accessibility. All poll workers shall receive training regarding accessibility between appointment and serving at an election.

Source: Laws 1994, LB 76, § 250; [Laws 2019, LB411, § 46.](#)

32-908. Polls; when opened and closed; receipt of ballots; deadline.

(1) At all elections in the area of this state lying within the Mountain Standard or Mountain Daylight time zone, the polls shall open at 7 a.m. and close at 7 p.m. of the same day, and in the area lying within the Central Standard or Central Daylight time zone, the polls shall open at 8 a.m. and close at 8 p.m. of the same day.

(2) Except for special elections conducted by mail as provided in sections [32-952](#) to [32-959](#), the deadline for the receipt of ballots is 7 p.m. on the day set for the election in the area lying within the Mountain Standard or Mountain Daylight time zone and 8 p.m. on the day set for the election in the area lying within the Central Standard or Central Daylight time zone.

(3) If the judges and clerks of election are not present at the polls at the required hour, the polls may be opened by those placed in charge of the polling place at any time before the time required for closing the polls on election day.

(4) If at the hour of closing there are any persons desiring to vote who are in the polling place or in a line at the polling place and who have not been able to vote since appearing at the polling place, the polls shall be kept open reasonably long enough after the hour for closing to allow those present at that hour to vote. No person arriving after the hour when the polls have officially closed shall be entitled to vote.

Source: Laws 1994, LB 76, § 251; [Laws 2005, LB 566, § 32](#); [Laws 2022, LB843, § 29](#).

32-909. Ballot box; inspection and use; election officials; duties.

Before any ballot is deposited in the ballot box, the ballot box shall be publicly opened and exhibited and the judges and clerks of election shall see that no ballot is in the box. The ballot box shall then be locked and the key delivered to one of the judges of election or, in counties having an election commissioner, to the precinct inspector. A ballot box which contains ballots that will be counted using a scanner may be opened prior to the hour established by law for the closing of the polls at the discretion of the election commissioner or county clerk.

Source: Laws 1994, LB 76, § 252; [Laws 2003, LB 358, § 20](#); [Laws 2005, LB 566, § 33](#); [Laws 2007, LB646, § 8](#).

32-910. Polling places; obstructions prohibited; restrictions on access.

Any judge or clerk of election, precinct or district inspector, sheriff, or other peace officer shall clear the passageways and prevent obstruction of the doors or entries and provide free ingress to and egress from the polling place or building and shall arrest any person obstructing such passageways. Other than a registered voter engaged in receiving, preparing, or marking a ballot or depositing a ballot in a ballot box or a precinct-based optical scanner at the polling place, an election commissioner, a county clerk, a precinct inspector, a district inspector, a judge of election, a clerk of election, a member of a counting board, or a poll watcher as provided in section [32-1525](#), no person shall be permitted to be within eight feet of the ballot boxes or within eight feet of any ballots being counted by a counting board.

Source: Laws 1994, LB 76, § 253; Laws 1997, LB 764, § 82; [Laws 2019, LB411, § 47](#); [Laws 2020, LB1055, § 13](#).

32-911. Judges of election; presence; required.

No two judges of election shall be absent at the same time from the room in which the election is held during the hours the polls are open or while the votes are being counted.

Source: Laws 1994, LB 76, § 254.

32-912. Voters; ballots to which entitled; political party rule; effect.

(1) Any registered voter desiring to vote in a primary election held under the Election Act shall be entitled to participate in such primary election upon presenting himself or herself at the polling place for his or her residence. A registered voter who is affiliated with a political party shall receive from the receiving board all nonpartisan ballots and the partisan ballot of the political party indicated on his or her

voter registration. Except as provided in subsections (2) and (3) of this section, a registered voter who is not affiliated with any political party shall receive only nonpartisan ballots at a primary election.

(2) Any political party may allow registered voters who are not affiliated with a political party to vote in the primary election for any elective office for which the party has candidates except for the office of delegate to the party's county, state, or national convention. Any political party desiring to permit such registered voters to vote for candidates of that party in the primary election shall file a letter stating that the governing body of the political party has adopted a rule allowing registered voters who are not affiliated with a political party to vote in the primary election for candidates of that party. The letter and copy of the adopted rule shall be filed with the Secretary of State at least sixty days before the primary election. The Secretary of State shall notify the appropriate election commissioners and county clerks in writing that the political party filing the letter will allow registered voters who are not affiliated with a political party to vote in the primary election for candidates of that party. Once filed, the rule allowing such voters to vote in such primary election shall be irrevocable and shall apply only to the primary election immediately following the adoption of the rule.

(3) A registered voter who is not affiliated with a political party and who desires to vote in the primary election for the office of United States Senator or United States Representative may request a partisan ballot for either or both of such offices from any political party. The election commissioner or county clerk shall post a notice in a conspicuous location, easily visible and readable by voters prior to approaching the receiving board, that a registered voter who is not affiliated with a political party may request such ballots. No such registered voter shall receive more than one such partisan ballot.

(4) The registered voters residing in a political subdivision may cast their ballots for candidates for the offices in that subdivision and for issues proposed for that subdivision, except that when officers are to be nominated or elected from a subdistrict of the political subdivision, the registered voters residing in the subdistrict may only vote for candidates from the subdistrict and for candidates for officers to be elected at large from the whole political subdivision.

Source: Laws 1994, LB 76, § 255.

32-912.01. Voter with religious objection to being photographed; notation on precinct list of registered voters. (2023 New)

(1) A voter with a religious objection to being photographed may inform the election commissioner or county clerk of the county in which the voter resides of such objection in writing prior to an election. If the election commissioner or county clerk receives written notice not later than 6 p.m. on the second Friday preceding the election, the election commissioner or county clerk shall place a notation on the precinct list of registered voters for the polling place that the voter has a religious objection to being photographed.

(2) For all subsequent elections, the election commissioner or county clerk shall place a notation on the precinct list of registered voters for the polling place that the voter has a religious objection to being photographed if such voter:

(a) Completes a reasonable impediment certification pursuant to section 32-912.02;

(b) Has a ballot accepted pursuant to section 32-1002.01; and

(c) Is otherwise eligible to vote.

Source: Laws 2023, LB514, § 12.

Operative Date: April 1, 2024

32-912.02. Standard certification; reasonable impediment; grounds; Secretary of State; duties. (2023 New)

(1) The Secretary of State shall provide a standard certification for a voter with a reasonable impediment preventing the voter from presenting valid photographic identification. The certification shall include the following as separate boxes that a voter may check to identify the applicable reasonable impediment:

(a) Inability to obtain valid photographic identification due to:

(i) Disability or illness; or

(ii) Lack of a birth certificate or other required documents; or

(b) Religious objection to being photographed.

(2) The Secretary of State shall provide the form of the certification to the election commissioners and county clerks. A voter who has a reasonable impediment shall execute the certification. The election commissioner or county clerk shall verify the signature on the certification with the signature appearing on the voter registration record. A voter who casts a ballot by mail shall include the certification with the application, except that a voter who casts a ballot pursuant to section 32-953 shall include the certification within the ballot envelope.

Source: Laws 2023, LB514, § 11.

Operative Date: April 1, 2024

32-913. Precinct list of registered voters; sign-in register; preparation and use.

(1) The clerks of election shall have a list of registered voters of the precinct and a sign-in register at the polling place on election day. The list of registered voters shall be used for guidance on election day and may be in the form of a computerized, typed, or handwritten list or precinct registration cards. Registered voters of the precinct shall place and record their signature in the sign-in register before receiving any ballot. The list of registered voters and the sign-in register may be combined into one document at the discretion of the election commissioner or county clerk including, beginning July 1, 2019, by the use of an electronic poll book. If a combined document is used, a clerk of election may list the names of the registered voters in a separate book in the order in which they voted.

(2) Within twenty-four hours after the polls close in the precinct, the precinct inspector or one of the judges of election shall deliver the precinct list of registered voters and the precinct sign-in register to the election commissioner or county clerk. The election commissioner or county clerk shall file and preserve the list and register. No member of a receiving board who has custody or charge of the precinct list of registered voters and the precinct sign-in register shall permit the list or register to leave his or her possession from the time of receipt until he or she delivers them to another member of the receiving board or to the precinct inspector or judge of election for delivery to the election commissioner or county clerk.

Source: Laws 1994, LB 76, § 256; Laws 1997, LB 764, § 83; Laws 2003, LB 358, § 21; Laws 2007, LB44, § 1; Laws 2018, LB1065, § 6.

32-914. Ballots; distribution procedure. (2023 Update)

(1) Official ballots shall be used at all elections. No person shall receive a ballot or be entitled to vote unless and until he or she is registered as a voter except as provided in section [32-914.01](#), [32-914.02](#), [32-915](#), [32-915.01](#), or [32-936](#).

(2) Except as otherwise specifically provided, no ballot shall be handed to any voter at any election until:

(a) The voter has presented valid photographic identification and stated the voter's He or she announces his or her name and address to the clerk of election unless otherwise entitled to vote in the precinct under section 32-915.03;

(b) The clerk has found that ~~the voter he or she~~ is a registered voter at the address as shown by the precinct list of registered voters unless otherwise entitled to vote in the precinct under section [32-328](#), [32-914.01](#), [32-914.02](#), [32-915](#), or [32-915.01](#);

(c) The voter has presented a photographic identification which is current and valid at the time of the election, or a copy of a utility bill, bank statement, paycheck, government check, or other government document which is current at the time of the election and which shows the same name and residence address of the voter that is on the precinct list of registered voters, if the voter registered by mail after January 1, 2003, and has not previously voted in an election for a federal office within the county and a notation appears on the precinct list of registered voters that the voter has not previously presented identification to the election commissioner or county clerk;

(d) As instructed by the clerk of election, the registered voter has personally written his or her name

(i) in the precinct sign-in register on the appropriate line which follows the last signature of any previous voter or

(ii) in the combined document containing the precinct list of registered voters and the sign-in register; and

(e) The clerk has listed on the precinct list of registered voters the corresponding line number and name of the registered voter or has listed the name of the voter in a separate book as provided in section [32-913](#).

Source: Laws 1994, LB 76, § 257; Laws 1997, LB 764, § 84; [Laws 2002, LB 1054, § 19](#); [Laws 2003, LB 358, § 22](#); [Laws 2003, LB 359, § 4](#); [Laws 2005, LB 566, § 34](#); [Laws 2007, LB44, § 2](#); [Laws 2023, LB514, § 8](#).

Operative date: [April 1, 2024](#)

32-914.01. Registered voter; change of name; entitled to vote; when.

If a person who is registered to vote changes his or her name but the voter registration register has not been changed to reflect the change of name, the person shall be entitled to vote at the polling place upon completing a registration application to update his or her voter registration record at the polling place. The election commissioner or county clerk shall update the voter registration register to reflect the change of name.

Source: Laws 1997, LB 764, § 85; [Laws 1999, LB 234, § 10](#); [Laws 2005, LB 566, § 35](#).

32-914.02. Registered voter; change of residence; entitled to vote; when.

If a person who is registered to vote moves to a new residence within the same county and precinct and has continuously resided in such county and precinct since registering to vote but the voter registration register has not been changed to reflect the move, the person shall be entitled to vote at the polling place for the new residence. The election commissioner or county clerk shall designate whether such a person is entitled to a regular ballot upon completing a registration application to update his or her voter registration record at the polling place or a provisional ballot as provided in section [32-915](#). The election commissioner or county clerk shall implement the policy regarding designation of ballots uniformly throughout the county. The election commissioner or county clerk shall update the voter registration register to reflect the change of address.

Source: Laws 1997, LB 764, § 86; [Laws 1999, LB 234, § 11](#); [Laws 2003, LB 358, § 23](#); [Laws 2005, LB 566, § 36](#); [Laws 2010, LB325, § 4](#).

32-915. Provisional ballot; conditions; certification. (2023 Update)

(1) A person whose name does not appear on the precinct list of registered voters at the polling place for the precinct in which he or she resides, whose name appears on the precinct list of registered voters at the polling place for the precinct in which he or she resides at a different residence address as described in section [32-914.02](#), or whose name appears with a notation that he or she received a ballot for early voting may vote a provisional ballot if he or she:

- (a) Claims that he or she is a registered voter who has continuously resided in the county in which the precinct is located since registering to vote;
- (b) Is not entitled to vote under section [32-914.01](#) or [32-914.02](#);
- (c) Has not registered to vote or voted in any other county since registering to vote in the county in which the precinct is located;
- (d) Has appeared to vote at the polling place for the precinct to which the person would be assigned based on his or her residence address; and
- (e) Completes and signs a registration application before voting.

(2) A voter whose name appears on the precinct list of registered voters for the polling place with a notation that the voter is required to present identification pursuant to section [32-318.01](#) but fails to present identification may vote a provisional ballot if he or she completes and signs a registration application before voting.

(3) Each person voting by provisional ballot shall enclose his or her ballot in an envelope marked Provisional Ballot and shall, by signing the certification on the front of the envelope or a separate form attached to the envelope, certify to the following facts:

- (a) I am a registered voter in County;
- (b) My name or address did not correctly appear on the precinct list of registered voters;
- (c) I registered to vote on or about this date

- (d) I registered to vote
 - in person at the election office or a voter registration site,
 - by mail,
 - by using the Secretary of State's website,
 - through the Department of Motor Vehicles,
 - on a form through another state agency,
 - in some other way;

(e) I have not resided outside of this county or voted outside of this county since registering to vote in this county;

(f) My current address is shown on the registration application completed as a requirement for voting by provisional ballot; and

(g) I am eligible to vote in this election and I have not voted and will not vote in this election except by this ballot.

(4) The voter shall sign the certification under penalty of election falsification. The following statements shall be on the front of the envelope or on the attached form: By signing the front of this envelope or the attached form you are certifying to the information contained on this envelope or the attached form under penalty of election falsification. Election falsification is a Class IV felony and may be punished by up to two years imprisonment and twelve months post-release supervision, a fine of up to ten thousand dollars, or both.

(5) If the voter is also required to fill out a provisional voter identification verification envelope pursuant to section 32-915.03, the provisional ballot envelope shall be placed inside the provisional voter identification verification envelope.

~~(6) (5)~~ If the person's name does not appear on the precinct list of registered voters for the polling place and the judge or clerk of election determines that the person's residence address is located in another precinct within the same county, the judge or clerk of election shall direct the person to his or her correct polling place to vote.

Source: [Laws 1994, LB 76, § 258](#); [Laws 1997, LB 764, § 87](#); [Laws 1999, LB 234, § 12](#); [Laws 2003, LB 358, § 24](#); [Laws 2005, LB 401, § 5](#); [Laws 2005, LB 566, § 37](#); [Laws 2010, LB325, § 5](#); [Laws 2010, LB951, § 4](#); [Laws 2014, LB661, § 14](#); [Laws 2017, LB451, § 11](#); ~~[Laws 2023, LB514, § 9](#)~~.

Operative Date: April 1, 2024

32-915.01. Provisional ballot; required; when.

Any person who votes in an election for federal office as a result of a federal or state court order or any other order extending the time established for closing the polls pursuant to a state law in effect ten days before the date of that election may only vote in that election by casting a provisional ballot as described in section [32-915](#).

Source: [Laws 2003, LB 358, § 25](#).

32-915.03. Provisional voter identification verification envelope; required; when; certification.

(2023 New)

(1) A registered voter shall fill out a provisional voter identification verification envelope if:

(a) (i) The voter fails to produce valid photographic identification at the polling place;
and

(ii) The voter's name appears on the precinct list of registered voters for the polling place or the voter has voted a provisional ballot as provided in section 32-915;

(b) The voter fails to produce valid photographic identification at the time of voting early in person at the office of the election commissioner or county clerk; or

(c) The voter has a reasonable impediment preventing the voter from presenting valid photographic identification or the voter's name appears on the precinct list of registered voters for the polling place with a notation that the voter has a religious objection to being photographed.

(2) Each voter casting a ballot using a provisional voter identification verification envelope shall enclose the ballot in an envelope marked provisional voter identification verification and shall, by signing the certification on the front of the envelope or a separate form attached to the envelope, certify to the following facts:

- (a) My name is;
- (b) I am registered to vote at;
- (c) I did not provide valid photographic identification as required by law or I have a reasonable impediment preventing me from presenting valid photographic identification;
- (d) I am eligible to vote in this election and have not voted and will not vote in this election except by this ballot; and
- (e) I acknowledge that my ballot will not be counted if:
 - (i) I do not provide valid photographic identification to my county election office on or before the Tuesday after the election; or
 - (ii) I have a reasonable impediment that prevents me from presenting valid photographic identification and:
 - (A) I do not complete a reasonable impediment certification; or
 - (B) My county election official cannot verify the signature on my reasonable impediment certification.

(3) The voter shall sign the certification under penalty of election falsification. The following statements shall be on the front of the envelope or on the attached form: By signing the front of this envelope or the attached form you are certifying to the information contained on this envelope or the attached form under penalty of election falsification. Election falsification is a Class IV felony and may be punished by up to two years imprisonment and twelve months post-release supervision, a fine of up to ten thousand dollars, or both.

Source: Laws 2023, LB514, § 10.

Operative Date: April 1, 2024

32-916. Ballots; initials required; approval; deposit in ballot box; procedure.

(1) Two judges of election or a precinct inspector and a judge of election shall affix their initials to the official ballots. The judge of election shall deliver a ballot to each registered voter after complying with section [32-914](#).

(2) After voting the ballot, the registered voter shall, as directed by the judge of election, fold his or her ballot or place the ballot in the ballot envelope or sleeve so as to conceal the voting marks and to expose the initials affixed on the ballot. The registered voter shall, without delay and without exposing the voting marks upon the ballot, deliver the ballot to the judge of election before leaving the enclosure in which the voting booths are placed.

(3) The judge of election shall, without exposing the voting marks on the ballot, approve the exposed initials upon the ballot and deposit the ballot in the ballot box or the precinct-based optical scanner in the presence of the registered voter. No judge of election shall deposit any ballot in a ballot box unless the ballot has been identified as having the appropriate initials. Any ballot not properly identified shall be rejected in the presence of the voter, the judge of election shall make a notation on the ballot Rejected, not properly identified, and another ballot shall be issued to the voter and the voter shall then be permitted to cast his or her ballot. If the ballot is in order, the judge shall deposit the ballot in the ballot box or the precinct-based optical scanner in the presence of the voter and the voter shall promptly leave the polling place. If a precinct uses a precinct-based optical scanner and a ballot is identified by the scanner as containing an overvote or an undervote, the voter shall be notified of the consequence of an overvote and the right to vote in the case of an undervote, whichever is applicable. The judges of election shall maintain the secrecy of the rejected ballots and shall cause the rejected ballots to be made up in a sealed packet. The judges of election shall endorse the packet with the words Rejected Ballots and the designation of the precinct. The judges of election shall sign the endorsement label and shall return the packet to the election commissioner or county clerk with a statement by the judges of election showing the number of ballots rejected.

(4) Upon receiving a provisional ballot as provided in section [32-915](#), the judge of election shall give the voter written information that states that the voter may determine if his or her vote was counted and, if not, the reason that the vote was not counted by accessing the system created pursuant to section [32-202](#) and the judge of election shall ensure that the appropriate information is on the outside of the envelope in which the ballot is enclosed or attached to the envelope, attach the statement required by section [32-915](#) if not contained on the envelope, and place the entire envelope into the ballot box. Upon receiving a provisional ballot as provided in section [32-915.01](#), the judge of election shall comply with the

requirements for a provisional ballot under this subsection, except that a provisional ballot cast pursuant to section [32-915.01](#) shall be kept separate from the other ballots cast at the election.

Source: Laws 1994, LB 76, § 259; Laws 1997, LB 764, § 88; [Laws 1999, LB 802, § 15](#); [Laws 2002, LB 1054, § 21](#); [Laws 2003, LB 358, § 26](#); [Laws 2003, LB 359, § 6](#); [Laws 2005, LB 566, § 38](#); [Laws 2019, LB411, § 48](#).

32-917. Spoiled ballots; how treated.

Any registered voter who spoils his or her ballot may receive another ballot after returning the spoiled ballot. No registered voter shall receive more than four ballots in all. The registered voter shall write invalid or void on the spoiled ballot and return it to the judges of election. The judges of election shall maintain the secrecy of the spoiled ballots and shall cause the spoiled ballots to be made up in a sealed packet. The judges of election shall endorse the packet with the words Spoiled Ballots and the designation of the precinct. The judges of election shall sign such endorsement label and shall return the packet to the election commissioner or county clerk with a statement by the judges of election showing the number of ballots spoiled.

Source: Laws 1994, LB 76, § 260.

32-918. Assistance to registered voters; when; procedure.

(1) If a registered voter declares to the judge of election that the voter cannot read or that the voter is blind or visually impaired or has a disability such that the registered voter requires assistance in the marking of the voter's ballot,

(a) the registered voter may be assisted in marking the voter's ballot by a relative or friend of the voter's selection or

(b) one judge of election and one clerk of election of different political parties may take the ballot or ballots from the polling place to a convenient place within the building or to the registered voter's automobile if the automobile is within one block of the polling place and the registered voter may cast the voter's ballot in the general presence of the judge and clerk. If a registered voter declares to the judge of election that the voter needs assistance in the operation of a voting device, a judge or clerk of election may assist the voter in operating the device.

(2) The judge and clerk shall give no information regarding the casting of the ballot. Any registered voter receiving assistance in voting the ballot from a judge and clerk shall declare to the judge and clerk the name of the candidates and the measures for which the voter desires to vote, and the judge and clerk shall cast the voter's ballot only as the voter so requests. No person other than the registered voter who is receiving assistance shall divulge to anyone within the polling place the name of any candidate for whom the voter intends to vote or ask or receive assistance within the polling place in the preparation of the voter's ballot.

(3) The judges of election shall enter Assistance Rendered upon the precinct sign-in register near the name of any registered voter who receives such assistance in casting a ballot and shall include the name of such person rendering assistance to the registered voter. The person rendering assistance shall sign an oath before a judge of election substantially as follows:

....., hereby swears that he or she is a friend or relative of, a registered voter with a disability who requested assistance in casting the ballot, that he or she did enter the voting booth or aid such voter outside of the voting booth and marked the ballot according to the intentions and desires of the registered voter, that he or she has kept the ballot at all times in his or her possession, and that the ballot was duly delivered to the judge of election on this day of 20.... .

Source: Laws 1994, LB 76, § 261; [Laws 2003, LB 358, § 27](#); [Laws 2022, LB843, § 30](#).

32-919. Registered voter; ballots; prohibited acts; forfeit vote.

Every registered voter receiving a ballot shall, before leaving the polling room, vote or, if he or she does not wish to vote, return all ballots so received to be deposited into the ballot box by a member of the receiving board. No person receiving a ballot shall take the same from the polling room except as

authorized in the Election Act. No person shall remove any ballot from the polling room before the closing of the polls except as otherwise authorized under the Election Act. Any person taking a ballot from the polling room in violation of this section shall forfeit and lose his or her right to vote at the election. If an inspector or a judge or clerk of election observes a person about to violate this section, the inspector, judge, or clerk shall inform the person of the penalties provided in this section and section [32-1535](#).

Source: Laws 1994, LB 76, § 262.

32-920. Registered voter; memorandum; use permitted.

A registered voter may take with him or her into the polling place any printed or written memorandum or paper to assist him or her in preparing or marking the ballot.

Source: Laws 1994, LB 76, § 263.

32-921. Registered voter; occupancy and time restrictions.

Except as provided in subsection (1) of section [32-918](#), no registered voter shall be allowed to occupy a voting booth occupied by another. A registered voter shall not remain within the enclosure in which the voting booths are situated more than twenty minutes unless he or she is in line waiting to vote or voting. A registered voter shall not occupy a voting booth for more than ten minutes.

Source: Laws 1994, LB 76, § 264; [Laws 2003, LB 358, § 28](#); [Laws 2005, LB 566, § 39](#).

32-922. Employees; time allowed for voting, when.

Any registered voter who does not have two consecutive hours in the period between the time of the opening and closing of the polls during which he or she is not required to be present at work for an employer shall be entitled on election day to be absent from employment for such a period of time as will in addition to his or her nonworking time total two consecutive hours between the time of the opening and closing of the polls. If the registered voter applies for such leave of absence prior to or on election day, the registered voter shall not be liable for any penalty and no deduction shall be made from his or her salary or wages on account of such absence. The employer may specify the hours during which the employee may be absent.

Source: Laws 1994, LB 76, § 265.

32-923. Registered voters; privileges on election day.

Registered voters shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the attendance at elections and while going to and returning from the same. No registered voter shall be obliged to do military duty on election day except in time of war and public danger.

Source: Laws 1994, LB 76, § 266.

32-924. Police officers and sheriffs; appointment to serve; when.

The election commissioner, county clerk, or city or village clerk may appoint or summon such police officers and sheriffs as may be necessary to maintain order at the election and enforce the Election Act. Except in counties having an election commissioner, if no police officer or sheriff is available, the judges of election may appoint one or more persons in writing to act as and have the powers of a police officer.

Source: Laws 1994, LB 76, § 267.

32-925. Polls; disturbing elections prohibited; arrest.

If any person conducts himself or herself in a noisy, riotous, or tumultuous manner at or about the polls so as to disturb the election or insults or abuses the precinct or district inspectors or judges or clerks of election and persists in such conduct after being warned to desist, any election commissioner, county clerk, inspector, judge of election, police officer, or sheriff shall arrest him or her without warrant and bring him or her before the county court. Such person shall be permitted to vote if he or she is a registered voter.

Source: Laws 1994, LB 76, § 268.

32-926. Person offering to vote; challenge authorized; procedure.

Any person offering to vote, even though such person is registered, may be challenged as unqualified by any inspector, judge or clerk of election, or registered voter. The judge or clerk of election shall challenge any person offering to vote whom he or she knows or suspects not to be duly qualified. The challenge shall be administered pursuant to sections [32-927](#) to [32-932](#) as applicable. The election commissioner or county clerk shall provide written oaths and forms to the inspectors and judges of election for purposes of such sections.

Source: Laws 1994, LB 76, § 269.

32-927. Person offering to vote; challenge; oath required; compliance with sections required.

If any person offering to vote is challenged by an inspector, judge or clerk of election, or registered voter, the person shall, in the presence of an inspector or a judge of election, affix his or her signature and print his or her name and address on the following oath: I do solemnly swear that I will fully and truly answer all such questions put to me related to my place of residence and qualifications as a registered voter at this election. The inspector or judge of election shall require the registered voter to comply with sections [32-928](#) to [32-930](#) as applicable and shall ask any other questions to the person challenged as necessary to test his or her qualifications as a registered voter at that election.

Source: Laws 1994, LB 76, § 270.

32-928. Person; challenge as alien; information required.

If a person is challenged on the ground that he or she has not become a citizen of the United States and the person so challenged does not produce his or her naturalization papers, the person shall print on the form provided by the election commissioner or county clerk the following information:

Place of birth—show the state, country, kingdom, empire, or dominion where the applicant was born.

Naturalized—the word Yes or No or Native, and if applicant is not native-born or has lost citizenship, show whether naturalized by his or her own papers, parent's papers, or spouse's papers and the court, county, state, and date of naturalization as the same appears in the naturalization papers.

Source: Laws 1994, LB 76, § 271.

32-929. Person; challenge as to residence; examination; provisional ballot.

If a person is challenged on the ground that he or she is not a resident of this state, the county, or the precinct, the person shall answer the following questions on the form provided by the election commissioner or county clerk:

Do you have a residence in this state: Yes or No?

Do you have a residence in this county: Yes or No?

Do you have a residence in this precinct: Yes or No?

If a person has moved from one residence to another within the precinct in which he or she is registered to vote, such voter shall be entitled to vote as provided in section [32-914.02](#). If a person has moved from one residence to another within the county in which he or she is registered to vote, such voter shall be entitled to vote a provisional ballot as provided in section [32-915](#).

Source: Laws 1994, LB 76, § 272; Laws 1997, LB 764, § 89; [Laws 2003, LB 358, § 29](#).

32-930. Person; challenge as to age; examination.

If a person is challenged on the ground that he or she is not eighteen years of age or, during the years in which a statewide general election is held, that he or she will not be eighteen years of age by the first Tuesday after the first Monday in November of such year, the person shall answer the following question on the form provided by the election commissioner or county clerk:

Will you be at least eighteen years of age on or before the first Tuesday following the first Monday in November of this year?

Source: Laws 1994, LB 76, § 273; [Laws 2010, LB325, § 6.](#)

32-931. Person challenged as to right to vote; oath; clerks of election; duties.

If a person's right to vote is challenged, the person shall, in the presence of an inspector or a judge of election, affix his or her signature to the following oath:

I do solemnly swear that I am a citizen of the United States, that I have residence in the State of Nebraska, the county of, and this precinct, that I reside at (Address), and that I have attained the constitutionally prescribed age to be a voter. The clerks of election shall write Sworn on the precinct list of registered voters and the precinct sign-in register at the end of such person's name.

Source: Laws 1994, LB 76, § 274.

32-932. Person challenged as to right to vote; allowed to vote; when.

Any person challenged who complies with sections [32-927](#) to [32-931](#) shall be allowed to vote. Any person challenged who refuses to comply with sections [32-927](#) to [32-930](#) or to take the oath provided in section [32-931](#) for any election shall not be issued a ballot or permitted to vote.

Source: Laws 1994, LB 76, § 275.

32-933. New or former resident; vote for President and Vice President; when eligible; procedure.

(1) Any person listed in this subsection shall be eligible as a new resident to vote for President and Vice President of the United States at the statewide general election but for no other offices:

(a) Any citizen of the United States who is at least the constitutionally prescribed age of a voter and who comes into Nebraska after the voter registration period is closed pursuant to section [32-302](#) for the purpose of making Nebraska his or her place of residence; and

(b) Any registered voter who moves from one county to another county within Nebraska after the close of the voter registration period.

(2) Any registered voter who moves from Nebraska to another state or to the District of Columbia for the purpose of making such new location his or her place of residence after the close of the voter registration period for such location shall be eligible as a former resident to vote for President and Vice President of the United States at the statewide general election but for no other offices.

(3) Any person described in subsection (1) of this section shall cast his or her ballot in the office of the election commissioner or county clerk at any time between the close of the voter registration period and the close of the polls on election day. Such ballots shall be available after the close of the voter registration period. Ballots for former residents under subsection (2) of this section shall be available thirty days prior to the election. The ballots may be voted in the office of the election commissioner or county clerk at any time between thirty days prior to the election and the close of the polls on election day, or the ballots may be mailed to the office and counted if they arrive before the close of the polls on election day.

Source: Laws 1994, LB 76, § 276; Laws 1997, LB 764, § 90; [Laws 2002, LB 935, § 8](#); [Laws 2013, LB271, § 2.](#)

32-934. New or former resident; affidavit required; contents.

Any person who desires to vote pursuant to section [32-933](#) shall execute an affidavit in duplicate substantially as follows:

I,, do solemnly swear that:

1. I am a citizen of the United States.

2. Before moving, I resided at the following address (describing it by street and number if in a city or village and by section, township, and range if outside of a city or village, and the precinct, city, county, and state in which such residence is located):

.....

.....
3. On the day of the next presidential election, I will be at least the constitutionally prescribed age of a voter and I reside at the following address:
.....

.....
4. I am unable to vote for all offices because the voter registration deadline has passed and, under the Election Act, I believe I am entitled to vote for the candidates for President and Vice President of the United States at the election to be held November, 20.... .

5. I hereby make application for a presidential and vice-presidential ballot. I have not voted and will not vote otherwise than by this ballot for President and Vice President.

Source: Laws 1994, LB 76, § 277; Laws 1997, LB 764, § 91; [Laws 2004, LB 813, § 16](#).

32-935. New or former resident; application to vote; election commissioner or county clerk; duties.

The election commissioner or county clerk shall immediately mail the duplicate of the affidavit described in section [32-934](#) to the appropriate official of the state or county in Nebraska in which the applicant last resided. Upon receipt, the election commissioner or county clerk shall file each duplicate application or other official information from another state or county in Nebraska or the District of Columbia indicating that a former resident of this state or county in Nebraska has made application to vote at a presidential election in another state or county in Nebraska or the District of Columbia and shall maintain an alphabetical index of such information for a period of twenty-two months after the election.

Source: Laws 1994, LB 76, § 278; Laws 1997, LB 764, § 92.

32-936. New or former resident; application to vote; voting procedure.

If satisfied that the application is proper and that the applicant is qualified to vote under section [32-933](#), the election commissioner or county clerk shall deliver to the applicant a ballot for President and Vice President of the United States. After voting the ballot, the voter shall securely seal the ballot in an envelope furnished by the election commissioner or county clerk. On the back of the envelope shall be imprinted a statement substantially as follows:

Certification of New (or Former) Resident Voter

I have qualified as a new (or former) resident voter in this state or county. I have not applied nor do I intend to apply for a ballot for early voting from the state, county in Nebraska, or District of Columbia from which I have moved. I have not voted and I will not vote otherwise than by this ballot.

The voter shall sign and date the certification upon the envelope. The election commissioner or county clerk shall keep the envelope in his or her office until delivered by him or her to the counting board under section [32-1027](#).

Source: Laws 1994, LB 76, § 279; [Laws 2005, LB 98, § 9](#).

32-937. New or former resident; list of voters; public record.

The election commissioner or county clerk shall keep open to public inspection a list of all persons voting in the county as new or former residents which shows their names, addresses, and application dates. The election commissioner or county clerk shall record the name of any person voting pursuant to section [32-933](#) in the list of voters book with a notation designating him or her as a new or former resident voting for President and Vice President of the United States only.

Source: Laws 1994, LB 76, § 280.

32-938. Registered voter; early voting; when allowed.

(1) A registered voter shall be permitted to vote early by requesting a ballot for early voting pursuant to section [32-941](#) or [32-943](#).

(2) Any person excluded from voting under section [32-313](#) or [32-314](#) shall not be allowed to receive a ballot for early voting.

(3) Any person who fails to register to vote by the voter registration deadline shall not be allowed to vote except as provided in section [32-940](#) or [32-941](#).

Source: Laws 1994, LB 76, § 281; Laws 1995, LB 514, § 4; [Laws 1999, LB 571, § 7](#); [Laws 2005, LB 98, § 10](#); [Laws 2005, LB 566, § 40](#).

32-939. Nebraska resident residing outside the state or country; members of the Nebraska National Guard in active service; registration to vote; application for ballot; when; elector and citizen outside the country; register to vote or voting; form.

(1) As provided in section [32-939.02](#), the persons listed in this subsection who are residents of Nebraska and who reside outside of Nebraska or the United States or are members of the Nebraska National Guard ordered into the active service of the state or of the United States shall be allowed to simultaneously register to vote and make application for ballots for all elections in a calendar year through the use of the Federal Post Card Application or a personal letter which includes the same information as appears on the Federal Post Card Application:

(a) Members of the armed forces of the United States or the United States Merchant Marine, and their spouses and dependents residing with them who are absent from the state;

(b) Members of the Nebraska National Guard ordered into the active service of the state or of the United States;

(c) Citizens temporarily residing outside of the United States and the District of Columbia; and

(d) Overseas citizens.

(2) (a) As provided in section [32-939.02](#), a person who is the age of an elector and a citizen of the United States residing outside the United States, who has never resided in the United States, who has not registered to vote in any other state of the United States, and who has a parent registered to vote within this state shall be eligible to register to vote and vote in one county in which either one of his or her parents is a registered voter.

(b) A person registering to vote or voting pursuant to this subsection shall sign and enclose with the registration application and with the ballot being voted a form provided by the election commissioner or county clerk substantially as follows:

I am the age of an elector and a citizen of the United States residing outside the United States, I have never resided in the United States, I have not registered to vote in any other state of the United States, and I have a parent registered to vote in County, Nebraska. I hereby declare, under penalty of election falsification, a Class IV felony, that the statements above are true to the best of my knowledge.

THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO YEARS AND TWELVE MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED TEN THOUSAND DOLLARS, OR BOTH.

(Signature of Voter)

Source: Laws 1994, LB 76, § 282; [Laws 2004, LB 727, § 1](#); [Laws 2005, LB 98, § 11](#); [Laws 2005, LB 401, § 7](#); [Laws 2005, LB 566, § 41](#); [Laws 2010, LB951, § 5](#); [Laws 2011, LB499, § 4](#); [Laws 2017, LB451, § 12](#); [Laws 2022, LB843, § 32](#).

32-939.02. Person residing outside the country; ballot for early voting; request; use of Federal Post Card Application or personal letter; special ballot; use of Federal Write-In Absentee Ballot; Secretary of State; duties; oath.

(1) Upon request for a ballot, a ballot for early voting shall be forwarded to each voter meeting the criteria of section [32-939](#) at least forty-five days prior to any election.

(2) An omission of required information, except the political party affiliation of the applicant, may prevent the processing of an application for and mailing of ballots. The request for any ballots and a registration application shall be sent to the election commissioner or county clerk of the county of the applicant's residence. The request may be sent at any time in the same calendar year as the election, except that the request shall be received by the election commissioner or county clerk not later than the third Friday preceding an election to vote in that election. If an applicant fails to indicate his or her political party affiliation on the application, the applicant shall be registered as nonpartisan.

(3) A person described in section [32-939](#) may register to vote through the use of the Federal Post Card Application or a personal letter which includes the same information as appears on the Federal Post Card Application and may simultaneously make application for ballots for all elections in a calendar year. The person may indicate a preference for ballots and other election materials to be delivered via facsimile transmission or electronic mail by indicating such preference on the Federal Post Card Application. If the person indicates such a preference, the election commissioner or county clerk shall accommodate the voter's preference.

(4) If the ballot for early voting has not been printed in sufficient time to meet the request and special requirements of a voter meeting the criteria of section [32-939](#), the election commissioner or county clerk may issue a special ballot at least sixty days prior to an election to such a voter upon a written request by such voter requesting the special ballot. For purposes of this subsection, a special ballot means a ballot prescribed by the Secretary of State which contains the titles of all offices being contested at such election and permits the voter to vote by writing in the names of the specific candidates or the decision on any issue. The election commissioner or county clerk shall include with the special ballot a complete list of the nominated candidates and issues to be voted upon by the voter which are known at the time of the voter's request.

(5) Any person meeting the criteria in section [32-939](#) may cast a ballot by the use of the Federal Write-In Absentee Ballot. The Federal Write-In Absentee Ballot may be used for all elections. If a person casting a ballot using the Federal Write-In Absentee Ballot is not a registered voter, the information submitted in the Federal Write-In Absentee Ballot transmission envelope shall be treated as a voter registration application.

(6) (a) Any person requesting a ballot under this section may receive and return the ballot and the oath prescribed in subdivision (b) of this subsection using any method of transmission authorized by the Secretary of State.

(b) An oath shall be delivered with the ballot and shall be in a form substantially as follows:

VOTER'S OATH

I, the undersigned voter, declare that the ballot or ballots contained no voting marks of any kind when I received them, and I caused the ballot or ballots to be marked.

To the best of my knowledge and belief, I declare under penalty of election falsification that:

- (a) I,, am a registered voter in County;
- (b) I have voted the ballot and am returning it in compliance with Nebraska law; and
- (c) I have not voted and will not vote in this election except by this ballot.

ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS IV FELONY UNDER SECTION [32-1502](#) OF THE STATUTES OF NEBRASKA. THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO YEARS AND TWELVE MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED TEN THOUSAND DOLLARS, OR BOTH.

I also understand that failure to sign below will invalidate my ballot.

Signature

(7) The Secretary of State shall develop a process for a person casting a ballot under this section to check the status of his or her ballot via the Internet or a toll-free telephone call.

Source: [Laws 2010, LB951, § 6](#); [Laws 2017, LB451, § 13](#).

32-939.03. Emergency response provider; outside of county of residence; application for ballot; when; form; voter’s oath.

(1) A registered voter serving as an emergency response provider outside of the voter’s county of residence for a period beginning on or after the forty-five days prior to any election may request an early voting ballot via facsimile transmission or electronic mail using a form prescribed by the Secretary of State. The election commissioner or county clerk shall send the requested ballot if the request is received not later than noon on election day and contains the required information.

(2) (a) Any person requesting a ballot under this section may receive and return the ballot and the oath prescribed in subdivision (b) of this subsection using any method of transmission authorized by the Secretary of State.

(b) An oath shall be delivered with the ballot and shall be in a form substantially as provided in this subdivision.

VOTER’S OATH

I, the undersigned voter, declare that the ballot or ballots contained no voting marks of any kind when I received them, and I caused the ballot or ballots to be marked.

To the best of my knowledge and belief, I declare under penalty of election falsification that:

(1) I,, am a registered voter in County;

(2) I have voted the ballot and am returning it in compliance with

Nebraska law; and

(3) I have not voted and will not vote in this election except by this ballot.

ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS IV FELONY UNDER SECTION [32-1502](#) OF THE STATUTES OF NEBRASKA. THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO YEARS AND TWELVE MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED TEN THOUSAND DOLLARS, OR BOTH.

I also understand that failure to sign below will invalidate my ballot.

Signature

Source: [Laws 2022, LB843, § 33](#).

32-940. Former federal employee; late registration to vote; voting; when allowed.

Any person employed in federal service whose status has been terminated by discharge from the armed forces or by separation from employment outside the territorial limits of the United States who was unable to register to vote may register to vote after the voter registration deadline by completing the necessary voter registration application in the office of the election commissioner or county clerk of the county of his or her residence no later than noon of the day before the election. After completing the voter registration application, such person shall then be allowed to vote in the election office.

Source: [Laws 1994, LB 76, § 283](#); [Laws 2005, LB 98, § 12](#); [Laws 2005, LB 566, § 42](#).

32-941. Early voting; written request for ballot; procedure. (2023 Update)

(1) Any registered voter permitted to vote early pursuant to section [32-938](#) may, not more than one hundred twenty days before any election and not later than the close of business on the second Friday preceding the election, request a ballot for the election to be mailed to a specific address. A registered voter shall request a ballot in writing to the election commissioner or county clerk in the county where the registered voter has established his or her home, ~~and~~ shall indicate his or her residence address, the address to which the ballot is to be mailed if different, and his or her telephone number if available, and shall include:

(a) The identification number of the voter's driver's license or state identification card issued by the State of Nebraska;

(b) A photocopy of any other valid photographic identification issued to or related to the voter; or

(c) The voter's reasonable impediment certification.

(2) If such identification or certification is not provided, the election commissioner or county clerk shall contact the voter and inform the voter that the ballot will not be issued until the voter provides the identification or certification required under this section.

(3) The registered voter may use the form published by the election commissioner or county clerk pursuant to section [32-808](#). The registered voter shall sign the request. A registered voter may use a facsimile machine or electronic mail for the submission of a request for a ballot.

(4) The election commissioner or county clerk shall include a registration application with the ballots if the person is not registered. Registration applications shall not be mailed after the third Friday preceding the election. If the person is not registered to vote, the registration application shall be returned not later than the closing of the polls on the day of the election. No ballot issued under this section shall be counted unless such registration application is properly completed and processed.

(5) Subdivisions (1)(a) through (c) of this section do not apply to any voter who casts a ballot pursuant to section [32-939.02](#) or [32-939.03](#).

Source: Laws 1994, LB 76, § 284; Laws 1997, LB 764, § 93; [Laws 2002, LB 935, § 9](#); [Laws 2005, LB 98, § 13](#); [Laws 2005, LB 566, § 43](#); [Laws 2011, LB499, § 5](#); [Laws 2015, LB575, § 20](#); [Laws 2016, LB874, § 3](#); [Laws 2023, LB514, § 13](#).

Operative Date: April 1, 2024

32-942. Registered voter anticipating absence on election day; right to vote; method; voter present in county; voting place; person registering to vote and requesting a ballot at same time; treatment of ballot. (2023 Update)

~~(1) (a) Except as otherwise provided in subsection (2) of this section, a~~ registered voter of this state who anticipates being absent from the county of his or her residence on the day of any election may appear in person before the election commissioner or county clerk not more than thirty days prior to the day of election, present valid photographic identification, and obtain his or her ballot unless otherwise entitled to vote in the office under section [32-915.03](#). The registered voter shall vote the ballot in the office of the election commissioner or county clerk or shall return the ballot to the office not later than the closing of the polls on the day of the election.

~~(b)~~ A registered voter who is present in the county on the day of the election and who chooses to vote on the day of the election shall vote at the polling place assigned to the precinct in which he or she resides unless he or she is returning a ballot for early voting or voting pursuant to section [32-943](#).

(2) If a person registers to vote and requests a ballot at the same time under this section, he or she shall, in addition to the requirements of subsection (1) f this section,

(a) (i) present one of the address confirmation documents as prescribed in subdivision (1)(a) of section [32-318.01](#),

(ii) present proof that he or she is a member of the armed forces of the United States who by reason of active duty has been absent from his or her place of residence where the member is otherwise eligible to vote, is a member of the United States Merchant Marine who by reason of service has been away from his or her place of residence where the member is otherwise eligible to vote, is a spouse or dependent of a member of the armed forces of the United States or United States Merchant Marine who has been absent from his or her place of residence due to the service of that

member, or resides outside the United States and but for such residence would be qualified to vote in the state if the state was the last place in which the person was domiciled before leaving the United States, or

(iii) state that he or she is elderly or handicapped and has requested to vote by alternative means other than by casting a ballot at his or her polling place on election day or

(b) vote a ballot which is placed in an envelope with the voter's name and address and other necessary identifying information and kept securely for counting as provided in this subsection. This subsection does not extend the deadline for voter registration specified in section [32-302](#). A ballot cast pursuant to subdivision (b) of this subsection shall be rejected and shall not be counted if the acknowledgment of registration sent to the registrant pursuant to section [32-322](#) is returned as undeliverable for a reason other than clerical error within ten days after it is mailed, otherwise after such ten-day period, the ballot shall be counted.

(3) This section applies only to a person who appears in person to obtain a ballot as provided in subsection (1) of this section and does not apply to a ballot mailed to a voter pursuant to section [32-945](#).

Source: Laws 1994, LB 76, § 285; [Laws 2002, LB 935, § 10](#); [Laws 2005, LB 98, § 14](#); [Laws 2005, LB 566, § 44](#); [Laws 2011, LB499, § 6](#); [Laws 2013, LB271, § 3](#); [Laws 2014, LB565, § 1](#); [Laws 2015, LB575, § 21](#); [Laws 2023, LB514, § 14](#).

Operative Date: April 1, 2024

32-943. Ballot to be picked up by agent; written request; procedure; restrictions on agent. (2023 Update)

(1) Any registered voter who is permitted to vote early pursuant to section [32-938](#) may appoint an agent to submit a request for a ballot for early voting on his or her behalf. The registered voter or his or her agent may request that the ballot be sent to the registered voter by mail or indicate on the request that the agent will personally pick up the ballot for such registered voter from the office of the election commissioner or county clerk. A registered voter or an agent acting on behalf of a registered voter shall request a ballot in writing to the election commissioner or county clerk in the county where the registered voter has established his or her residence, ~~and~~ shall indicate the voter's residence address, the address to which the ballot is to be mailed if different, and the voter's telephone number if available and precinct if known, ~~and shall:~~

~~(a) Present a valid photographic identification of the voter; or~~

~~(b) Include, with the request:~~

~~(i) The identification number of the voter's driver's license or state identification card issued by the State of Nebraska;~~

~~(ii) A photocopy of valid photographic identification issued to or related to the voter; or~~

~~(iii) The voter's reasonable impediment certification. The certification shall be verified pursuant to section 32-1002.01.~~

(2) The registered voter or the voter's agent may use the form published by the election commissioner or county clerk pursuant to section [32-808](#). The registered voter or his or her agent shall sign the request.

~~(3) (2)~~-A candidate for office at such election and any person serving on a campaign committee for such a candidate shall not act as an agent for any registered voter requesting a ballot pursuant to this section unless such person is a member of the registered voter's family. No person shall act as agent for more than two registered voters in any election.

~~(4) (3)~~-The agent shall pick up the ballot before one hour prior to the closing of the polls on election day and deliver the ballot to the registered voter. The ballot shall be returned not later than the closing of the polls on the day of the election and shall be returned in an identification envelope as provided in section 32-947.

~~(5) (4)~~-The election commissioner or county clerk shall adopt procedures for the distribution of ballots under this section.

~~(6) Subdivisions (1)(a) and (b) of this section do not apply to any voter who casts a ballot pursuant to section 32-939.02 or 32-939.03.~~

Source: Laws 1994, LB 76, § 286; Laws 1997, LB 764, § 94; [Laws 2002, LB 935, § 11](#); [Laws 2005, LB 98, § 15](#); [Laws 2005, LB 566, § 45](#); [Laws 2023, LB514, § 15](#).

Operative Date: April 1, 2024

32-944. Administering ballots to residents of nursing homes or hospitals; requirements.

The election commissioner or county clerk may train registered voters to act on behalf of the election commissioner or county clerk in administering a ballot to residents of nursing homes or hospitals who have requested ballots. Ballots shall be administered by two registered voters who are not affiliated with the same political party. The election commissioner or county clerk shall adopt procedures to carry out this section.

Source: Laws 1994, LB 76, § 287; [Laws 2005, LB 98, § 16](#).

32-945. Request for ballot; provide registration form; when; change registration; acknowledgment.

When a request for a ballot from a person who is not registered to vote in the county reaches the election commissioner or county clerk by mail, by facsimile transmission, or by means other than by application in person on or prior to the third Friday preceding the election, the election commissioner or county clerk shall mail to the applicant the registration application with the ballot. No ballot shall be sent by mail to any person after the third Friday preceding the election if such person is not a registered voter. When an application for a ballot from a person who is registered in the county reaches the county clerk or election commissioner by mail, facsimile transmission, or other means than by application in person and the application indicates that the applicant has changed his or her residence within the county, the county clerk or election commissioner shall change the address on the applicant's voter registration and mail to such applicant an acknowledgment of change of registration and the ballot as provided by section [32-947](#).

Source: Laws 1994, LB 76, § 288; Laws 1997, LB 764, § 95; [Laws 2005, LB 98, § 17](#); [Laws 2005, LB 566, § 46](#).

32-946. Registered voter without residence address; mailing ballot and registration applications; oath; voting procedure.

When a registered voter applying for a ballot has no residence address within the county, the election commissioner or county clerk shall mail to the registered voter at the address designated by the voter the requested ballot materials, including a registration application, no later than the third Friday preceding the election pursuant to section [32-941](#) and shall enclose with the material the following oath which the voter must swear to before his or her ballot will be counted:

I,, do hereby swear that prior to my current absence from County, Nebraska, I resided within the State of Nebraska, that during such residency it was my intention to make my permanent residence in such county, that during my current absence from such county I have not registered to vote or voted in an election in any other jurisdiction as a resident of such other jurisdiction, that I do not intend to make my present residence my permanent residence, that my current absence from such county is temporary and for a definite period of time, and that at the termination of that period I intend to return to County, Nebraska, and make it my permanent residence. I acknowledge that the residence address assigned to me for voting purposes until I return to the county shall be deemed to be that of the office of the election commissioner or county clerk of the county in which my prior residence was located.

Source: Laws 1994, LB 76, § 289; Laws 1997, LB 764, § 96; [Laws 2002, LB 935, § 12](#); [Laws 2005, LB 98, § 18](#); [Laws 2005, LB 566, § 47](#).

32-947. Ballot to vote early; delivery; procedure; identification envelope; instructions.

(1) Upon receipt of an application or other request for a ballot to vote early, the election commissioner or county clerk shall determine whether the applicant is a registered voter and is entitled to vote as requested. If the election commissioner or county clerk determines that the applicant is a registered voter entitled to vote early and the application was received not later than the close of business on the second Friday preceding the election, the election commissioner or county clerk shall deliver a ballot to the applicant in person or by mail, postage paid. The election commissioner or county clerk or any employee of the election commissioner or county clerk shall write or cause to be affixed his or her customary signature or initials on the ballot.

(2) An unsealed identification envelope shall be delivered with the ballot, and upon the back of the envelope shall be printed a form substantially as follows:

VOTER'S OATH

I, the undersigned voter, declare that the enclosed ballot or ballots contained no voting marks of any kind when I received them, and I caused the ballot or ballots to be marked, enclosed in the identification envelope, and sealed in such envelope.

To the best of my knowledge and belief, I declare under penalty of election falsification that:

- (a) I,, am a registered voter in County;
- (b) I reside in the State of Nebraska at
- (c) I have voted the enclosed ballot and am returning it in compliance with Nebraska law; and
- (d) I have not voted and will not vote in this election except by this ballot.

ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS IV FELONY UNDER SECTION [32-1502](#) OF THE STATUTES OF NEBRASKA. THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO YEARS AND TWELVE MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED TEN THOUSAND DOLLARS, OR BOTH.

I also understand that failure to sign below will invalidate my ballot.

Signature

(3) If the ballot and identification envelope will be returned by mail or by someone other than the voter, the election commissioner or county clerk shall include with the ballot an identification envelope upon the face of which shall be printed the official title and post office address of the election commissioner or county clerk.

(4) The election commissioner or county clerk shall also enclose with the ballot materials:

(a) A registration application, if the election commissioner or county clerk has determined that the applicant is not a registered voter pursuant to section [32-945](#), with instructions that failure to return the completed and signed application indicating the residence address as it appears on the voter's request for a ballot to the election commissioner or county clerk by the close of the polls on election day will result in the ballot not being counted;

(b) A registration application and the oath pursuant to section [32-946](#), if the voter is without a residence address, with instructions that the residence address of the voter shall be deemed that of the office of the election commissioner or county clerk of the county of the voter's prior residence and that failure to return the completed and signed application and oath to the election commissioner or county clerk by the close of the polls on election day will result in the ballot not being counted; or

(c) Written instructions directing the voter to submit a copy of an identification document pursuant to section [32-318.01](#) if the voter is required to present identification under such section and advising the voter that failure to submit identification to the election commissioner or county clerk by the close of the polls on election day will result in the ballot not being counted.

(5) The election commissioner or county clerk may enclose with the ballot materials a separate return envelope for the voter's use in returning his or her identification envelope containing the voted ballot, registration application, and other materials that may be required.

Source: Laws 1994, LB 76, § 290; Laws 1995, LB 514, § 5; [Laws 1999, LB 571, § 8](#); [Laws 1999, LB 802, § 16](#); [Laws 2002, LB 1054, § 22](#); [Laws 2003, LB 359, § 7](#); [Laws 2005, LB 98, § 19](#); [Laws 2005, LB 566, § 48](#); [Laws 2008, LB838, § 2](#); [Laws 2011, LB449, § 9](#); [Laws 2015, LB575, § 22](#); [Laws 2016, LB874, § 4](#); [Laws 2017, LB451, § 14](#).

Cross References: Forgery or false placement of initials or signatures on ballot pursuant to section, penalty, see section [32-1516](#).

32-948. Ballots to vote early; election commissioner or county clerk; duties; public inspection; when.

(1) Upon receipt of an application or request for a ballot to vote early, the election commissioner or county clerk shall enter in the record of early voters the applicant's name, residence address, precinct, and subdivision of the precinct, if any, the mailing address to which the ballots are to be sent if different from the residence address, and the date on which the application was received. The election commissioner or county clerk shall also record other information in the record of early voters as may be necessary to aid in the processing or verification of ballots, including such information as the date ballots and related materials were sent to the voter or picked up in person, the date on which the ballots were voted in person or returned or received by mail, or information as to the reason why a ballot could not be issued or sent.

(2) The record of early voters and applications for such ballots shall be open to public inspection prior to the election. The election commissioner or county clerk shall make an entry in the voter's registration record indicating that the voter has voted early in the election.

Source: Laws 1994, LB 76, § 291; [Laws 2005, LB 98, § 20](#); [Laws 2005, LB 566, § 49](#); [Laws 2011, LB449, § 10](#).

32-949. Ballot for early voting; registered voter; duties.

(1) After a ballot for early voting is received by a voter and before placing any marks thereon, the voter shall note whether there are any voting marks on the ballot and whether there is a signature or initials on the ballot in the space provided for the election official's signature or initials. If there are any voting marks or no signature or initials, the ballot shall be returned immediately to the election commissioner or county clerk. If there are no such marks, the voter shall cause the ballot to be marked. If the ballot is voted in the office of the election commissioner or county clerk, the registered voter shall return the ballot and identification envelope to the election commissioner or county clerk or an employee of the election commissioner or county clerk who shall deposit the ballot into a ballot box and place the identification envelope in a secure container.

(2) If the voter is mailing or otherwise delivering the ballot to the election commissioner or county clerk, the voter shall:

(a) Place the marked ballot in the identification envelope received for that purpose in such a manner that the signature of the issuing officer on the ballot is visible;

(b) Complete and sign the voter's oath on the outside of the identification envelope under the penalty of election falsification;

(c) Enclose, in the identification envelope or separately in the return envelope if one has been provided, his or her completed registration application if one was provided pursuant to section [32-945](#) or [32-946](#), a copy of his or her identification document if such identification has been requested, and the oath completed and signed by a voter without a residence address if required pursuant to section [32-946](#);

(d) Ensure that the identification envelope or return envelope is sealed; and

(e) Mail, deliver, or cause to be delivered the envelope containing the ballots and any required materials to the election commissioner or county clerk from whom it was received.

(3) All postage costs related to returning such ballots and required materials, if any, to the election commissioner or county clerk shall be paid by the applicant.

Source: Laws 1994, LB 76, § 292; [Laws 2005, LB 98, § 21](#); [Laws 2005, LB 566, § 50](#).

32-949.01. Ballot for early voting; destroyed, spoiled, lost, or not received; cast provisional ballot or obtain replacement ballot; deadline; procedure.

(1) If a ballot for early voting is destroyed, spoiled, lost, or not received by the registered voter, the voter may cast a provisional ballot pursuant to section [32-915](#) at the voter's polling place on election day or may obtain a replacement ballot from the election commissioner or county clerk by signing a statement on a form prescribed by the Secretary of State that the original ballot for early voting was destroyed, spoiled, lost, or not received and delivering the statement to the election commissioner or county clerk.

(2) If the voter mails the statement or uses electronic mail or a facsimile machine for the submission of the statement, the election commissioner or county clerk shall not mail a replacement ballot to the voter unless the statement is received by 6 p.m. on the second Friday preceding the election. To receive a replacement ballot in person, the voter shall return the statement to the office of the election commissioner or county clerk by the deadline for the receipt of ballots specified in subsection (2) of section [32-908](#).

(3) The election commissioner or county clerk shall verify the signature on the statement with the signature appearing on the voter registration records.

(4) If the election commissioner or county clerk receives a statement meeting the requirements of this section, the election commissioner or county clerk shall deliver a replacement ballot to the voter if the voter is present in the office or shall mail a replacement ballot to the voter at the address shown on the statement. The election commissioner or county clerk shall keep a record of all replacement ballots issued under this section.

Source: [Laws 2005, LB 401, § 8](#); [Laws 2014, LB946, § 16](#); [Laws 2016, LB874, § 5](#); [Laws 2022, LB843, § 34](#).

32-950. Ballots to vote early; accepted, when; rejected ballots; how treated; storage.

Ballots issued under section [32-948](#) which are returned not later than the hour established for the closing of the polls shall be accepted for review by the counting board for early voting. Such ballots received by the election commissioner or county clerk after the close of the polls on election day shall remain sealed in the envelope on which the election commissioner or county clerk shall write Rejected, received on, and the date on which the ballot was received. If such a ballot was received on election day but after the close of the polls, the election commissioner or county clerk shall also write on the envelope the time at which the ballot was received. Such rejected ballots shall be segregated and stored in a sealed container designated for Rejected Early Ballots.

Source: [Laws 1994, LB 76, § 293](#); [Laws 1997, LB 764, § 97](#); [Laws 2002, LB 935, § 13](#); [Laws 2005, LB 98, § 22](#); [Laws 2005, LB 566, § 51](#).

32-950.01. Secure ballot drop-box; requirements; election commissioner or county clerk; duties.

(1) If an election commissioner or county clerk maintains a secure ballot drop-box for voters to deposit completed ballots, the election commissioner or county clerk shall ensure that the secure ballot drop-box:

- (a) Is securely fastened to the ground or a concrete slab connected to the ground;
- (b) Is secured by a lock that can only be opened by the election commissioner or county clerk or by an election official designated by the election commissioner or county clerk; and
- (c) Complies with the federal Americans with Disabilities Act of 1990 and is accessible as determined by the election commissioner or county clerk.

(2) The election commissioner or county clerk shall inform the Secretary of State of each secure ballot drop-box's location no later than forty-two days prior to any statewide primary or general election.

(3) The election commissioner or county clerk or an election official designated by the election commissioner or county clerk shall open each secure ballot drop-box no later than the sixth Friday prior to any statewide primary or general election and no later than the fourth Friday prior to any special election. For any statewide primary or general election, each secure ballot drop-box shall remain accessible to voters until the deadline for the receipt of ballots as provided in section [32-908](#). For any special election, at least one secure ballot drop-box shall remain accessible to voters until the deadline for the receipt of ballots as provided in section [32-954](#).

(4) After a secure ballot drop-box is made available for depositing ballots, the election commission or county clerk shall ensure that ballots deposited in such secure ballot drop-box are collected and returned to the office of the election commissioner or county clerk at least once during each business day.

Source: [Laws 2022, LB843, § 40](#).

32-951. Ballots for early voting; prohibited acts.

No person shall:

- (1) Impersonate or make a false representation in order to obtain a ballot for early voting for his or her own use or for use by another;
- (2) Knowingly connive to help a person to vote such a ballot illegally;
- (3) Destroy, steal, mark, or mutilate any such ballot after the same has been voted or aid or abet another to do so;
- (4) Delay in delivering such a ballot to the election commissioner or county clerk to prevent the ballot from arriving in time to be counted;
- (5) In any manner aid or attempt to aid any person to vote such a ballot unlawfully;
- (6) Hinder or attempt to hinder a registered voter from voting any such ballot; or
- (7) Hinder or attempt to hinder any official from delivering or counting any such ballot.

Source: Laws 1994, LB 76, § 294; [Laws 2005, LB 98, § 23](#); [Laws 2005, LB 566, § 52](#).

32-952. Special election by mail; when.

If a political subdivision decides to place a candidate or an issue on the ballot at a special election, the election commissioner or county clerk may conduct the special election by mail as provided in section [32-953](#) or conduct the special election as otherwise authorized in the Election Act. In making a determination as to whether to conduct the election by mail, the election commissioner or county clerk shall consider whether all of the following conditions are met:

- (1) All registered voters of the political subdivision or a district or ward of the political subdivision are eligible to vote on all candidates and issues submitted to the voters;
- (2) Only registered voters of the political subdivision or the district or ward of the political subdivision are eligible to vote on all candidates and issues submitted to the voters;
- (3) A review has been conducted of the costs and the expected voter turnout which may result from holding the election by mail;
- (4) The election commissioner or county clerk has determined a date for the election which is not the same date as another election in which the registered voters of the political subdivision are eligible to vote;
- (5) The election commissioner or county clerk has submitted a written plan to the Secretary of State within five business days after receiving the resolution from the political subdivision to hold the election; and
- (6) The Secretary of State has approved a written plan for the conduct of the election, including a written timetable for the conduct of the election, submitted by the election commissioner or county clerk. The written plan shall include provisions for the notice of election to be published and for the application for ballots for early voting notwithstanding other statutory provisions regarding the content and publication of a notice of election or the application for ballots for early voting.

Source: Laws 1996, LB 964, § 5; [Laws 2005, LB 98, § 24](#); [Laws 2015, LB575, § 23](#); [Laws 2019, LB411, § 49](#).

32-953. Special election by mail; mailing of ballots; requirements; oath; procedure. (2023 Update)

- (1) Except as otherwise provided in subsection (2) of this section, the election commissioner or county clerk shall mail the official ballot to all registered voters of the political subdivision or the district or ward of the political subdivision at the addresses appearing on the voter registration register on the same day. The ballots shall be mailed by nonforwardable first-class mail not sooner than the twenty-second day before the date set for the election and not later than the tenth day before the date set for the election. The election commissioner or county clerk shall include with the ballot instructions sufficient to describe the voting process and an unsealed identification envelope. Upon the back of the identification envelope shall be printed boxes sufficient for the voter to provide the voter's Nebraska driver's license number or state identification card number and a form substantially as follows: meeting the requirements of subsection (2) of section 32-947 and instructions sufficient to describe the voting process.

VOTER'S OATH

I, the undersigned voter, declare that the enclosed ballot or ballots contained no voting marks of any kind when I received them and that I caused the ballot or ballots to be marked, enclosed in the identification envelope, and sealed in such envelope.

To the best of my knowledge and belief, I declare under penalty of election falsification that:

- (a) I,, am a registered voter in County;
- (b) I reside in the State of Nebraska at;
- (c) I have voted the enclosed ballot and am returning it in compliance with Nebraska law;
- (d) I have not voted and will not vote in this election except by this ballot; and
- (e) (i) My Nebraska driver's license number or state identification card number is written in the corresponding boxes;
 - (ii) A photocopy of my valid photographic identification is enclosed; or
 - (iii) I have a reasonable impediment that prevents me from presenting valid photographic identification and my certification is enclosed.

ANY PERSON WHO SIGNS THIS FORM KNOWING THAT ANY OF THE INFORMATION IN THE FORM IS FALSE SHALL BE GUILTY OF ELECTION FALSIFICATION, A CLASS IV FELONY UNDER SECTION 32-1502 OF THE STATUTES OF NEBRASKA. THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR UP TO TWO YEARS AND TWELVE MONTHS POST-RELEASE SUPERVISION OR A FINE NOT TO EXCEED TEN THOUSAND DOLLARS, OR BOTH.

I also understand that failure to sign below will invalidate my ballot.

Signature

(2) The election commissioner or county clerk may choose not to mail a ballot to all registered voters who have been sent a notice pursuant to section [32-329](#) and failed to respond to the notice. If the election commissioner or county clerk chooses not to mail a ballot to such voters, he or she shall mail a notice to all such registered voters explaining how to obtain a ballot and stating the applicable deadlines.

(3) This section does not apply to any voter who casts a ballot pursuant to section [32-939.02](#) or [32-939.03](#).

Source: [Laws 1996, LB 964, § 6](#); [Laws 2008, LB838, § 3](#); [Laws 2014, LB946, § 17](#); [Laws 2015, LB575, § 24](#); [Laws 2016, LB874, § 6](#); [Laws 2023, LB514, § 16](#).

Operative Date: [April 1, 2024](#)

32-954. Special election by mail; voting and return of ballot; procedure.

Upon receipt of the official ballot, the registered voter shall mark it, seal the ballot in the identification envelope supplied with the ballot, sign the identification envelope, and comply with the instructions provided with the ballot. The voter may return the ballot to the election commissioner or county clerk by mailing it or by personally delivering it to the office of the election commissioner or county clerk. The deadline for receipt of the ballot is 5 p.m. on the date set for the election. The official ballot must be returned in the identification envelope. The registered voter shall, by signing the envelope, certify to the facts contained on the envelope. The election commissioner or county clerk shall keep the identification envelopes received from registered voters unopened in a fireproof safe or other suitable location which is locked until delivered to the counting board.

Source: [Laws 1996, LB 964, § 7](#); [Laws 2002, LB 935, § 14](#); [Laws 2008, LB838, § 4](#).

32-956. Special election by mail; replacement ballot; how obtained; procedure.

(1) If a ballot is destroyed, spoiled, lost, or not received by the registered voter, the voter may obtain a replacement ballot from the election commissioner or county clerk by signing a statement on a form prescribed by the Secretary of State that the ballot was destroyed, spoiled, lost, or not received and

delivering the statement to the election commissioner or county clerk by 5 p.m. on the date set for the election.

(2) If the voter mails the statement or uses electronic mail or a facsimile machine for the submission of the statement, the election commissioner or county clerk shall not deliver a replacement ballot to the voter unless the statement is received prior to the close of business on the second Friday preceding the election.

(3) The election commissioner or county clerk shall verify the signature on the statement with the signature appearing on the voter registration records.

(4) If the election commissioner or county clerk receives a statement meeting the requirements of this section, he or she shall deliver a replacement ballot to the voter if the voter is present in the office or shall mail a replacement ballot to the voter at the address shown on the statement. The election commissioner or county clerk shall keep a record of all replacement ballots issued under this section.

Source: Laws 1996, LB 964, § 9; [Laws 2002, LB 935, § 15](#); [Laws 2014, LB946, § 18](#); [Laws 2019, LB411, § 50](#); [Laws 2022, LB843, § 35](#).

32-957. Special election by mail; verification of signatures; identification requirements. (2023 Update)

(1) An official ballot under section [32-953](#) shall be counted only if it is returned in the identification envelope, the envelope is signed by the voter to whom it was issued, ~~and~~ the signature is verified by the election commissioner or county clerk, and the voter provided the voter's driver's license number or state identification card number on the envelope or provided a photocopy of valid photographic identification or a reasonable impediment certification inside the envelope.

(2) The election commissioner or county clerk shall verify the signature on each identification envelope received in his or her office with the signature appearing on the voter registration records. If the election commissioner or county clerk is unable to verify a signature, the election commissioner or county clerk shall contact the voter within two days after determining that he or she is unable to verify the signature to ascertain whether the voter cast a ballot. The election commissioner or county clerk may request that the registered voter sign and submit a current signature card pursuant to section [32-318](#). The election commissioner or county clerk may begin verifying the signatures as the envelopes are received in his or her office.

(3) If a voter fails to provide the voter's driver's license number or state identification card number, valid photographic identification, or a reasonable impediment certification as required under subsection (1) of this section, the election commissioner or county clerk shall contact the voter no later than the day after the election and the voter shall present valid photographic identification or a reasonable impediment certification to the election commissioner or county clerk on or before the Tuesday after the election or the ballot shall not be counted.

(4) If the election commissioner or county clerk determines that a voter has voted more than once, no ballot cast by that voter in that election shall be counted. The election commissioner or county clerk shall make public any record or list of registered voters who have returned their ballots.

(5) Subsections (1) and (3) of this section do not apply to any voter who casts a ballot pursuant to section 32-939.02 or 32-939.03.

Source: Laws 1996, LB 964, § 10; [Laws 2008, LB838, § 5](#); [Laws 2014, LB946, § 19](#); [Laws 2023, LB514, § 17](#).

Operative Date: April 1, 2024

32-958. Special election by mail; supervision; election report; counting board.

The election commissioner or county clerk shall supervise the procedures for handling and canvassing the ballots to ensure the safety and confidentiality of all ballots properly cast. The election commissioner or county clerk shall file with the Secretary of State and the county board an election report. The Secretary of State shall develop a uniform election report form which requires information, including, but not limited to, an evaluation of the verification process including the number of ballots rejected and the reasons for the rejection, the process for handling and canvassing ballots, and the cost of the election conducted by mail. The election commissioner or county clerk shall appoint a counting board for the

election in the same manner as the counting board for early voting and ballots shall be counted and canvassed in the same manner as much as possible.

Source: Laws 1996, LB 964, § 11; [Laws 2005, LB 98, § 25](#).

32-959. Special election by mail; undeliverable ballots; removal of names.

The names of voters whose ballots are returned as undeliverable shall be subject to removal from the voter registration records as provided in sections [32-326](#) to [32-329](#).

Source: Laws 1996, LB 964, § 12.

32-960. County with less than ten thousand inhabitants; elections conducted by mail; application for approval; contents; requirements for voting and returning ballots.

(1) In any county with less than ten thousand inhabitants, the county clerk may apply to the Secretary of State to mail ballots for all elections held after approval of the application to registered voters of any or all of the precincts in the county. The application shall include a written plan for the conduct of the election which complies with this section, including a timetable for the conduct of the election and provisions for the notice of election to be published and for the application for ballots for early voting notwithstanding other statutory provisions regarding the content and publication of a notice of election or the application for ballots for early voting. If the Secretary of State approves such application for one or more precincts in the county, the county clerk shall follow the applicable procedures in sections [32-953](#) to [32-959](#) for conducting elections by mail, except that the deadline for receipt of the ballots shall be the deadline specified in subsection (2) of section [32-908](#).

(2) The county clerk of a county that has an approved application pursuant to subsection (1) of this section:

(a) Shall allow a voter to return the ballot by hand-delivering it to the office of the county clerk;

(b) Shall maintain at least one secure ballot drop-box available for voters to deposit completed ballots twenty-four hours per day, starting at least ten days before the election through the deadline provided in subsection (1) of this section for the receipt of ballots;

(c) Shall maintain at least one in-person voting location at the office of the county clerk at which a voter in a precinct subject to a plan under this section approved by the Secretary of State may receive and cast a ballot which shall be open on the day of the election from the time for opening the polls pursuant to section [32-908](#) through the deadline provided in subsection (1) of this section for the receipt of ballots;

(d) Shall maintain in-person early voting opportunities as described in section [32-942](#);

and

(e) May provide additional secure ballot drop-boxes and in-person voting locations that need not be open according to the requirements of subdivisions (b) and (c) of this subsection.

Source: [Laws 2005, LB 401, § 9](#); [Laws 2009, LB501, § 3](#); [Laws 2020, LB1055, § 14](#); [Laws 2022, LB843, § 36](#).

32-961. Poll watchers; eligibility; appointment; notice required.

(1) (a) To be eligible to be a poll watcher, an individual shall be either:

(i) A registered voter of this state; or

(ii) An individual representing a state-based, national, or international election monitoring organization.

(b) A candidate or a spouse of a candidate on the ballot at the election shall not be eligible for appointment as a poll watcher at such election.

(2) For poll watchers eligible under subdivision (1)(a)(i) of this section, any political party in Nebraska, a candidate for election in Nebraska not affiliated with a political party, an organization of persons interested in a question on the ballot, or a nonpartisan organization interested in Nebraska's elections and the elective process may appoint one or more poll watchers. Any such person or organization intending to appoint one or more poll watchers shall provide written notification to the election commissioner or county clerk of the county in which the poll watchers will be active on election

day no later than the close of business on the Wednesday prior to election day. The notification shall include a list of appointed poll watchers and a list of the precincts that the poll watchers plan to observe and shall be provided prior to each election at which one or more poll watchers will be active. A poll watcher shall not be denied entry to a polling place because the poll watcher is not on the list or because the precinct is not on the list.

(3) For poll watchers eligible under subdivision (1)(a)(ii) of this section, any national or international election monitoring organization intending to appoint one or more poll watchers shall provide written notification to the Secretary of State no later than the close of business on the Wednesday prior to election day. The notification shall include a list of appointed poll watchers and a list of the counties and precincts to be observed and shall be provided prior to each election at which one or more poll watchers will be active.

Source: [Laws 2020, LB1055, § 10.](#)

32-962. Poll watchers; credential; requirements; notice.

(1) For poll watchers eligible under subdivision (1)(a)(i) of section [32-961](#), the election commissioner or county clerk shall provide a credential as an election observer for each poll watcher for whom the election commissioner or county clerk receives notice of appointment under section [32-961](#). The election commissioner or county clerk may approve, as a credential, a name badge provided by the person who appointed the poll watcher if the name badge includes the name of the poll watcher and the name of the person or organization who appointed the poll watcher and if the name badge does not contain any campaign materials advocating a vote for or against any candidate, political party, or position on a ballot question.

(2) For poll watchers eligible under subdivision (1)(a)(ii) of section [32-961](#), the Secretary of State shall provide the national or international election monitoring organization with the proper credentials for each poll watcher for whom the Secretary of State receives notice. The Secretary of State shall also notify the election commissioner or county clerk in each of the counties in which the poll watchers would be observing, and the notice shall include the name of the organization, a list of the poll watchers, a description of the credential that will be worn by the poll watchers, and the plans of the organization for election day, including which counties and precincts the organization plans to observe.

Source: [Laws 2020, LB1055, § 11; Laws 2022, LB843, § 37.](#)

32-963. Poll watchers; display credential; sign register; authorized activities; protest conduct of election; ruling.

(1) Upon arrival at a polling place, a poll watcher shall display such poll watcher's credentials to the precinct inspector or precinct receiving board and sign the register of poll watchers. The election commissioner or county clerk shall provide a register at each precinct for poll watchers to sign. A poll watcher shall wear the approved credential with the poll watcher's name and the name of the person or organization who appointed the poll watcher while engaged in observing at a polling place.

(2) Subject to section [32-1525](#), a poll watcher may be present during all proceedings at the polling place governed by the Election Act and may watch and observe the performance in and around the polling place of all duties under the act.

(3) If a poll watcher or the person or organization who appointed the poll watcher wishes to protest any aspect of the conduct of the election, such poll watcher, person, or organization shall present such protest to the Secretary of State or to the election commissioner or county clerk of the applicable county. The Secretary of State, election commissioner, or county clerk shall rule on the issue within a reasonable amount of time relative to the issue presented.

Source: [Laws 2020, LB1055, § 12.](#)

Article 10 – Counting, Provisionals, Write-Ins, & Canvass Boards

32-1001. Closing of polls; receiving board; duties.

After the polls have closed, the precinct list of registered voters and the precinct sign-in register shall be signed by all members of the receiving board, the names of the registered voters shall be counted, and the number shall be recorded where designated on the list and the register. If a line is missed or a name is voided, the receiving board shall subtract such omissions or voids from the total before recording the total on the list and the register. The receiving board shall certify to all matters pertaining to casting of ballots and shall turn over the ballots, ballot boxes, list of registered voters, and sign-in register to the election commissioner or county clerk.

Source: Laws 1994, LB 76, § 295; [Laws 2007, LB646, § 9](#).

32-1002. Provisional ballots; when counted.

(1) As the ballots are removed from the ballot box pursuant to sections [32-1012](#) to [32-1018](#), the receiving board shall separate the envelopes containing the provisional ballots from the rest of the ballots and deliver them to the election commissioner or county clerk.

(2) Upon receipt of a provisional ballot, the election commissioner or county clerk shall verify that the certificate on the front of the envelope or the form attached to the envelope is in proper form and that the certification has been signed by the voter.

(3) The election commissioner or county clerk shall also

(a) verify that such person has not voted anywhere else in the county or been issued a ballot for early voting,

(b) investigate whether any credible evidence exists that the person was properly registered to vote in the county before the deadline for registration for the election,

(c) investigate whether any information has been received pursuant to section [32-308](#), [32-309](#), [32-310](#), or [32-324](#) that the person has resided, registered, or voted in any other county or state since registering to vote in the county, and

(d) upon determining that credible evidence exists that the person was properly registered to vote in the county, make the appropriate changes to the voter registration register by entering the information contained in the registration application completed by the voter at the time of voting a provisional ballot.

(4) A provisional ballot cast by a voter pursuant to section [32-915](#) shall be counted if:

(a) Credible evidence exists that the voter was properly registered in the county before the deadline for registration for the election;

(b) The voter has resided in the county continuously since registering to vote in the county;

(c) The voter has not voted anywhere else in the county or has not otherwise voted early using a ballot for early voting;

(d) The voter has completed a registration application prior to voting as prescribed in subsection (6) of this section and:

(i) The residence address provided on the registration application completed pursuant to subdivision (1)(e) of section [32-915](#) is located within the precinct in which the person voted; and

(ii) If the voter is voting in a primary election, the party affiliation provided on the registration application completed prior to voting the provisional ballot is the same party affiliation that appears on the voter's voter registration record based on his or her previous registration application; and

(e) The certification on the front of the envelope or form attached to the envelope is in the proper form and signed by the voter.

(5) A provisional ballot cast by a voter pursuant to section [32-915](#) shall not be counted if:

(a) The voter was not properly registered in the county before the deadline for registration for the election;

(b) Information has been received pursuant to section [32-308](#), [32-309](#), [32-310](#), or [32-324](#) that the voter has resided, registered, or voted in any other county or state since registering to vote in the county in which he or she cast the provisional ballot;

- early;
- (c) Credible evidence exists that the voter has voted elsewhere or has otherwise voted early;
 - (d) The voter failed to complete and sign a registration application pursuant to subsection (6) of this section and subdivision (1)(e) of section [32-915](#);
 - (e) The residence address provided on the registration application completed pursuant to subdivision (1)(e) of section [32-915](#) is in a different county or in a different precinct than the county or precinct in which the voter voted;
 - (f) If the voter is voting in a primary election, the party affiliation on the registration application completed prior to voting the provisional ballot is different than the party affiliation that appears on the voter's voter registration record based on his or her previous registration application; or
 - (g) The voter failed to complete and sign the certification on the envelope or form attached to the envelope pursuant to subsection (3) of section [32-915](#).
- (6) An error or omission of information on the registration application or the certification required under section [32-915](#) shall not result in the provisional ballot not being counted if:
- (a) (i) The errant or omitted information is contained elsewhere on the registration application or certification; or
 - (ii) The information is not necessary to determine the eligibility of the voter to cast a ballot; and
 - (b) Both the registration application and the certification are signed by the voter.
- (7) Upon determining that the voter's provisional ballot is eligible to be counted, the election commissioner or county clerk shall remove the ballot from the envelope without exposing the marks on the ballot and shall place the ballot with the ballots to be counted by the county canvassing board.
- (8) The election commissioner or county clerk shall notify the system administrator of the system created pursuant to section [32-202](#) as to whether the ballot was counted and, if not, the reason the ballot was not counted.
- (9) The verification and investigation shall be completed within seven business days after the election.

Source: Laws 1994, LB 76, § 296; [Laws 1999, LB 234, § 13](#); [Laws 2002, LB 1054, § 23](#); [Laws 2003, LB 358, § 30](#); [Laws 2005, LB 566, § 53](#); [Laws 2007, LB646, § 10](#); [Laws 2010, LB325, § 7](#); [Laws 2014, LB661, § 15](#); [Laws 2019, LB411, § 51](#).

32-1002.01. Provisional voter identification verification envelopes; procedure to verify; ballots; when counted. (2023 New)

- (1) As the ballots are removed from the ballot box pursuant to sections 32-1012 to 32-1018, the receiving board shall separate the provisional voter identification verification envelopes from the rest of the ballots and deliver them to the election commissioner or county clerk.
- (2) Upon receipt of a provisional voter identification verification envelope, the election commissioner or county clerk shall verify that the certificate on the front of the envelope or the form attached to the envelope is in proper form and that the certification has been signed by the voter.
- (3) The election commissioner or county clerk shall also verify that such person has not voted anywhere else in the county or been issued a ballot for early voting.
- (4) A ballot cast by a voter pursuant to section 32-915.03 shall be counted if the voter completed and signed the certification on the provisional voter identification verification envelope and the voter:
- (a) Presented valid photographic identification to the election commissioner or county clerk on or before the Tuesday after the election; or
 - (b) Has a reasonable impediment preventing the voter from presenting valid photographic identification, the voter completes a reasonable impediment certification, and the election commissioner or county clerk verifies the signature on the reasonable impediment certification with the signature appearing on the voter registration record.
- (5) A ballot cast by a voter pursuant to section 32-915.03 shall not be counted if:
- (a) The voter failed to complete and sign the certification on the provisional voter identification verification envelope pursuant to subsection (2) of section 32-915.03;
 - (b) The voter failed to present valid photographic identification to the election commissioner or county clerk on or before the Tuesday after the election; or

(c) The voter has a reasonable impediment preventing the voter from presenting valid photographic identification and:

(i) The voter did not complete a reasonable impediment certification; or

(ii) The election commissioner or county clerk was not able to verify the signature on the reasonable impediment certification with the signature appearing on the voter registration record.

(6) Upon determining that the voter's ballot is eligible to be counted, the election commissioner or county clerk shall remove the ballot from the provisional voter identification verification envelope without exposing the marks on the ballot and shall place the ballot with the ballots to be counted by the county canvassing board.

(7) The election commissioner or county clerk shall notify the system administrator of the free access system created pursuant to section 32-202 as to whether the ballot was counted and, if not, the reason the ballot was not counted.

(8) The verification shall be completed within seven business days after the election.

Source: Laws 2023, LB514, § 18.

Operative Date: April 1, 2024

32-1003. Votes counted; when.

All valid votes shall be counted. No ballot shall be rejected because the voter did not vote for every possible office or position.

Source: Laws 1994, LB 76, § 297.

32-1004. Overvote; rejection; when.

If a ballot has been overvoted for any office, the ballot shall be rejected for that office only. No overvoted ballot shall be judged for voter intent by any member of the counting board or any official involved in the counting process.

Source: Laws 1994, LB 76, § 298; Laws 2007, LB646, § 11.

32-1005. Write-in vote; when valid.

If the last name or a reasonably close spelling of the last name of a person engaged in or pursuing a write-in campaign pursuant to section [32-615](#) or [32-633](#) is written or printed on a line provided for that purpose and the square or oval opposite such line has been marked with a cross or other clear, intelligible mark, the vote shall be valid and the ballot shall be counted. A write-in vote for a person who is not engaged in or pursuing a write-in campaign pursuant to section [32-615](#) or [32-633](#) shall not be counted.

Source: Laws 1994, LB 76, § 299; Laws 1999, LB 571, § 9; Laws 2003, LB 358, § 31; Laws 2013, LB349, § 4; Laws 2021, LB285, § 16.

32-1007. Ballots; write-in votes; improper name; rejected.

If only the last name of a person is in the write-in space on the ballot 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.

Source: Laws 1994, LB 76, § 301; Laws 1999, LB 571, § 10; Laws 2001, LB 252, § 3; Laws 2003, LB 358, § 33; Laws 2013, LB349, § 5; Laws 2018, LB377, § 4; Laws 2019, LB411, § 52.

32-1008. Write-in votes; totals; how reported.

If the write-in vote in the county for a person pursuing a write-in campaign pursuant to section [32-615](#) or [32-633](#) totals less than five percent of the vote for such office in the county and the election commissioner or county clerk believes that such vote will not impact the outcome of the election, the number of write-in votes for that office may be counted and listed together as one total.

Source: Laws 1994, LB 76, § 302; Laws 1999, LB 571, § 11; Laws 2013, LB349, § 6; Laws 2019, LB411, § 53.

32-1009. Returns; when available.

No returns or partial returns shall be released prior to the closing of the polls. Any or all available returns may be released after the polls close.

Source: Laws 1994, LB 76, § 303.

32-1010. Ballots; where counted.

Ballots shall be counted at a centralized location or at polling places as provided in sections [32-1012](#) to [32-1018](#). If counting takes place at a centralized location, the receiving board shall deliver the ballot box and other election materials to the centralized location as directed by the election commissioner or county clerk.

Source: Laws 1994, LB 76, § 304; [Laws 2007, LB646, § 12](#); [Laws 2019, LB411, § 54](#).

32-1012. Centralized location; partial returns; when; designation of location; counting procedure.

(1) In counties using optical scanners to count the ballots at a centralized location, the election commissioner or county clerk may arrange to have partial returns delivered, properly locked or sealed, to the centralized location or locations at any time desired after the opening of the polls if at least twenty-five ballots have been cast since any prior delivery of ballots. The election commissioner or county clerk shall designate the location or locations for counting the ballots and may designate a location or locations in any county. Upon completion of the count, the ballots shall be conveyed under supervision of the election commissioner or county clerk to the office of such official. If for any reason it becomes impracticable to count all or a part of the ballots with optical scanners, the election commissioner or county clerk may direct that the ballots be counted manually following as closely as possible the provisions governing the manual counting of ballots.

(2) In counties using optical scanners to count the ballots at polling places, the election commissioner or county clerk may arrange to have partial returns delivered, properly locked, sealed, or digitally secured, to the election office at any time desired after the opening of the polls if at least twenty-five ballots have been cast since any prior delivery of partial returns. The election commissioner or county clerk shall designate polling places as locations for counting the ballots. Upon completion of the count, the ballots shall be conveyed under supervision of the election commissioner or county clerk to the office of such official. If for any reason it becomes impracticable to count all or a part of the ballots with optical scanners, the election commissioner or county clerk may direct that the ballots be counted manually following as closely as possible the provisions governing the manual counting of ballots.

Source: Laws 1994, LB 76, § 306; [Laws 2003, LB 358, § 34](#); [Laws 2019, LB411, § 55](#).

32-1013. Counting location; watchers; counting board members; oath; authorized observers.

(1) In each counting location, watchers may be appointed to be present and observe the counting of ballots. Each political party shall be entitled to one watcher at each location appointed and supplied with credentials by the county central committee of such political party. The district court having jurisdiction over any such county may appoint additional watchers for any location.

(2) The watchers and the members of the counting board shall take the following oath administered by the election commissioner or county clerk or an election official designated by the election commissioner or county clerk:

I do solemnly swear that I will not in any manner make known to anyone other than duly authorized election officials the results of the votes as they are being counted until the polls have officially closed and the summary of votes cast is delivered to the election commissioner or county clerk.

(3) Except for polling places using precinct-based optical scanners, all other persons shall be excluded from the place where the counting is being conducted except for observers authorized by the election commissioner or county clerk. No such observer shall be connected with any candidate, political party, or measure on the ballot.

Source: Laws 1994, LB 76, § 307; [Laws 2019, LB411, § 56](#).

32-1015. Centralized location; resolution board; designation; duties.

The election commissioner or county clerk shall designate at least two members of the counting board to act as a resolution board to resolve questions as to the legality of votes to be counted. The members of the resolution board shall be of equal number from different political parties. Any issue as to the legality of a vote shall be resolved unanimously by the resolution board. If a unanimous decision cannot be obtained, the ballot shall be rejected as to the vote in question.

Source: Laws 1994, LB 76, § 309.

32-1016. Centralized location; damaged or defective ballots; how treated.

If any ballot is damaged or defective so that it cannot properly be counted by the vote counting device, the resolution board shall make a true duplicate copy and substitute the copy for the damaged or defective ballot. All duplicate ballots shall be clearly labeled duplicate, and all damaged or defective ballots shall be clearly labeled damaged or defective. Each pair of duplicate and damaged or defective ballots shall bear a similar serial number or some form of identification so that both the damaged or defective and duplicate ballots can be matched to facilitate recounts or any inspection of the ballots. The resolution board shall maintain the secrecy of the damaged or defective ballots as much as possible and shall cause the damaged or defective ballots to be made up in a sealed packet. The resolution board shall endorse the packet with the words Damaged or Defective Ballots and the designation of the precinct. The resolution board shall sign the endorsement label and place the sealed packet in the ballots-cast container with the voted ballots as provided in section [32-1017](#).

Source: Laws 1994, LB 76, § 310; Laws 1997, LB 764, § 98.

32-1017. Centralized location; ballots-cast container; Rejected Ballots envelope; summary of votes cast.

(1) Upon completion of the counting of votes, the counting board shall place all voted ballots in the ballots-cast container. Rejected ballots shall be placed in the envelope designated Rejected Ballots, and the envelope shall be sealed and placed in the ballots-cast container with the voted ballots. The ballots-cast container shall then be sealed.

(2) The counting board shall prepare a summary of the votes cast and deliver the summary to the election commissioner or county clerk. When write-in votes are totaled in accordance with section [32-1008](#), the write-in votes shall be totaled as an aggregate for any such office. The election commissioner or county clerk shall release unofficial returns from the summary.

Source: Laws 1994, LB 76, § 311.

32-1018. Centralized location; vote counting devices; sealing and storage; reuse.

All tapes, programming boards, and other materials used with vote counting devices for the election shall be sealed and stored with the ballots and election materials for that election for the amount of time required by law. Programming boards may be reused after six months have elapsed following an election in which they were used.

Source: Laws 1994, LB 76, § 312.

32-1027. Counting board for early voting; appointment; duties. (2023 Update)

(1) The election commissioner or county clerk shall appoint two or more registered voters to the counting board for early voting. One registered voter shall be appointed from the political party casting the highest number of votes for Governor or for President of the United States in the county in the immediately preceding general election, and one registered voter shall be appointed from the political party casting the next highest vote for such office. The election commissioner or county clerk may appoint additional registered voters to serve on the counting board and may appoint registered voters to serve in case of a vacancy among any of the members of the counting board. Such appointees shall be balanced between the political parties and may include registered voters unaffiliated with any political party. The counting board may begin carrying out its duties not earlier than the second Friday before the election and shall meet as directed by the election commissioner or county clerk.

(2) The counting board shall place all identification envelopes in order and shall review each returned identification envelope pursuant to verification procedures prescribed in subsections (3) and (4) of this section.

(3) In its review, the counting board shall determine if:

(a) The voter has provided his or her name, residence address, and signature on the voter identification envelope;

(b) The ballot has been received from the voter who requested it and the residence address is the same address provided on the voter's request for a ballot for early voting, by comparing the information provided on the identification envelope with information recorded in the record of early voters or the voter's request;

(c) A completed and signed registration application has been received from the voter by the deadline in section [32-302](#), [32-321](#), or [32-325](#) or by the close of the polls pursuant to section [32-945](#);

(d) An identification document has been received from the voter not later than the close of the polls on election day if required pursuant to section [32-318.01](#); and

(e) A completed and signed registration application and oath has been received from the voter by the close of the polls on election day if required pursuant to section [32-946](#).

(4) On the basis of its review, the counting board shall determine whether the ballot shall be counted or rejected as follows:

(a) A ballot received from a voter who was properly registered on or prior to the deadline for registration pursuant to section [32-302](#) or [32-321](#) shall be accepted for counting without further review if:

(i) The name on the identification envelope appears to be that of a registered voter to whom a ballot for early voting has been issued or sent;

(ii) The residence address provided on the identification envelope is the same residence address at which the voter is registered or is in the same precinct and subdivision of a precinct, if any; and

(iii) The identification envelope has been signed by the voter;

(b) In the case of a ballot received from a voter who was not properly registered prior to the deadline for registration pursuant to section [32-302](#) or [32-321](#), the ballot shall be accepted for counting if:

(i) A valid registration application completed and signed by the voter has been received by the election commissioner or county clerk prior to the close of the polls on election day;

(ii) The name on the identification envelope appears to be that of the person who requested the ballot;

(iii) The residence address provided on the identification envelope and on the registration application is the same as the residence address as provided on the voter's request for a ballot for early voting; and

(iv) The identification envelope has been signed by the voter;

(c) In the case of a ballot received from a voter without a residence address who requested a ballot pursuant to section [32-946](#), the ballot shall be accepted for counting if:

(i) The name on the identification envelope appears to be that of a registered voter to whom a ballot has been sent;

(ii) A valid registration application completed and signed by the voter, for whom the residence address is deemed to be the address of the office of the election commissioner or county clerk pursuant to section [32-946](#), has been received by the election commissioner or county clerk prior to the close of the polls on election day;

(iii) The oath required pursuant to section [32-946](#) has been completed and signed by the voter and received by the election commissioner or county clerk by the close of the polls on election day; and

(iv) The identification envelope has been signed by the voter; ~~and~~

(d) In the case of a ballot received from a registered voter required to present identification before voting pursuant to section [32-318.01](#), the ballot shall be accepted for counting if:

(i) The name on the identification envelope appears to be that of a registered voter to whom a ballot has been issued or sent;

(ii) The residence address provided on the identification envelope is the same address at which the voter is registered or is in the same precinct and subdivision of a precinct, if any;

(iii) A copy of an identification document authorized in section [32-318.01](#) has been received by the election commissioner or county clerk prior to the close of the polls on election day; and

(iv) The identification envelope has been signed by the voter; and-

(e) In the case of a ballot received from a registered voter who filled out a reasonable impediment certification pursuant to section 32-912.02, the ballot shall be accepted for counting if:

(i) The signature on the certification matches the signature on file with the election commissioner or county clerk;

(ii) The name on the identification envelope appears to be that of a registered voter whom a ballot has been issued or sent;

(iii) The residence address provided on the identification envelope is the same address at which the voter is registered or is in the same precinct and subdivision of a precinct, if any; and

(iv) The identification envelope has been signed by the voter.

(5) In opening the identification envelope or the return envelope to determine if registration applications, oaths, or identification documents have been enclosed by the voters from whom they are required, the counting board shall make a good faith effort to ensure that the ballot remains folded and that the secrecy of the vote is preserved.

(6) The counting board may, on the second Friday before the election, open all identification envelopes which are approved, and if the signature of the election commissioner or county clerk or his or her employee is on the ballot, the ballot shall be unfolded, flattened for purposes of using the optical scanner, and placed in a sealed container for counting as directed by the election commissioner or county clerk. At the discretion of the election commissioner or county clerk, the counting board may begin counting early ballots no earlier than twenty-four hours prior to the opening of the polls on the day of the election.

(7) If an identification envelope is rejected, the counting board shall not open the identification envelope. The counting board shall write Rejected on the identification envelope and the reason for the rejection. If the ballot is rejected after opening the identification envelope because of the absence of the official signature on the ballot, the ballot shall be reinserted in the identification envelope which shall be resealed and marked Rejected, no official signature. The counting board shall place the rejected identification envelopes and ballots in a container labeled Rejected Ballots and seal it.

(8) As soon as all ballots have been placed in the sealed container and rejected identification envelopes or ballots have been sealed in the Rejected Ballots container, the counting board shall count the ballots the same as all other ballots and an unofficial count shall be reported to the election commissioner or county clerk. No results shall be released prior to the closing of the polls on election day.

Source: [Laws 1994, LB 76, § 321](#); [Laws 1999, LB 802, § 18](#); [Laws 2002, LB 935, § 16](#); [Laws 2005, LB 98, § 26](#); [Laws 2005, LB 566, § 54](#); [Laws 2007, LB646, § 13](#); [Laws 2020, LB1055, § 15](#); [Laws 2023, LB514, § 19](#).

Operative Date: April 1, 2024

32-1028. County canvassing board; appointment.

The election commissioner or county clerk shall appoint two or more registered voters to constitute a county canvassing board. The election commissioner or county clerk shall be a member of the county canvassing board. One registered voter shall be appointed from the political party casting the highest number of votes for Governor or for President of the United States in the county in the immediately preceding general election, and one registered voter shall be appointed from the political party casting the next highest number of votes for such office. The election commissioner or county clerk may appoint additional registered voters to serve on the county canvassing board and may appoint registered voters to serve in case of a vacancy among any of the members of the county canvassing board. Such appointees shall be balanced between the political parties and may include registered voters unaffiliated with any political party.

Source: [Laws 1994, LB 76, § 322](#).

32-1030. Early voting materials; treatment.

All identification envelopes, voted ballots, and rejected ballots and the Rejected Ballots container shall be placed in the container for early voting materials, and the container shall be sealed.

Source: Laws 1994, LB 76, § 324; [Laws 2005, LB 98, § 27](#).

32-1031. County canvassing board; canvass of votes; procedure.

(1) The election commissioner or county clerk shall, prior to 1 p.m. on election day, post in a conspicuous place in the office of such election commissioner or county clerk a notice stating the day and hour when the county canvassing board will convene.

(2) After counting the ballots under section [32-1027](#) but no earlier than twenty-four hours after the notice is posted as required under subsection (1) of this section, 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.

(3) When it has been determined that the returns in all precincts are correct, the county canvassing board shall 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.

(4) 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.

Source: Laws 1994, LB 76, § 325; [Laws 2005, LB 98, § 28](#); [Laws 2012, LB1035, § 3](#); [Laws 2022, LB843, § 38](#).

Cross References: **Records Management Act**, see section [84-1220](#).

32-1032. County canvassing board; election materials; preservation; duration.

Upon the completion of the canvass by the county canvassing board, all books shall again be sealed, and the election commissioner or county clerk shall keep all election materials, including the ballots-cast containers from each precinct, the sealed envelopes containing the precinct list of registered voters, the precinct sign-in register, the official summary or summaries of votes cast, and the container for early voting materials, for not less than twenty-two months when statewide primary, general, or special elections involve federal offices, candidates, and issues and not less than fifty days for local elections not held in conjunction with a statewide primary, general, or special election. The election commissioner or county clerk shall keep on file one copy of each ballot face used in each precinct of the official partisan, nonpartisan, constitutional amendment, and initiative and referendum ballots, as used for voting, and all election notices used at each primary and general election for twenty-two months. The precinct sign-in register, the record of early voters, and the official summary of votes cast shall be subject to the inspection of any person who may wish to examine the same after the primary, general, or special election. The election commissioner or county clerk shall not allow any other election materials to be inspected, including ballots and provisional ballot envelopes, except when an election is contested or the materials become necessary to be used in evidence in the courts. The election commissioner or county clerk shall direct the destruction of such materials after such time, except that the election commissioner or county clerk may retain materials for the purposes of establishing voter histories.

Source: Laws 1994, LB 76, § 326; Laws 1997, LB 764, § 100; [Laws 2005, LB 98, § 29](#); [Laws 2015, LB575, § 25](#).

32-1033. Certificate of nomination; certificate of election; issuance by election commissioner or county clerk; when; form.

The election commissioner or county clerk shall, on or before the sixth Monday after the election, prepare, sign, and deliver a certificate of nomination or a certificate of election to each person whom the county canvassing board has declared to have received the highest vote for county, city, or village offices. No person shall be issued a certificate of nomination as a candidate of a political party unless such person has received a number of votes at least equal to five percent of the total ballots cast at the primary election by registered voters affiliated with that political party in the district which the office for which he or she is a candidate serves. The certificate shall be substantially as follows:

State of Nebraska. At an election held on the day of 20.., was elected to the office of for the term of years from the day of 20.. (or when filling a vacancy, for the residue of the term ending on the day of 20..). Given at this day of 20.. .

Source: Laws 1994, LB 76, § 327; Laws 1997, LB 764, § 101; [Laws 1999, LB 571, § 12](#); [Laws 2022, LB843, § 39](#).

32-1034. Abstract of votes; election officials; duties.

Immediately upon the completion of the canvass by the county canvassing board, the election commissioner or county clerk shall prepare an abstract of votes for all officers and issues certified to the election commissioner or county clerk by the Secretary of State. The election commissioner or county clerk shall sign and affix his or her official seal to the abstract as the Abstract of Votes of County and deliver it to the Secretary of State. The Secretary of State shall prepare a tabular sheet of the votes cast for such officers and measures and preserve the same with the abstract of votes from the various counties for the use of the Legislature and the board of state canvassers in making the official canvass. The Secretary of State shall deliver to the state chairperson of each political party, upon request, a separate abstract of votes of the various contests for national and state offices indicating the total votes received by each candidate and measure.

Source: Laws 1994, LB 76, § 328.

32-1035. Abstract of votes; failure to receive; Secretary of State; send messenger.

If the Secretary of State has not received the abstract of votes from any county by the third Monday after the day of election, the Secretary of State may send a messenger to the election commissioner or county clerk of such county at the expense of such county. The election commissioner or county clerk shall furnish the messenger with the abstract of votes or, if the abstract has been sent, with a copy of the abstract, and the messenger shall return the abstract to the Secretary of State without delay. If the abstract of votes was delayed by reason of the fault or neglect of the election commissioner or county clerk, he or she shall be responsible to the county for the cost of the messenger.

Source: Laws 1994, LB 76, § 329.

32-1036. Election results; reporting requirements; fee authorized.

The election commissioner or county clerk shall report to the Secretary of State all election results of statewide primary and general elections by precinct within eight weeks after the county canvass of such elections for President, Vice President, United States Senate, United States House of Representatives, members of the Legislature, members of the Public Service Commission, and the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, and Attorney General. The Secretary of State shall retain the election results for at least five years and shall collate, arrange, computerize, or publish reports arranging the election results. The Secretary of State may charge a fee as provided in section [33-101](#) for copies of such election results.

Source: Laws 1994, LB 76, § 330.

32-1037. Board of state canvassers; members; duties.

There shall be a board of state canvassers consisting of the Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, and Attorney General. The board of state canvassers shall meet at the office of the Secretary of State or such other location within the State Capitol as designated by the Secretary of State on the fourth Monday after each statewide primary and general election for the sole purpose of canvassing the votes cast for all officers and issues certified to the election commissioner or county clerk by the Secretary of State. The board of state canvassers may adjourn from day to day until all returns are received and all votes are tabulated. The Governor on the advice of the Secretary of State or the Attorney General may call an extraordinary session of the board of state canvassers. The duty of the board of state canvassers to canvass the votes is ministerial in nature.

Source: Laws 1994, LB 76, § 331; [Laws 1999, LB 60, § 1](#); [Laws 2015, LB575, § 26](#).

32-1038. Board of state canvassers; canvass of votes; procedure.

(1) The board of state canvassers shall authorize the Secretary of State to open the abstracts of votes from the various counties and prepare an abstract stating the number of ballots cast for each office, the names of all the persons voted for, for what office they respectively received the votes, and the number of votes each received. The abstract shall be signed by the members of the board and shall have the seal of the state affixed by the Secretary of State. The canvass of the votes for candidates for President and Vice President of the United States and the return thereof shall be a canvass and return of the votes cast for the presidential electors of the same party or group of petitioners respectively, and the certificate of such election made by the Governor shall be in accord with such return. Receipt by the presidential electors of a party or a group of petitioners of the highest number of votes statewide shall constitute election of the two at-large presidential electors of that party or group of petitioners. Receipt by the presidential electors of a party or a group of petitioners of the highest number of votes in a congressional district shall constitute election of the congressional district presidential elector of that party or group of petitioners.

(2) The board of state canvassers shall determine from the completed abstract the names of those candidates who have been nominated or elected. If any two or more persons are returned with an equal and the highest number of votes, the board of state canvassers shall decide by lot which of such persons is elected except for officers elected to the executive branch. The board of state canvassers shall also declare those measures carried which have received the required percentage of votes as provided by law.

Source: Laws 1994, LB 76, § 332.

32-1039. Canvass of votes by Legislature; when.

The votes cast for the officers of the executive departments of this state and members of the Public Service Commission shall be canvassed by the Legislature at its next regular session.

Source: Laws 1994, LB 76, § 333.

32-1040. Certificate of nomination; certificate of election; issuance by Secretary of State; when; form.

The Secretary of State shall within forty days after the election prepare and deliver a certificate of nomination or certificate of election to each person who meets the constitutional and statutory requirements of office and whom the board of state canvassers or Legislature has declared to have received the highest vote for such office or position in the statewide primary or general election. The certificate shall be substantially as follows:

State of Nebraska. At an election held on the day of, was elected to (or nominated for) the office of for the term of years from the (or when filling a vacancy, for the residue of the term ending on the day of 20....). Given at this day of 20.... .

The certificate shall be signed by the Governor, under the seal of the state, and countersigned by the Secretary of State if the candidate filed with the Secretary of State and was elected to a state office, as a member of Congress, or from a district whose boundaries extend beyond the limits of a single county.

Source: Laws 1994, LB 76, § 334; [Laws 2004, LB 813, § 17](#).

32-1041. Voting and counting methods and locations authorized; approval required; when; electronic voting system prohibited.

(1) The election commissioner or county clerk may use optical-scan ballots or voting systems approved by the Secretary of State to allow registered voters to cast their votes at any election. The election commissioner or county clerk may use vote counting devices and voting systems approved by the Secretary of State for tabulating the votes cast at any election. Vote counting devices shall include electronic counting devices such as optical scanners.

(2) No electronic voting system shall be used under the Election Act.

(3) Any new voting or counting system shall be approved by the Secretary of State prior to use by an election commissioner or county clerk. The Secretary of State may adopt and promulgate rules and regulations to establish different procedures and locations for voting and counting votes pursuant to the use of any new voting or counting system. The procedures shall be designed to preserve the safety and confidentiality of each vote cast and the secrecy and security of the counting process, to establish security provisions for the prevention of fraud, and to ensure that the election is conducted in a fair manner.

Source: Laws 1994, LB 76, § 335; Laws 1997, LB 526, § 1; [Laws 2003, LB 358, § 37](#); [Laws 2005, LB 401, § 10](#); [Laws 2007, LB646, § 14](#); [Laws 2019, LB411, § 57](#).

32-1042. Voting systems; acquisition authorized; debt; tax levy; payment.

The governing body of any county may purchase, lease, lease-purchase, rent, or contract for voting systems approved by the Secretary of State to be used in all elections. The governing body of any county may issue bonds, certificates of indebtedness, or other obligations or levy for the purpose of acquiring voting systems. Any excess amounts levied and collected shall revert to the county general fund. Any bonds, certificates, or other obligations may be issued with or without interest and may be payable at such time or times as the governing body may determine but shall not be issued or sold at less than par. The governing body of the county may provide for installment payments which extend over a period of more than one year notwithstanding sections [23-132](#) and [23-916](#).

Source: Laws 1994, LB 76, § 336; Laws 1996, LB 1114, § 53; [Laws 2003, LB 358, § 38](#).

32-1043. Voting systems; rental contracts; authorized.

The governing body of any county which has procured voting systems may enter into a contract for the rental of such systems with a city, village, or school district. Such rentals may be paid out of the general fund or by levying taxes to provide funds for payment of such rentals. Such rental contracts may be made to extend over any period of time.

Source: Laws 1994, LB 76, § 337; [Laws 2003, LB 358, § 39](#).

32-1049. Vote counting device; requirements.

Any election commissioner or county clerk using a vote counting device to count ballots in a centralized location shall:

(1) Provide for the proper sealing of the containers and the security of the ballots when transported from each polling place to the centralized location and when removed from their containers and delivered to the personnel who operate the vote counting devices;

(2) Provide a process of counting which allows for the ballots of each precinct to be placed in a sealed container and placed in a secure location after the counting process has been completed;

(3) Provide for a method of overseeing the ballots that have been overvoted or damaged which does not involve judging voter intent to assure that these ballots have not been or will not be intentionally mismarked;

(4) Provide for a procedure for counting write-in votes when such votes and names of write-in candidates are to be counted and recorded;

(5) Provide for at least three independent tests to be conducted before counting begins to verify the accuracy of the counting process, which includes the computerized program installed for counting various ballots by vote counting devices, by

(a) the election commissioner or county clerk,

(b) the chief deputy election commissioner or a registered voter with a different party affiliation than that of the election commissioner or county clerk, and

(c) the person who installed the program in the vote counting device or the person in charge of operating the device;

(6) Provide for storing and safeguarding the magnetic tapes or computer chips of the vote counting devices for the required period of time;

(7) Provide the appropriate security personnel or measures necessary to safeguard the secrecy and security of the counting process;

(8) Develop a procedure for picking up and counting ballots during election day at the discretion of the election commissioner or county clerk. No report or tabulation of vote totals for such ballots shall be produced or generated prior to one hour before the closing of the polls;

(9) Develop a procedure for picking up and transporting ballots from a secure ballot drop-box to the office of the election commissioner or county clerk; and

(10) Submit a written plan to the Secretary of State specifically outlining the procedures that will be followed on election day to implement this section. The plan shall be submitted no later than twenty-five days before the election and shall be modified, as necessary, for each primary, general, or special election.

Source: Laws 1994, LB 76, § 343; [Laws 2007, LB646, § 15](#); [Laws 2022, LB843, § 41](#).

Article 11 – Contesting an Election & Recounts

32-1101. Contest of election other than member of Legislature; applicability of sections; grounds.

(1) Sections [32-1101](#) to [32-1117](#) shall apply to contests of any election other than the election of a member of the Legislature. The contest of the election of a member of the Legislature is subject to the Legislative Qualifications and Election Contests Act.

(2) The election of any person to an elective office other than the Legislature, the location or relocation of a county seat, or any proposition submitted to a vote of the people may be contested:

(a) For misconduct, fraud, or corruption on the part of an election commissioner, a county clerk, an inspector, a judge or clerk of election, a member of a counting or canvassing board, or an employee of the election commissioner or county clerk sufficient to change the result;

(b) If the incumbent was not eligible to the office at the time of the election;

(c) If the incumbent has been convicted of a felony unless at the time of the election his or her civil rights have been restored;

(d) If the incumbent has given or offered to any voter or an election commissioner, a county clerk, an inspector, a judge or clerk of election, a member of a counting or canvassing board, or an employee of the election commissioner or county clerk any bribe or reward in money, property, or thing of value for the purpose of procuring his or her election;

(e) If illegal votes have been received or legal votes rejected at the polls sufficient to change the results;

(f) For any error of any board of canvassers in counting the votes or in declaring the result of the election if the error would change the result;

(g) If the incumbent is in default as a collector and custodian of public money or property;

or

(h) For any other cause which shows that another person was legally elected.

(3) When the misconduct is on the part of an election commissioner, a county clerk, an inspector, a judge or clerk of election, a member of a counting or canvassing board, or an employee of the election commissioner or county clerk, it shall be insufficient to set aside the election unless the vote of the county, precinct, or township would change the result as to that office.

Source: Laws 1994, LB 76, § 344; [Laws 2018, LB744, § 1](#).

Cross References: **Legislative Qualifications and Election Contests Act**, see section [50-1501](#).

32-1102. Contested primary and general elections; state officers; venue; petition; service; answer.

(1) All contested primary and general elections for Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, member of the Public Service Commission, member of the State Board of Education, and Regent of the University of Nebraska shall be heard and determined by the district court for Lancaster County.

(2) Any person contesting the election of any officer named in subsection (1) of this section shall present a petition to the district court of Lancaster County within forty days after the election. The petition shall set forth the points on which he or she will contest the election and the facts which he or she will prove in support of such points and shall ask for leave to produce his or her proof. The person whose election is being contested shall be served with a copy of such petition and a notice of the time and place of the presentation of the petition at least ten days before the petition will be presented and may, upon the presentation of such petition, file his or her answer thereto specifying reasons why his or her election should not be contested.

Source: Laws 1994, LB 76, § 345.

32-1103. Election contest; appointment of court official; powers and duties; compensation.

Upon the presentation of a petition contesting an election and the answer to such petition, if any, the court shall appoint an official of the court to take the testimony of the petitioner and the person whose election is contested at such times and places as the court directs. The court order shall specify the points and facts in regard to which the testimony is to be taken and the time when the official shall make his or her report to the court. The court shall fix the compensation of the official to be taxed as part of the costs. The

official shall have the power to administer oaths and take depositions, to compel the attendance of witnesses by summons and attachment, to require such witnesses to testify, and to certify such testimony.

Source: Laws 1994, LB 76, § 346.

32-1104. Election contest; rights of parties; procedure; report and recommendations.

The petitioner and the person whose election is contested shall have the right to attend the examination of the witnesses appearing before the official of the court and to cross-examine the witnesses. Testimony shall be taken only on the points and facts specified in the court order. The official shall cause to be made a full and accurate bill of exceptions of all evidence and testimony adduced at the hearing and shall preside at such hearing as a judge in a court of equity. The official shall rule upon the admissibility of testimony and shall preserve and maintain on the part of all participants at the hearing judicial decorum and demeanor and shall have the powers of a judge to cite or punish for contempt. The official at the conclusion of the hearing shall make a written report and recommendations to the court which shall be considered by the court as a finding of a trial judge in equity.

Source: Laws 1994, LB 76, § 347.

32-1105. Election contest; bond.

The petitioner shall file in the proper court within ten days after filing of the petition a bond with security to be approved by the clerk of the court conditioned to pay all costs in case the election is confirmed.

Source: Laws 1994, LB 76, § 348; [Laws 2018, LB744, § 2.](#)

32-1108. Ballot question; contest of election result; petition; service; answer; representation.

The result of any election upon a proposed constitutional amendment or statute submitted or referred to the voters either by the Legislature or by initiative or referendum petition may be contested upon the petition of one or more registered voters directed against the Secretary of State. The petitioning voter or voters shall present a petition to the district court of Lancaster County within forty days after such election. The petition shall set forth the points on which the election will be contested and the facts which will be proved in support of such points and shall ask for leave to produce the proof. The Secretary of State shall be served with a copy of the petition and a notice of the time and place of the presentation of the petition ten days before the petition will be presented. The Secretary of State may, upon the presentation of such petition, file an answer thereto specifying reasons why the election should not be contested. The proponents and opponents of any proposed constitutional amendment or statute shall have the right to engage counsel to represent and act for such parties in all matters involved in and pertaining to the contest.

Source: Laws 1994, LB 76, § 351.

32-1109. Political subdivision officers; election contest; venue; notices required; procedure.

(1) The several district courts shall have jurisdiction in cases of contested elections for officers of all political subdivisions of the State of Nebraska. Notice of such contest shall be given to the person whose election is contested within twenty days after the votes have been officially canvassed. The notice shall specify the grounds upon which the petitioner intends to rely and the names of the voters whose votes are contested if any and the grounds upon which such votes are illegal. The notice shall be served as provided in section [25-505.01](#).

(2) If the person whose election is being contested desires to contest any votes given to the petitioner, the person shall give the petitioner written notice within twenty days after the notice of contest has been served. The notice shall specify the names of such voters and the grounds upon which such votes are illegal.

(3) The parties to the contest shall be allowed process for witnesses, and either party may take depositions to be read as evidence at the trial as is authorized in civil cases. All such depositions shall be filed before the trial is commenced and may be read into evidence regardless of the availability of the witnesses.

Source: Laws 1994, LB 76, § 352.

32-1110. Election contest; court; powers and duties.

Every court authorized to determine contested elections shall hear and determine such contested elections in a summary manner without any formal pleading. The contest shall be heard within fifteen days after the matter is at issue unless the contest is continued by mutual consent of the parties or for good cause shown.

Source: Laws 1994, LB 76, § 353.

32-1111. Election contest; person holding certificate of election; powers and duties.

When a contested election is pending, the person holding the certificate of election may give bond, qualify and take the office at the time specified by law, and exercise the duties of the office until the contest is decided. If the contest is decided against him or her, the court shall order him or her to give up the office to the successful party in the contest and deliver to the successful party all books, records, papers, property, and effects pertaining to the office, and the court may enforce such order by attachment or other proper legal process.

Source: Laws 1994, LB 76, § 354; [Laws 2018, LB744, § 3.](#)

32-1112. Election contest; recount of votes; issuance of writ; certification of results.

Any court before which any contested election may be pending or the clerk of such court in vacation may issue a writ to the election commissioner or county clerk of the county in which the contested election was held commanding him or her to open, count, compare with the list of voters, and examine the ballots in his or her office which were cast at the election in contest and to certify the result of such count, comparison, and examination to the court from which the writ was issued.

Source: Laws 1994, LB 76, § 355; [Laws 2018, LB744, § 4.](#)

32-1113. Election contest; service of writ; notice to parties required.

Any writ issued pursuant to section [32-1112](#) shall be served without delay on the election commissioner or county clerk by the sheriff of his or her county. The election commissioner or county clerk shall at once fix a day, not more than thirty days after the date of the receipt of such writ, on which he or she will proceed to open such ballots and shall cause notice in writing of the day so fixed to be served on the petitioner and the person whose election is being contested or their attorneys at least five days before such day. Such notice may be served in the manner provided in section [25-505.01](#).

Source: Laws 1994, LB 76, § 356.

32-1114. Election contest; recount of ballots; procedure.

On the day fixed for opening the ballots pursuant to section [32-1113](#), the election commissioner or county clerk and the county canvassing board which officiated in making the official county canvass of the election returns shall proceed to open such ballots in the presence of the petitioner and the person whose election is contested or their attorneys. While the ballots are open and being examined, the election commissioner or county clerk shall exclude all other persons from the counting room. All persons witnessing the counting of ballots shall be placed under oath requiring them not to disclose any fact discovered from such ballots except as stated in the certificate of the election commissioner or county clerk.

Source: Laws 1994, LB 76, § 357; [Laws 2018, LB744, § 5.](#)

32-1115. Election contest; rights of parties; recount of ballots; completion; certification.

The election commissioner or county clerk shall permit the petitioner, the person whose election is being contested, and their attorneys to fully examine the ballots. The election commissioner or county clerk shall make return to the writ, under his or her hand and official seal, of all the facts which either of the parties may desire and which appear from the ballots to affect or relate to the contested election. After the examination of the ballots is completed, the election commissioner or county clerk shall again securely seal the ballots as they were and preserve and destroy them as provided by law in the same manner as if

they had not been opened. The certificate of the election commissioner or county clerk certifying the total number of votes received by a candidate shall be prima facie evidence of the facts stated in the certificate, but the persons present at the examination of the ballots may be heard as witnesses to contradict the certificate.

Source: Laws 1994, LB 76, § 358; [Laws 2018, LB744, § 6.](#)

32-1116. Election contests and recounts; costs.

Except for election contests involving a member of the Legislature under the Legislative Qualifications and Election Contests Act, the cost of election contests under sections [32-1101](#) to [32-1117](#) and recounts under section [32-1118](#) shall be adjudged against the petitioner if he or she loses the contest, and if the petitioner wins the contest, the cost shall be adjudged against the state, county, or other political subdivision of which such contested office was a part. The payment of such costs shall be enforced as in civil cases.

Source: Laws 1994, LB 76, § 359; [Laws 2018, LB744, § 7.](#)

Cross References: **Legislative Qualifications and Election Contests Act**, see section [50-1501](#).

32-1117. Election contests; appeal; when allowed; bond.

Except for election contests involving a member of the Legislature, an appeal from a final determination in an election contest may be taken in the same time or manner and to the same courts as is provided by law with respect to appeals in civil cases. In case of appeal, a bond with sufficient sureties shall be given conditioned for the payment of the costs accrued and to accrue in the cause. A new bond shall be given when required by any court in which the cause may be pending.

Source: Laws 1994, LB 76, § 360.

32-1118. Legislature; recount; petition; bond; Secretary of State; powers and duties.

(1) The apparent loser at a general election for a seat in the Legislature may secure a recount of the ballots cast at such election by filing a petition for a recount in duplicate with the Secretary of State no later than the fourth Monday after the election. The petition shall be accompanied by a corporate surety bond in the penal sum of two thousand five hundred dollars conditioned for the payment of costs pursuant to section [32-1116](#) if the recount fails to change the results of the election. If at any stage of the recount the amount of the bond becomes inadequate, the Secretary of State may order an increase in the amount of such bond.

(2) The Secretary of State shall, by certified or registered mail, give notice of the filing of a petition under this section not later than the day following the filing of the petition and deliver a copy of the petition to the declared winner. The Secretary of State shall also, by the most practicable means of communication, direct the election commissioner or county clerk of each county involved to deliver the ballot boxes to the office of the election commissioner or county clerk designated by the Secretary of State no later than the following Monday.

(3) After the ballot boxes have been received at the designated office, they shall be opened and the ballots for member of the Legislature shall be recounted under the supervision of the Secretary of State. The Secretary of State may employ such persons as may be necessary to conduct the recount and fix their compensation.

(4) The Secretary of State shall, on or before December 20, certify the results of the recount to each of the parties to the recount and to the Clerk of the Legislature.

Source: Laws 1994, LB 76, § 361.

32-1119. Automatic recount; when; waiver; procedure.

(1) If it appears as evidenced by the abstract of votes that any candidate failed to be nominated or elected by a margin of (a) one percent or less of the votes received by the candidate who received the highest number of votes for the office at an election in which more than five hundred total votes were cast or (b) two percent or less of the votes received by the candidate who received the highest number of votes for the office at an election in which five hundred or less total votes were cast, then such candidate

shall be entitled to a recount. Any losing candidate may waive his or her right to a recount by filing a written statement with the Secretary of State, election commissioner, or county clerk with whom he or she made his or her filing. All expenses of a recount under this section shall be paid by those political subdivisions involved in the recount.

(2) Recounts shall be made by the county canvassing board which officiated in making the official county canvass of the election returns. If any member of the county canvassing board cannot participate in the recount, another person shall be appointed by the election commissioner or county clerk to take the member's place.

(3) Recounts for candidates who filed with the Secretary of State shall be made on the fifth Wednesday after the election and shall commence at 9 a.m. The Secretary of State shall inform each election commissioner or county clerk of the names of the candidates for which the board of state canvassers deems a recount to be necessary.

(4) The election commissioner or county clerk shall be responsible for recounting the ballots for those candidates for whom the county canvassing board deems a recount to be necessary. The recount shall be made as soon as possible after the adjournment of the county canvassing board, except that if a recount is required under subsection (3) of this section, the recounts may be conducted concurrently.

(5) The Secretary of State, election commissioner, or county clerk shall notify all candidates whose ballots will be recounted of the time, date, and place of the recount. Candidates whose ballots will be recounted may be present or be represented by an agent appointed by the candidate.

(6) The procedures for the recounting of ballots shall be the same as those used for the counting of ballots on election day. The recount shall be conducted at the county courthouse, except that if vote counting devices are used for the counting or recounting, such counting or recounting may be accomplished at the site of the devices. Counties counting ballots by using a vote counting device shall first recount the ballots by use of the device. If substantial changes are found, the ballots shall then be counted using such device in any precinct which might reflect a substantial change.

Source: Laws 1994, LB 76, § 362; [Laws 2002, LB 1054, § 24](#).

32-1120. Automatic recount; certificate of nomination; certificate of election; issuance by election commissioner or county clerk; when.

After the recount under section [32-1119](#) has been certified, the election commissioner or county clerk shall make a certificate of election or a certificate of nomination in the case of a primary election for the person having the highest number of votes for the office covered by the recount and cause the certificate to be delivered to the person entitled to the certificate.

Source: Laws 1994, LB 76, § 363.

32-1121. Recount requested by losing candidate; procedure; costs.

If any candidate failed to be nominated or elected by more than the margin provided in section [32-1119](#), the losing candidate may submit a certified written request for a recount at such candidate's expense. The request shall be filed with the filing officer with whom the candidate filed for election not later than the fifth day after the county canvassing board or the board of state canvassers concludes. The recount shall be conducted as provided in section [32-1119](#). Prior to conducting the recount, the cost of the recount shall be determined by the election commissioner or county clerk and the requesting candidate shall be so notified. The candidate requesting the recount shall pay the estimated cost of the recount before the recount is scheduled to be conducted. If the recount involves more than one county, the election commissioner or county clerk shall certify the cost to the Secretary of State. The Secretary of State shall then notify the candidate of the determined cost, and the cost shall be paid before any recount is scheduled to be conducted. The candidate shall pay the cost on demand to the county treasurer of each county involved, and such sums shall be placed in the county general fund to help defray the cost of the recount. If the actual expense is less than the determined cost, the candidate may file a claim with the county board for overpayment of the recount. If the recount determines the candidate to be the winner, all costs which he or she paid shall be refunded. Refunds shall be made from the county general fund.

Source: Laws 1994, LB 76, § 364; [Laws 2019, LB411, § 58](#); [Laws 2022, LB843, § 42](#).

32-1122. Recount; tie vote; determination of winner.

(1) If a recount after a primary election results in any two or more persons having an equal and the highest number of votes for the same nomination for the same county, city, village, or school district office, the county canvassing board shall, in the presence of the candidates or their representatives, determine by lot which of the candidates shall be nominated. The election commissioner or county clerk shall notify such candidates by certified mail to appear at his or her office on a given day and hour to determine the same before the county canvassing board. The election commissioner or county clerk shall make a certificate of nomination for the person so nominated and shall cause such certificate to be delivered to the person entitled thereto.

(2) If a recount after a general or special election results in any two or more persons having an equal and the highest number of votes for the same county, city, village, or school district office, the county canvassing board shall, in the presence of the candidates or their representatives, determine by lot which of the candidates shall be elected. The election commissioner or county clerk shall notify such candidates by certified mail to appear at his or her office on a given day and hour to determine the same before the county canvassing board. The election commissioner or county clerk shall make a certificate of election for the person so elected and shall cause such certificate to be delivered to the person entitled thereto.

(3) If a recount after a primary election results in any two or more persons having an equal and the highest number of votes for nomination to an office canvassed by the board of state canvassers, the board shall decide by lot which of such persons is nominated.

(4) If a recount after a general or special election results in any two or more persons having an equal and the highest number of votes for the office of the Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, or other officer elected to an executive department, the Legislature shall choose one of such persons for the office. If the office involved in the recount is the office of the Governor, the Lieutenant Governor shall be the candidate for Lieutenant Governor chosen by the person selected by the Legislature as Governor.

(5) If a recount after a general or special election results in any two or more persons having an equal and the highest number of votes for an office canvassed by the board of state canvassers, the board shall decide by lot which of such persons is elected, except officers elected to the executive department.

Source: Laws 1994, LB 76, § 365; [Laws 2001, LB 253, § 1](#); [Laws 2001, LB 768, § 6](#).

Article 12 – Election Costs

32-1201. Costs of election; payment; county expense.

The county board shall draw warrants in payment of all bills submitted by the election commissioner or county clerk related to the cost of any election conducted by the office of the election commissioner or county clerk. Except as otherwise provided in subsection (4) of section [32-1203](#), the initial payment for bills submitted to the election commissioner or county clerk for the cost of preparing for and conducting elections shall be a county expense. The compensation of the election commissioner or county clerk, the deputy election commissioner or deputy county clerk for elections, and all permanent employees of the election commissioner or county clerk, the expenditures for the rental, furnishing, and equipping of the office of the election commissioner or county clerk, the expenditures for necessary office supplies, books, documents, and appurtenances relating to or used in performing the duties of the election commissioner or county clerk in relation to elections, and the cost of elections for county, state, and federal governments shall be an apportioned county expense and shall not be chargeable to other political subdivisions.

Source: Laws 1994, LB 76, § 366; Laws 1997, LB 764, § 103.

32-1201.01. Gift, grant, or donation; permitted, when.

(1) The Secretary of State, election commissioners, and county clerks shall not accept or use any gift, grant, or donation from any private entity for the purpose of preparing for, administering, or conducting an election unless the money received as a result of such gift, grant, or donation is appropriated to the Secretary of State for such use by the Legislature.

(2) This section does not prohibit

(a) the acceptance of an in-kind contribution of food or beverages for election workers during the administration of an election or

(b) the actual use of a public or private building, without charge or for a reduced fee, for the purposes of conducting an election, including use as a polling place or for election training purposes.

Source: [Laws 2022, LB843, § 44.](#)

32-1202. Expenses chargeable to political subdivisions.

The cost of publication and posting of notices and ballots, the cost of precinct registration lists, the compensation of temporary employees, inspectors, judges and clerks of election, and members of counting boards, the overtime costs of all permanent employees of the election commissioner or county clerk relating to elections, the cost of renting, heating, lighting, and equipping polling places including placing and removing ballot boxes and other fixtures and equipment, the cost of printing and delivering ballots and sample ballots, the cost of postage, cards of instructions for voters, maps, voter books for the polling place, other election supplies, and electronic media, the expense of programming and operation of voting systems, and all other expenses of conducting statewide primary and general elections not listed in section [32-1201](#) shall be chargeable to the political subdivisions in and for which such elections are held.

Source: Laws 1994, LB 76, § 367; [Laws 2003, LB 358, § 42](#); [Laws 2014, LB946, § 20.](#)

32-1203. Political subdivisions; election expenses; duties; determination of charge.

(1) Each city, village, township, school district, public power district, sanitary and improvement district, metropolitan utilities district, fire district, natural resources district, regional metropolitan transit authority, community college area, learning community coordinating council, educational service unit, hospital district, reclamation district, library board, and airport authority shall pay for the costs of nominating and electing its officers as provided in subsection (2), (3), or (4) of this section. If a special issue is placed on the ballot at the time of the statewide primary or general election by any political subdivision, the political subdivision shall pay for the costs of the election as provided in subsection (2), (3), or (4) of this section. The districts listed in this subsection shall furnish to the Secretary of State and election commissioner or county clerk any maps and additional information which the election

commissioner or county clerk may require in the proper performance of their duties in the conduct of elections and certification of results.

(2) The charge for each primary and general election shall be determined by

(a) ascertaining the total cost of all chargeable costs as described in section [32-1202](#),

(b) dividing the total cost by the number of precincts participating in the election to fix the cost per precinct,

(c) prorating the cost per precinct by the inked ballot inch in each precinct for each political subdivision, and

(d) totaling the cost for each precinct for each political subdivision, except that the minimum charge for each primary and general election for each political subdivision shall be one hundred dollars.

(3) In lieu of the charge determined pursuant to subsection (2) of this section, the election commissioner or county clerk may charge public power districts the fee for election costs set by section [70-610](#).

(4) In lieu of the charge determined pursuant to subsection (2) of this section, the election commissioner or county clerk may bill school districts directly for the costs of an election held under section [10-703.01](#).

Source: Laws 1994, LB 76, § 368; Laws 1997, LB 764, § 104; [Laws 2008, LB1067, § 1](#); [Laws 2011, LB449, § 11](#); [Laws 2015, LB575, § 27](#); [Laws 2019, LB492, § 39](#); [Laws 2022, LB843, § 43](#).

32-1204. Separate election; joint election; costs; political subdivisions; duties.

(1) Every political subdivision shall pay the cost of holding and conducting a separate election on its behalf by the election commissioner or county clerk. The election commissioner or county clerk shall fix and certify the total cost of the separate election to the political subdivision involved. Total cost shall include all chargeable costs as provided in section [32-1202](#).

(2) Except as provided in section [32-1203](#), if any two or more political subdivisions hold a joint election, the election commissioner or county clerk shall fix and certify to each political subdivision joining in such election the portion of the total cost which each shall bear.

(3) If a special issue is placed on the ballot of a joint or separate election by any political subdivision, the election commissioner or county clerk shall charge such political subdivision for any additional costs in printing ballots and in publication.

Source: Laws 1994, LB 76, § 369.

32-1205. Recall election; costs.

A political subdivision in which an official is recalled or a vacancy needs to be filled as the result of a recall petition shall pay the costs of the recall procedure and any special election held as a result of a recall election. If a recall election is canceled pursuant to section [32-1306](#), the political subdivision shall be responsible for costs incurred related to the canceled election. The costs shall include all chargeable costs as provided in section [32-1202](#) associated with preparing for and conducting a recall or special election.

Source: Laws 1994, LB 76, § 370; [Laws 2008, LB312, § 3](#).

32-1206. Other elections; costs.

Any election not otherwise provided for in sections [32-1203](#) to [32-1205](#) which is conducted by the election commissioner or county clerk shall be paid for by the entity holding the election.

Source: Laws 1994, LB 76, § 371.

32-1207. Costs of elections; certification; payment; when due.

The election commissioner or county clerk shall fix and certify the cost of elections pursuant to sections [32-1203](#) to [32-1206](#). The cost of elections shall be due and payable from each political subdivision within thirty days after the receipt of the statement certifying the cost of the election. All payments received by

the election commissioner or county clerk from each political subdivision for the cost of elections shall be placed in the county general fund and shall be used to help defray the cost of elections.

Source: Laws 1994, LB 76, § 372.

32-1208. Election equipment and materials; availability; costs.

The election commissioner or county clerk shall provide polling booths, ballot boxes, secrecy sleeves, and other ballot supply kits to political subdivisions upon request. The cost of such equipment and materials shall be amortized over a period of ten to twenty years and shall be chargeable to the political subdivision under section [32-1202](#).

Source: Laws 1994, LB 76, § 373; Laws 1997, LB 764, § 105.

Article 13 – Recall Elections

32-1301. Recall; filing clerk, defined.

For purposes of sections [32-1301](#) to [32-1309](#), filing clerk shall mean the election commissioner or county clerk for recall of elected officers of cities, villages, counties, irrigation districts, natural resources districts, public power districts, school districts, community college areas, educational service units, hospital districts, and metropolitan utilities districts.

Source: Laws 1994, LB 76, § 374; [Laws 2003, LB 444, § 9](#).

32-1302. Officials subject to recall.

(1) Except for trustees of sanitary and improvement districts, any elected official of a political subdivision and any elected member of the governing bodies of cities, villages, counties, irrigation districts, natural resources districts, public power districts, school districts, community college areas, educational service units, hospital districts, and metropolitan utilities districts may be removed from office by recall pursuant to sections [32-1301](#) to [32-1309](#). A trustee of a sanitary and improvement district may be removed from office by recall pursuant to sections [31-786](#) to [31-793](#).

(2) If due to reapportionment the boundaries of the area served by the official or body change, the recall procedure and special election provisions of sections [32-1301](#) to [32-1309](#) shall apply to the registered voters within the boundaries of the new area.

(3) The recall procedure and special election provisions of such sections shall apply to members of the governing bodies listed in subsection (1) of this section, other than sanitary and improvement districts, who are elected by precinct, district, or subdistrict of the political subdivision. Only registered voters of such member's precinct, district, or subdistrict may sign a recall petition or vote at the recall election. The recall election shall be held within the member's precinct, district, or subdistrict. When an elected member is nominated by precinct, district, or subdistrict in the primary election and elected at large in the general election, the recall provisions shall apply to the registered voters at the general election.

(4) The recall procedure and special election provisions shall apply to the mayor and members of the city council of municipalities with a home rule charter notwithstanding any contrary provisions of the home rule charter.

Source: Laws 1994, LB 76, § 375; Laws 1997, LB 874, § 12.

32-1303. Recall petition; signers and circulators; requirements; notification.

(1) A petition demanding that the question of removing an elected official or member of a governing body listed in section [32-1302](#) be submitted to the registered voters shall be signed by registered voters equal in number to at least thirty-five percent of the total vote cast for that office in the last general election, except that

(a) for an office for which more than one candidate is chosen, the petition shall be signed by registered voters equal in number to at least thirty-five percent of the number of votes cast for the person receiving the most votes for such office in the last general election and

(b) for a member of a governing body of a village, the petition shall be signed by registered voters of the village equal in number to at least forty-five percent of the total vote cast for the person receiving the most votes for that office in the last general election.

The signatures shall be affixed to petition papers and shall be considered part of the petition.

(2) Petition circulators shall conform to the requirements of sections [32-629](#) and [32-630](#).

(3) The petition papers shall be procured from the filing clerk. Prior to the issuance of such petition papers, a recall petition filing form shall be signed and filed with the filing clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The filing form shall state the name and office of the official sought to be removed, shall include in concise language of sixty words or less the reason or reasons for which recall is sought, and shall request that the filing clerk issue initial petition papers to the principal circulator for circulation. The filing clerk shall notify the official sought to be removed by any method specified in section [25-505.01](#) or, if notification cannot be made with reasonable diligence by any of the methods specified in section [25-](#)

[505.01](#), by leaving a copy of the filing form at the official's usual place of residence and mailing a copy by first-class mail to the official's last-known address. If the official chooses, he or she may submit a defense statement in concise language of sixty words or less for inclusion on the petition. Any such defense statement shall be submitted to the filing clerk within twenty days after the official receives the copy of the filing form. The filing clerk shall prepare the petition papers within five business days after receipt of the defense statement. The principal circulator or circulators shall gather the petition papers within twenty days after being notified by the filing clerk that the petition papers are available. The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within thirty days from the date of issuing the petitions.

(4) The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the filing clerk may distribute such petitions to persons who may act as circulators of such petitions.

(5) Petition signers shall conform to the requirements of sections [32-629](#) and [32-630](#). Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question.

Source: Laws 1994, LB 76, § 376; Laws 1997, LB 764, § 106; [Laws 2002, LB 1054, § 25](#); [Laws 2003, LB 444, § 10](#); [Laws 2004, LB 820, § 1](#); [Laws 2008, LB39, § 4](#); [Laws 2011, LB449, § 12](#); [Laws 2018, LB377, § 5](#); [Laws 2019, LB411, § 59](#).

32-1304. Petition papers; requirements.

(1) The Secretary of State shall design the uniform petition papers to be distributed by all filing clerks and shall keep a sufficient number of such blank petition papers on file for distribution to any filing clerk requesting recall petitions. The petition papers shall as nearly as possible conform to the requirements of section [32-628](#).

(2) In addition to the requirements specified in section [32-628](#), for the purpose of preventing fraud, deception, and misrepresentation, every sheet of each petition paper presented to a registered voter for his or her signature shall have upon it, above the lines for signatures,

(a) a statement that the signatories must be registered voters qualified by residence to vote for the office in question and support the holding of a recall election and

(b) in letters not smaller than sixteen-point type in red print

(i) the name and office of the individual sought to be recalled,

(ii) the reason or reasons for which recall is sought,

(iii) the defense statement, if any, submitted by the official, and

(iv) the name of the principal circulator or circulators of the recall petition.

The decision of a county attorney to prosecute or not to prosecute any individual shall not be stated on a petition as a reason for recall.

(3) Every sheet of each petition paper presented to a registered voter for his or her signature shall have upon it, below the lines for signatures, an affidavit as required in subsection (3) of section [32-628](#) which also includes language substantially as follows: "and that the affiant stated to each signer, before the signer affixed his or her signature to the petition, the following:

(a) The name and office of the individual sought to be recalled,

(b) the reason or reasons for which recall is sought as printed on the petition,

(c) the defense statement, if any, submitted by the official as printed on the petition, and

(d) the name of the principal circulator or circulators of the recall petition".

(4) Each petition paper shall contain a statement entitled Instructions to Petition Circulators prepared by the Secretary of State to assist circulators in understanding the provisions governing the petition process established by sections [32-1301](#) to [32-1309](#). The instructions shall include the following statements:

(a) No one circulating this petition paper in an attempt to gather signatures shall sign the circulator's affidavit unless each person who signed the petition paper did so in the presence of the circulator.

(b) No one circulating this petition paper in an attempt to gather signatures shall allow a person to sign the petition until the circulator has stated to the person

- (i) the object of the petition as printed on the petition,
- (ii) the name and office of the individual sought to be recalled,
- (iii) the reason or reasons for which recall is sought as printed on the petition,
- (iv) the defense statement, if any, submitted by the official as printed on the

petition, and

- (v) the name of the principal circulator or circulators of the recall petition.

Source: Laws 1994, LB 76, § 377; [Laws 2002, LB 1054, § 26](#); [Laws 2003, LB 444, § 11](#).

32-1305. Petition papers; filing; signature verification; procedure.

(1) The principal circulator or circulators shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the filing clerk within thirty days after the filing clerk issues the initial petition papers to the principal circulator or circulators as provided in section [32-1303](#).

(2) If the filing clerk is the subject of a recall petition, the signature verification process shall be conducted by two election commissioners or county clerks appointed by the Secretary of State. Mileage and expenses incurred by officials appointed pursuant to this subsection shall be reimbursed by the political subdivision involved in the recall.

(3) Within fifteen business days after the filing of the petition, the filing clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. No signatures may be removed unless the filing clerk receives an affidavit signed by the person requesting his or her signature be removed before the petitions are filed with the filing clerk for signature verification. If the petition is found to be sufficient, the filing clerk shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the filing clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

Source: Laws 1994, LB 76, § 378; [Laws 2020, LB1055, § 16](#).

32-1306. Filing clerk; notification required; recall election; when held.

(1) If the recall petition is found to be sufficient, the filing clerk shall notify the official whose removal is sought and the governing body of the affected political subdivision that sufficient signatures have been gathered. Notification of the official sought to be removed may be by any method specified in section [25-505.01](#) or, if notification cannot be made with reasonable diligence by any of the methods specified in section [25-505.01](#), by leaving such notice at the official's usual place of residence and mailing a copy by first-class mail to the official's last-known address.

(2) The governing body of the political subdivision shall, within twenty-one days after receipt of the notification from the filing clerk pursuant to subsection (1) of this section, order an election. The date of the election shall be the first available date that complies with section [32-405](#) and that can be certified to the election commissioner or county clerk at least fifty days prior to the election, except that if any other election is to be held in that political subdivision within ninety days after such notification, the governing body of the political subdivision shall provide for the holding of the recall election on the same day.

(3) All resignations shall be tendered as provided in section [32-562](#). If the official whose removal is sought resigns before the recall election is held, the governing body may cancel the recall election if the governing body notifies the election commissioner or county clerk of the cancellation on or before the fourth Thursday prior to the election, otherwise the recall election shall be held as scheduled.

(4) If a filing clerk is subject to a recall election, the Secretary of State shall conduct the recall election.

Source: Laws 1994, LB 76, § 379; [Laws 2004, LB 820, § 2](#); [Laws 2008, LB312, § 4](#); [Laws 2011, LB449, § 13](#); [Laws 2019, LB411, § 60](#); [Laws 2020, LB1055, § 17](#); [Laws 2022, LB843, § 45](#).

32-1307. Recall election; ballot.

The form of the official ballot at a recall election held pursuant to section [32-1306](#) shall conform to the requirements of this section. With respect to each person whose removal is sought, the question shall be submitted: Shall (name of person) be removed from the office of (name of office)? Immediately following each such question there shall be printed on the ballot the two responses: Yes and No. Next to each response shall be placed a square or oval in which the registered voters may vote for one of the responses by making a cross or other clear, identifiable mark. The name of the official which shall appear on the ballot shall be the name of the official that appeared on the ballot of the previous general election that included his or her name.

Source: Laws 1994, LB 76, § 380; [Laws 2003, LB 358, § 43](#).

32-1308. Recall election; results; effect; vacancies; how filled.

(1) If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or the election results in a tie, the official shall continue in office for the remainder of his or her term but may be subject to further recall attempts as provided in section [32-1309](#).

(2) If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the removal shall result in a vacancy in the office which shall be filled as provided in this section and sections [32-567](#) to [32-570](#) and [32-574](#).

(3) If the election results show a margin of votes equal to one percent or less between the removal or retention of the official in question, the Secretary of State, election commissioner, or county clerk shall order a recount of the votes cast unless the official named on the ballot files a written statement with the filing clerk that he or she does not want a recount.

(4) If there are vacancies in the offices of one-half or more of the members of any governing body at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the Secretary of State, election commissioner, or county clerk.

(5) No official who is removed at a recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the same governing body during the remainder of his or her term of office.

Source: Laws 1994, LB 76, § 381; [Laws 2015, LB575, § 28](#).

32-1309. Recall petition filing form prohibited; when.

No recall petition filing form shall be filed against an elected official within twelve months after a recall election has failed to remove him or her from office or within six months after the beginning of his or her term of office or within six months prior to the incumbent filing deadline for the office.

Source: Laws 1994, LB 76, § 382; [Laws 2019, LB411, § 61](#).

32-1310. Recall election; failure or refusal to call; county attorney; duties.

If the governing board of a political subdivision fails or refuses to call for a recall election by the date established in subsection (2) of section [32-1306](#), the county attorney in the county in which the board is located shall file an action in the district court to order the recall election. For offices filled by election in more than one county, the county attorney in the county with the most registered voters residing within the political subdivision shall file the action in the district court to order the recall election.

Source: [Laws 2022, LB843, § 46](#).

Article 14 – Initiatives & Referendums

32-1401. Initiative petition; form.

The form of a petition for initiating any law or any amendment to the Constitution of Nebraska shall comply with the requirements of sections [32-628](#) and [32-1403](#) and shall be substantially as follows:

Initiative Petition

The object of this petition is to (Print a concise statement in large type of the legal effect of the filing of the petition and the object sought to be secured by submitting the measure to the voters).

To the Honorable, Secretary of State for the State of Nebraska:

We, the undersigned residents of the State of Nebraska and the county of, respectfully demand that the following proposed law (or amendment to the Constitution of Nebraska as the case may be) shall be referred to the registered voters of the state for their approval or rejection at the general election to be held on the day of 20...., and each for himself or herself says:

I have personally signed this petition on the date opposite my name;

I am a registered voter of the State of Nebraska and county of and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and

My printed name, date of birth, street and number or voting precinct, and city, village, or post office address are correctly written after my signature.

(Here follow numbered lines for signature, printed name, date of birth, date, street and number or voting precinct, and city, village, or post office address.)

Source: Laws 1994, LB 76, § 383; Laws 1997, LB 460, § 5; [Laws 2004, LB 813, § 18](#).

Cross References: **Constitutional amendments proposed by Legislature**, procedure, see sections [49-201](#) to [49-211](#).

32-1402. Referendum petition; form.

The form of a petition for ordering a referendum upon any act or any part of any act passed by the Legislature of the State of Nebraska shall comply with the requirements of sections [32-628](#) and [32-1403](#) and shall be substantially as follows:

Referendum Petition

The object of this petition is to (Print a concise statement in large type of the legal effect of the filing of the petition and the object sought to be secured by submitting the measure to the voters).

To the Honorable, Secretary of State for the State of Nebraska:

We, the undersigned residents of the State of Nebraska and the county of, respectfully order that Legislative Bill No. entitled (title of act and, if the petition is against less than the whole act, then set forth here the part or parts on which the referendum is sought), passed by the Legislature of the State of Nebraska at its Session, shall be referred to the registered voters of the state for retention or repeal at the general election to be held on the day of 20...., and each for himself or herself says:

I have personally signed this petition on the date opposite my name;

I am a registered voter of the State of Nebraska and county of and am qualified to sign this petition or I will be so registered and qualified on or before the date on which this petition is required to be filed with the Secretary of State; and

My printed name, date of birth, street and number or voting precinct, and city, village, or post office address are correctly written after my signature.

(Here follow numbered lines for signature, printed name, date, date of birth, street and number or voting precinct, and city, village, or post office address.)

Source: Laws 1994, LB 76, § 384; Laws 1997, LB 460, § 6; [Laws 2004, LB 813, § 19](#).

32-1403. Initiative or referendum; petition; title and text required; filing.

A full and correct copy of the title and text of the law or amendment to the Constitution of Nebraska to be proposed by an initiative petition or the measure sought to be referred to the registered voters by a referendum petition shall be printed upon each sheet of the petition which contains signatures. The petition may be filed with the Secretary of State in numbered sections for convenience in handling.

Source: Laws 1994, LB 76, § 385.

32-1404. Initiative and referendum petitions; signers and circulators; requirements.

A signer of an initiative and referendum petition shall be a registered voter of the State of Nebraska on or before the date on which the petition is required to be filed with the Secretary of State and shall meet the requirements of section [32-630](#). A person who circulates initiative and referendum petitions shall comply with the requirements of section [32-629](#) and subsection (2) of section [32-630](#) and with the prohibitions contained in subdivisions (3)(a), (d), and (f) of section [32-630](#).

Source: Laws 1994, LB 76, § 386; Laws 1995, LB 337, § 4; Laws 1997, LB 460, § 7; [Laws 2003, LB 444, § 12](#); [Laws 2008, LB39, § 5](#); [Laws 2015, LB367, § 2](#).

32-1405. Initiative and referendum petitions; sponsors; filing required; Revisor of Statutes; Secretary of State; duties.

(1) Prior to obtaining any signatures on an initiative or referendum petition, a statement of the object of the petition and the text of the measure shall be filed with the Secretary of State together with a sworn statement containing the names and street addresses of every person, corporation, or association sponsoring the petition.

(2) Upon receipt of the filing, the Secretary of State shall transmit the text of the proposed measure to the Revisor of Statutes. The Revisor of Statutes shall review the proposed measure and suggest changes as to form and draftsmanship. The revisor shall complete the review within ten business days after receipt from the Secretary of State. The Secretary of State shall provide the results of the review and suggested changes to the sponsor but shall otherwise keep the proposed measure, the review, and the sworn statement confidential for five days after receipt of the review by the sponsor. The Secretary of State shall then maintain the proposed measure, the opinion, and the sworn statement as public information and as a part of the official record of the initiative. The sponsor may make any changes recommended by the Revisor of Statutes and shall submit final language to the Secretary of State. If the final language is addressing a subject that is substantially different in form or substance from the initial filing or the changes recommended by the Revisor of Statutes, the Secretary of State shall reject it.

(3) The Secretary of State shall prepare the form of the petition from the final language filed by the sponsor and shall provide a copy of the form of the petition to the sponsor within five business days after receipt of the final language of the proposed measure. The sponsor shall print the petitions to be circulated from the forms provided. Prior to circulation, the sponsor shall file a sample copy of the petition to be circulated with the Secretary of State.

Source: Laws 1994, LB 76, § 387; Laws 1995, LB 337, § 5; [Laws 2019, LB411, § 62](#); [Laws 2022, LB843, § 47](#).

32-1405.01. Initiative and referendum measures; informational pamphlet; contents; distribution.

(1) The Secretary of State shall develop and print one informational pamphlet on all initiative and referendum measures to be placed on the ballot. The pamphlet shall include the measure number, the ballot title and text, and the full text of each initiated or referred measure and arguments both for and against each measure.

(2) The Secretary of State shall write the arguments for and against each measure, and each set of arguments shall consist of no more than two hundred fifty words. Information for the arguments may be provided by the sponsors of the measure, opponents to the measure, and other sources.

(3) The Secretary of State shall distribute the pamphlets to election commissioners and county clerks at least six weeks prior to the election. The election commissioners and county clerks shall immediately make the pamphlets available in their offices and in at least three other public locations that will facilitate distribution to the public.

Source: Laws 1995, LB 337, § 7.

32-1405.02. Initiative and referendum measures; public hearing; notice.

After the Secretary of State certifies the initiative and referendum measures for the ballot under subsection (3) of section [32-1411](#), the Secretary of State shall hold one public hearing in each congressional district for the purpose of allowing public comment on the measures. Notice of each hearing shall be published once in such newspapers as are necessary to provide for general circulation within the congressional district in which the meeting will be held not less than five days prior to the hearing. The hearings shall be held not more than eight weeks prior to the election.

Source: Laws 1995, LB 337, § 8.

32-1406. Initiative and referendum petitions; principal circulator; name and address.

The election commissioner or county clerk shall provide the name and address of the principal circulator of an initiative or referendum petition upon request. The principal circulator shall inform the election commissioner or county clerk of the name and address to be provided.

Source: Laws 1994, LB 76, § 388.

32-1407. Initiative petition; filing deadline; issue placed on ballot; when; referendum petition; filing deadline; affidavit of sponsor.

(1) Initiative petitions shall be filed in the office of the Secretary of State at least four months prior to the general election at which the proposal would be submitted to the voters.

(2) When a copy of the form of any initiative petition is filed with the Secretary of State prior to obtaining signatures, the issue presented by such petition shall be placed before the voters at the next general election occurring at least four months after the date that such copy is filed if the signed petitions are found to be valid and sufficient. All signed initiative petitions shall become invalid on the date of the first general election occurring at least four months after the date on which the copy of the form is filed with the Secretary of State.

(3) Petitions invoking a referendum shall be filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or has adjourned for more than ninety days.

(4) At the time of filing the signed petitions, at least one sponsor shall sign an affidavit certifying that the petitions contain a sufficient number of signatures to place the issue on the ballot if such number of signatures were found to be valid.

Source: Laws 1994, LB 76, § 389; [Laws 2019, LB411, § 63](#).

32-1408. Initiative and referendum petitions; Secretary of State; refuse filing; when.

The Secretary of State shall not accept for filing any initiative or referendum petition which interferes with the legislative prerogative contained in the Constitution of Nebraska that the necessary revenue of the state and its governmental subdivisions shall be raised by taxation in the manner as the Legislature may direct.

Source: Laws 1994, LB 76, § 390.

32-1409. Initiative and referendum petitions; signature verification; procedure; certification; Secretary of State; duties.

(1) Upon the receipt of the petitions, the Secretary of State, with the aid and assistance of the election commissioner or county clerk, shall determine the validity and sufficiency of signatures on the pages of the filed petition. The Secretary of State shall deliver the various pages of the filed petition to the election commissioner or county clerk by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Upon receipt of the pages of the petition, the election commissioner or county clerk shall issue to the Secretary of State a written receipt that the pages of the petition are in the custody of the election commissioner or county clerk. The election commissioner or county clerk shall determine if each signer was a registered voter on or before the date on which the petition was required to be filed with the Secretary of State. The election commissioner or county clerk shall compare the signer's signature, printed name, date of birth, street name and number or voting precinct, and city,

village, or post office address with the voter registration records to determine whether the signer was a registered voter. The determination of the election commissioner or county clerk may be rebutted by any credible evidence which the election commissioner or county clerk finds sufficient. The express purpose of the comparison of names and addresses with the voter registration records, in addition to helping to determine the validity of such petition, the sufficiency of such petition, and the qualifications of the signer, shall be to prevent fraud, deception, and misrepresentation in the petition process. If the Secretary of State receives reports from a sufficient number of the counties that signatures in excess of one hundred ten percent of the number necessary to place the issue on the ballot have been verified, the Secretary of State may instruct the election commissioners and county clerks in all counties to stop verifying signatures and certify the number of signatures verified as of receipt of the instruction from the Secretary of State.

(2) Upon completion of the determination of registration, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name and address of each signer found not to be a registered voter and the petition page number and line number where the name is found, and if the reason for the invalidity of the signature or address is other than the nonregistration of the signer, the election commissioner or county clerk shall set forth the reason for the invalidity of the signature. If the election commissioner or county clerk determines that a signer has affixed his or her signature more than once to any page or pages of the petition and that only one person is registered by that name, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name of the duplicate signature and shall count only the earliest dated signature. The election commissioner or county clerk shall deliver all pages of the petition and the certifications to the Secretary of State within forty days after the receipt of such pages from the Secretary of State. The delivery shall be by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. The Secretary of State may grant to the election commissioner or county clerk an additional ten days to return all pages of the petition in extraordinary circumstances.

(3) Upon receipt of the pages of the petition, the Secretary of State shall issue a written receipt indicating the number of pages of the petition that are in his or her custody. When all the petitions and certifications have been received by the Secretary of State, he or she shall strike from the pages of the petition all but the earliest dated signature of any duplicate signatures and such stricken signatures shall not be added to the total number of valid signatures. Not more than twenty signatures on one sheet shall be counted. All signatures secured in a manner contrary to sections [32-1401](#) to [32-1416](#) shall not be counted. Clerical and technical errors in a petition shall be disregarded if the forms prescribed in sections [32-1401](#) to [32-1403](#) are substantially followed. The Secretary of State shall total the valid signatures and determine if constitutional and statutory requirements have been met. The Secretary of State shall immediately serve a copy of such determination by certified or registered mail upon the person filing the initiative or referendum petition. If the petition is found to be valid and sufficient, the Secretary of State shall proceed to place the measure on the general election ballot.

(4) The Secretary of State may adopt and promulgate rules and regulations for the issuance of all necessary forms and procedural instructions to carry out this section.

Source: Laws 1994, LB 76, § 391; Laws 1995, LB 337, § 6; Laws 1997, LB 460, § 8; [Laws 2007, LB311, § 1](#); [Laws 2019, LB411, § 64](#).

32-1410. Initiative and referendum petitions; ballot title; statement of effect; Attorney General; duties; appeal.

(1) When an initiative petition is filed with the Secretary of State to propose a measure to the registered voters of the state, the Secretary of State shall transmit a copy of the measure to the Attorney General. Within ten days after receiving the copy, the Attorney General shall provide and return to the Secretary of State a ballot title for such measure. The ballot title shall express the purpose of the measure in not exceeding one hundred words and shall not resemble, so far as to be likely to create confusion, any title previously filed for any measure to be submitted at that election. The Attorney General also shall prepare a statement to be printed in italics immediately preceding the ballot title on the official ballot. Such statement shall in clear and concise language explain the effect of a vote for and against the measure in such language that the statement will not be intentionally an argument or likely to create prejudice, either for or against the measure. The ballot title shall be so worded that those in favor of adopting the measure shall vote For and those opposing the adoption of the measure shall vote Against.

(2) When a referendum petition is filed with the Secretary of State to refer a measure to the registered voters of the state, the Secretary of State shall transmit a copy of the measure to the Attorney General. Within ten days after receiving the copy, the Attorney General shall provide and return to the Secretary of State a ballot title for such measure. The ballot title may be distinct from the legislative title of the measure, shall express the purpose of the measure in not exceeding one hundred words, and shall not resemble, so far as to be likely to create confusion, any title previously filed for any measure to be submitted at that election. The Attorney General also shall prepare a statement to be printed in italics immediately preceding the ballot title on the official ballot. Such statement shall in clear and concise language explain the effect of a vote to retain and a vote to repeal the measure in such language that the statement will not be intentionally an argument or likely to create prejudice, either for retention or for repeal of the measure. The ballot title shall be so worded that those in favor of retaining the measure shall vote Retain and those opposing the measure shall vote Repeal.

(3) Any person who is dissatisfied with the ballot title provided by the Attorney General for any measure may appeal from his or her decision to the district court as provided in section [32-1412](#). The person shall file a petition asking for a different title and setting forth the reasons why the title prepared by the Attorney General is insufficient or unfair. No appeal shall be allowed from the decision of the Attorney General on a ballot title unless the appeal is taken within ten days after the decision is filed. A copy of every such decision shall be served by the Secretary of State or the clerk of the district court upon the person offering or filing such initiative or referendum petition or appeal. Service of such decision may be by mail or electronic transmission and shall be made forthwith. The district court shall thereupon examine the measure, hear arguments, and in its decision thereon certify to the Secretary of State a ballot title for the measure in accord with the intent of this section by September 1 prior to the statewide general election.

(4) The appeal procedures described in the Administrative Procedure Act shall not apply to this section.

Source: Laws 1994, LB 76, § 392.

Cross References: **Administrative Procedure Act**, see section [84-920](#).

32-1411. Initiative and referendum measures; numbering; placement on ballot.

(1) The Secretary of State shall number the measures proposed by initiative or referendum to be voted upon at the next general election. Beginning with the 1986 general election, the first measure shall be numbered 400 and the succeeding measures shall be numbered consecutively 401, 402, 403, 404, 405, and so on.

(2) When any initiative or referendum petition is regularly and legally filed with the Secretary of State, he or she shall, at the next general election, cause to be printed on an official ballot in a nonpartisan manner the ballot title and number of the measure. The ballot titles shall be printed on the official ballot in a random order as determined by the Secretary of State. The statement prepared by the Attorney General shall be printed in italics immediately preceding the ballot title on the official ballot. Measures proposed by initiative petition shall be designated and distinguished on the ballot by the heading Proposed by Initiative Petition. Measures referred by petition shall be designated Referendum ordered by Petition of the People. All initiative and referendum measures shall be submitted in a nonpartisan manner without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization.

(3) At the time the Secretary of State furnishes to the election commissioners or county clerks certified copies of the names of the candidates for state and other offices, the Secretary of State shall furnish to each election commissioner or county clerk a certified copy of the ballot titles and numbers of the measures proposed by initiative or referendum to be voted upon at the next general election. The election commissioner or county clerk shall print such ballot titles and numbers upon the official ballot in the order presented by the Secretary of State and the relative position required by this section.

Source: Laws 1994, LB 76, § 393; Laws 1997, LB 460, § 9.

32-1412. Initiative and referendum measures; refusal of Secretary of State to place on ballot; jurisdiction of district court; parties; appeal.

(1) If the Secretary of State refuses to place on the ballot any measure proposed by an initiative petition presented at least four months preceding the date of the election at which the proposed law or constitutional amendment is to be voted upon or a referendum petition presented within ninety days after the Legislature enacting the law to which the petition applies adjourns sine die or for a period longer than ninety days, any resident may apply, within ten days after such refusal, to the district court of Lancaster County for a writ of mandamus. If it is decided by the court that such petition is legally sufficient, the Secretary of State shall order the issue placed upon the ballot at the next general election.

(2) On a showing that an initiative or referendum petition is not legally sufficient, the court, on the application of any resident, may enjoin the Secretary of State and all other officers from certifying or printing on the official ballot for the next general election the ballot title and number of such measure. If a suit is filed against the Secretary of State seeking to enjoin him or her from placing the measure on the official ballot, the person who is the sponsor of record of the petition shall be a necessary party defendant in such suit.

(3) Such suits shall be advanced on the trial docket and heard and decided by the court as quickly as possible. Either party may appeal to the Court of Appeals within ten days after a decision is rendered. The appeal procedures described in the Administrative Procedure Act shall not apply to this section.

(4) The district court of Lancaster County shall have jurisdiction over all litigation arising under sections [32-1401](#) to [32-1416](#).

Source: Laws 1994, LB 76, § 394; [Laws 2018, LB193, § 69](#).

Cross References: **Administrative Procedure Act**, see section [84-920](#).

32-1413. Initiative and referendum measures; publication required; rate.

Immediately preceding any general election at which any initiative or referendum measure is to be submitted to the registered voters, the Secretary of State shall cause to be published in all legal newspapers in the state once each week for three consecutive weeks a true copy of the ballot title and text and the number of each measure to be submitted in the form in which the measure will be printed on the official ballot. The publication shall be at a rate charged as provided in section [33-141](#).

Source: Laws 1994, LB 76, § 395.

32-1414. Initiative and referendum measures; counting, canvassing, and return of votes; proclamation by Governor.

The votes on initiative and referendum measures shall be counted, canvassed, and returned in the same manner as votes for candidates are counted, canvassed, and returned, and the abstract of votes made by the election commissioners or county clerks shall be returned on abstract sheets in the manner provided by section [32-1034](#) for abstracts of votes for state and county officers. The board of state canvassers shall canvass the votes upon each initiative or referendum measure in the same manner as is prescribed in the case of presidential electors. The Governor shall, within ten days of the completion of the canvass, issue his or her proclamation giving the whole number of votes cast in the state approving and rejecting each measure and declaring such measures as are approved by the constitutional number or majority of those voting to be in full force and effect as the law of the State of Nebraska from the date of such proclamation. If two or more measures are approved at such election which are known to conflict with each other or to contain conflicting provisions, the Governor shall also proclaim which is paramount in accordance with section [32-1416](#).

Source: Laws 1994, LB 76, § 396.

32-1415. Initiative or referendum; approved; preservation and printing.

If an initiative or referendum is approved by the voters at the general election, the copies of the initiative or referendum petition filed with the Secretary of State and a certified copy of the Governor's proclamation declaring the measure approved by the people shall be identified and preserved. The Secretary of State shall cause every measure approved by the people to be printed with the general laws

enacted by the next session of the Legislature with the date of the Governor's proclamation declaring the same to have been approved by the people.

Source: Laws 1994, LB 76, § 397.

32-1416. Conflicting laws; adoption; which law controls.

If two or more conflicting laws are approved by the registered voters at the same election, the law receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict even though such law may not have received the greater majority of affirmative votes. If two or more conflicting amendments to the Constitution of Nebraska are approved by the registered voters at the same election, the amendment which receives the greatest number of affirmative votes shall be paramount in all particulars as to which there is conflict even though such amendment may not have received the greater majority of affirmative votes.

Source: Laws 1994, LB 76, § 398.

32-1417. Constitution of United States; proposed amendment; adoption or rejection; submission to voters for advisory vote.

(1) If a proposed amendment to the Constitution of the United States is duly submitted to the Legislature of the State of Nebraska as provided in Article V of the Constitution of the United States, a petition may be filed with the Secretary of State requesting that such proposed amendment be submitted to a vote of the people for an advisory opinion as to whether the proposed amendment to the Constitution of the United States shall be adopted or rejected. The petition shall set forth at length the proposed amendment and shall be signed by a number of registered voters of the state equal to ten percent of the votes cast at the immediately preceding presidential election. The registered voters signing the petition shall be so distributed as to include two percent of the registered voters of each of three-fifths of the counties of the state. When the petition is filed with the Secretary of State, he or she shall submit the proposed amendment to the registered voters of the state at the first general election held at least four months after such petition has been filed.

(2) The procedure for placing the proposed amendment on the ballot shall be the same as for placing initiated measures on the ballot under the Constitution and laws of Nebraska so far as is applicable. The ballot title on each such question submitted shall be designated as follows: Advisory Vote on Amendment to Constitution of United States Ordered by Petition of the People. The question shall be submitted in substantially the following form:

Is it desirable that the Legislature ratify the following proposed amendment to the
Constitution of the United States:
(Setting out proposed amendment)
For ratification
Against ratification

(3) The result of the vote cast on a question submitted under this section shall be regarded as advisory to the Legislature of the opinion of the people concerning such proposed amendment to the Constitution of the United States but shall not be binding upon the Legislature or any member thereof or be considered as controlling in any action taken either to ratify or not to ratify such amendment.

Source: Laws 1994, LB 76, § 399.

Article 15 – Election Violations

32-1501. Interference or refusal to comply with Secretary of State; penalty.

Any person who willfully interferes with or refuses to comply with the requirements of and cooperate with the Secretary of State or his or her designated agent in carrying out the powers and duties prescribed in sections [32-202](#) and [32-203](#) shall be guilty of a Class III misdemeanor.

Source: Laws 1994, LB 76, § 400.

32-1502. Election falsification; penalty.

A person shall be guilty of election falsification if, orally or in writing, he or she purposely states a falsehood under oath lawfully administered or in a statement made under penalty of election falsification

(1) as to a material matter relating to an election in a proceeding before a court, tribunal, or public official or

(2) in a matter in relation to which an oath or statement under penalty of election falsification is authorized by law, including a statement required for verifying or filing a voter registration application or voting early or a statement required by a new or former resident to enable him or her to vote for President or Vice President of the United States.

Any person committing election falsification shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 401; [Laws 2005, LB 98, § 30](#); [Laws 2005, LB 566, § 55](#).

32-1503. Registration of voters; prohibited acts; penalty.

Any person who

(1) falsely impersonates an elector and registers or attempts or offers to register in the name of such elector,

(2) knowingly or fraudulently registers or offers to, attempts to, or makes application to register in or under the name of any other person, in or under any false, assumed, or fictitious name, or in or under any name not his or her own,

(3) knowingly or fraudulently registers in two election districts,

(4) having registered in one district, fraudulently attempts or offers to register at any other election district in which he or she does not have a lawful right to register,

(5) knowingly or willfully does any unlawful act to secure registration for himself or herself or any other person,

(6) knowingly, willfully, or fraudulently, by false impersonation or by any unlawful means, causes, procures, or attempts to cause or procure the name of any registered voter in any election precinct to be erased or stricken from any register of the voters of such precinct,

(7) by force, threat, menace, intimidation, bribery, reward, offer or promise of reward, or other unlawful means, prevents, hinders, or delays any person having a lawful right to register or to be registered from duly exercising such right,

(8) knowingly, willfully, or fraudulently compels, induces, or attempts or offers to compel or induce, by any unlawful means, any deputy registrar to register any person not lawfully entitled to registration in such precinct or to register any false, assumed, or fictitious name or any name of any other person,

(9) knowingly, willfully, or fraudulently interferes with, hinders, or delays any deputy registrar in the discharge of his or her duties,

(10) counsels, advises, induces, or attempts to induce any deputy registrar to refuse to perform or neglect to comply with his or her duties or to violate any of the provisions of the Election Act, or

(11) aids, counsels, procures, or advises any person to do any act forbidden by this section or to omit to do any act by law directed to be done shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 402.

32-1504. Deputy registrar; neglect of duties; penalty.

Any deputy registrar who is guilty of any willful neglect of his or her duty or of any corrupt or fraudulent conduct or practice in the execution of his or her duty or who willfully neglects or, when called upon, willfully declines to exercise the powers conferred on him or her by sections [32-301](#) to [32-330](#) shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 403.

32-1505. Deputy registrar; liquor violations; penalty.

No deputy registrar shall bring, attempt to bring, take, cause to be taken, order, or send into any place of registration or revision of registration any liquor or shall at any such time or place drink or partake of any liquor at such place of registration or revision of registration. A person violating this section shall be guilty of a Class III misdemeanor.

Source: Laws 1994, LB 76, § 404.

32-1506. Election records; prohibited acts; penalty.

Any deputy registrar, judge or clerk of election, or other officer having the custody of records, registers, copies of records or registers, oaths, certificates, or any other paper, document, or evidence of any description by law directed to be made, filed, or preserved who steals, willfully destroys, mutilates, defaces, falsifies, or fraudulently removes such paper, document, or evidence or any part thereof, who fraudulently makes an entry, erasure, or alteration in such paper, document, or evidence except as allowed and directed by the Election Act, who permits any other person to commit any violation listed in this section, or who advises, procures, or abets the commission of such a violation shall be guilty of a Class III misdemeanor and shall forfeit his or her office. Any other person who violates this section shall be guilty of a Class III misdemeanor.

Source: Laws 1994, LB 76, § 405.

32-1507. False swearing; political party affiliation; penalty.

Any registered voter, candidate, or proposed candidate who swears falsely as to political party affiliation or swears that he or she affiliates with two or more political parties shall be guilty of a Class IV misdemeanor.

Source: Laws 1994, LB 76, § 406.

32-1508. Willful or corrupt false swearing; registration of voters; penalty.

Any person who is guilty of willful or corrupt false swearing in taking an oath prescribed by or upon any examination provided for in sections [32-301](#) to [32-330](#) or upon being challenged as unqualified to register to vote shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 407.

32-1510. Interference with voter registration; penalty.

Any person who causes any breach of the peace or uses any disorderly violence or threat of violence which impedes or hinders any registration of voters or revision of voter registration lists or interferes with the lawful proceedings of any deputy registrar shall be guilty of a Class III misdemeanor.

Source: Laws 1994, LB 76, § 409.

32-1511. Interference with deputy registrar; penalty.

Any person who

(1) knowingly or willfully obstructs, hinders, assaults, or, by bribery, solicitation, or otherwise, interferes with any deputy registrar in carrying out his or her powers or duties,

(2) hinders or prevents the attendance of any deputy registrar at any registration of voters or revision of voter registration lists, or

(3) unlawfully molests, interferes with, removes, or ejects from any place of registration or revision of registration any deputy registrar or unlawfully threatens, attempts, or offers to do so shall be guilty of a Class III misdemeanor.

Source: Laws 1994, LB 76, § 410.

32-1512. Voter registration; irregularities or defects; not a defense; when.

Irregularities or defects in the mode of noticing, convening, holding, or conducting any registration or revision of registration authorized by sections [32-301](#) to [32-330](#) shall not constitute a defense to a prosecution for a violation of any of the provisions of sections [32-1503](#) to [32-1511](#).

Source: Laws 1994, LB 76, § 411.

32-1513. Candidate filing form; nominating petitions; prohibited acts; penalty.

Any person who

(1) offers to accept and receive or accepts and receives any money or valuable thing in consideration for his or her filing or agreeing to file or not filing or agreeing not to file a candidate filing form for himself or herself as a candidate for nomination in any primary election,

(2) offers to accept or receives any money or any valuable thing in consideration for withdrawing his or her name as a candidate for nomination at a primary election,

(3) offers or, with knowledge of the same, permits any person to offer for his or her benefit any bribe to a voter to induce him or her to sign any candidate filing form or accept any such bribe or promise of gain of any kind in the nature of a bribe as a consideration for signing the same whether such bribe or promise of gain in the nature of a bribe is offered or accepted before or after such signing, or

(4) signs more petitions for nomination than there are positions to fill in any kind of office shall be guilty of a Class III misdemeanor.

Source: Laws 1994, LB 76, § 412.

32-1514. Candidate filing form; forgery; penalty.

Any person who forges any candidate filing form shall be guilty of a Class III felony.

Source: Laws 1994, LB 76, § 413.

32-1515. Candidate filing form; wrongful failure to file; penalty.

Any person who is in possession of any candidate filing form entitled to be filed under the Election Act and who wrongfully suppresses or neglects or willfully fails to file such candidate filing form or fails to cause such candidate filing form to be filed at the proper time in the proper office shall be guilty of a Class III misdemeanor.

Source: Laws 1994, LB 76, § 414.

32-1516. Candidate filing form; initials or signatures on ballot; prohibited acts; penalty.

Any person who falsely makes or falsely swears to any candidate filing form or any part thereof, fraudulently defaces or destroys any candidate filing form or any part thereof, files or receives for filing any candidate filing form knowing that the form or any part thereof is falsely made, suppresses any duly filed candidate filing form or any part thereof, or forges or falsely places any initials or signatures on any ballot under section [32-916](#) or [32-947](#) shall be guilty of a Class III felony.

Source: Laws 1994, LB 76, § 415; Laws 1997, LB 764, § 107.

32-1517. Election officials; employers; prohibited acts; penalties.

(1) Any person appointed to be a precinct or district inspector or a judge or clerk of election who refuses, neglects, or fails to serve without excuse shall be guilty of a Class IV misdemeanor.

(2) Any employer of a person appointed to be a precinct or district inspector or a judge or clerk of election who threatens to discharge or coerces or attempts to coerce such person by reason of his or her

service as an inspector or a judge or clerk of election shall be guilty of a Class III misdemeanor and such employer shall be subject to a mandatory five-hundred-dollar fine upon conviction.

(3) Any employer of a person appointed to be a precinct or district inspector or a judge or clerk of election who discharges such person from employment, docks such person's pay, overtime pay, sick leave, or vacation time, or in any other way penalizes such person because of his or her service as an inspector, a judge, or a clerk shall be guilty of a Class III felony.

Source: Laws 1994, LB 76, § 416.

32-1518. Election officials; other violations of Election Act; penalty; political subdivision; member of governing body; failure or refusal to perform duty; penalty.

(1) Any judge or clerk of election, any precinct or district inspector, or any other person upon whom any duty is imposed by the Election Act relating to elections who willfully does or performs anything prohibited by the act for which no other penalty is provided or neglects or omits to perform any such duty shall be guilty of a Class I misdemeanor and shall forfeit his or her office.

(2) Any member of a governing body of a political subdivision upon whom a duty is imposed under subsection (2) of section [32-1306](#) who fails or refuses to perform such duty is guilty of a Class I misdemeanor.

Source: Laws 1994, LB 76, § 417; [Laws 2022, LB843, § 48](#).

32-1519. Judge or clerk of election; prohibited acts; penalty.

(1) Any judge of election who

- (a) knowingly receives or sanctions the reception of an improper or illegal vote from any person who is not a registered voter,
- (b) receives or sanctions the reception of a ballot from any person who refuses to answer any question which is put to him or her in accordance with the Election Act,
- (c) refuses to take the oath prescribed by the act,
- (d) sanctions the refusal by any other judge of election to administer any oath required by the act when such oath is required, or
- (e) refuses to receive or sanctions the rejection of a ballot from any registered voter at the place where such registered voter properly and legally offers to vote shall be guilty of a Class III misdemeanor.

(2) Any judge or clerk of election on whom any duty is enjoined by the act who willfully neglects any such duty or who engages in any corrupt conduct in the discharge of his or her duty shall be guilty of a Class III misdemeanor.

Source: Laws 1994, LB 76, § 418.

32-1520. Ballot with unlawful printing; prohibited acts; penalty.

Any person causing ballots to be printed with a designated heading containing a name or names not found on the official ballot having such heading or any person knowingly peddling or distributing any such ballot with the intent to have such ballot voted at any election shall be guilty of a Class IV misdemeanor.

Source: Laws 1994, LB 76, § 419.

32-1521. Persons authorized to print and distribute ballots; violation; penalty.

Any person who prints or causes to be printed or distributed any ballot marked Official Ballot other than an election commissioner, county clerk, or city or village clerk shall be guilty of a Class III misdemeanor.

Source: Laws 1994, LB 76, § 420.

32-1522. Ballots and other election documents; prohibited acts; penalties.

(1) A judge or clerk of election, a printer, or any other person entrusted with the custody or delivery of ballots, blanks, list of voters book and official summary of votes cast, card of instructions, or other required papers who knowingly and willfully

(a) unlawfully opens or permits to be opened any sealed packages containing ballots,
(b) gives or delivers to any person not lawfully entitled thereto an official ballot, or
(c) unlawfully misplaces or carries away, negligently loses, permits to be taken away from him or her, fails to deliver, or destroys any such package of ballots or any ballot, blank, list of voters book and official summary of votes cast, card of instructions, or other required paper shall be guilty of a Class III felony.

(2) Any printer employed to print the official ballots or any person engaged in printing the same who knowingly and willfully

(a) prints or causes or permits to be printed any official ballots printed otherwise than the copy for the same furnished by the election commissioner or county clerk,

(b) prints any false or fraudulent ballots,

(c) appropriates any of such ballots to himself or herself or gives, delivers, or knowingly permits any of such ballots to be taken by any person other than the election commissioner or county clerk, or

(d) seals up or causes or permits to be sealed up or delivers to the election commissioner or county clerk a less number of ballots than the number endorsed thereon shall be guilty of a Class I misdemeanor.

(3) Any person who knowingly has in his or her possession any official ballot illegally obtained or attempts to vote any ballot other than the official ballot lawfully obtained shall be guilty of a Class I misdemeanor.

Source: Laws 1994, LB 76, § 421.

32-1523. Obstruction of polling place or building; penalty.

Any person who obstructs the doors or entries or prevents free ingress to and egress from a polling place or building shall be guilty of a Class V misdemeanor.

Source: Laws 1994, LB 76, § 422.

32-1524. Electioneering; circulation of petitions; prohibited acts; penalty.

(1) For purposes of this section:

(a) Electioneering means the deliberate, visible display or audible or physical dissemination of information for the purpose of advocating for or against:

(i) Any candidate on the ballot for the election at which such display or dissemination is occurring;

(ii) Any elected officeholder of a state constitutional office or federal office at the time of the election at which such display or dissemination is occurring;

(iii) Any political party on the ballot for the election at which such display or dissemination is occurring; or

(iv) Any measure on the ballot for the election at which such display or dissemination is occurring; and

(b) Information includes:

(i) Such a candidate's name, likeness, logo, or symbol;

(ii) Such a ballot measure's number, title, subject matter, logo, or symbol;

(iii) A button, hat, pencil, pen, shirt, sign, or sticker containing information prohibited by this section;

(iv) Audible information prohibited by this section; and

(v) Literature or any writing or drawing referring to a candidate, officeholder, or ballot measure described in subdivision (a) of this subsection.

(2) No judge or clerk of election or precinct or district inspector shall do any electioneering while acting as an election official.

(3) No person shall do any electioneering or circulate petitions within any polling place or any building designated for voters to cast ballots by the election commissioner or county clerk pursuant to the Election Act while the polling place or building is set up for voters to cast ballots or within two hundred feet of any such polling place or building except as otherwise provided in subsection (5) of this section.

(4) No person shall do any electioneering within two hundred feet of any secure ballot drop-box.

(5) Subject to any local ordinance, a person may display yard signs on private property within two hundred feet of a polling place or building designated for voters to cast ballots if the property is not under common ownership with the property on which the polling place or building is located.

(6) Any person violating this section shall be guilty of a Class V misdemeanor.

Source: Laws 1994, LB 76, § 423; [Laws 2006, LB 940, § 2](#); [Laws 2016, LB874, § 7](#); [Laws 2019, LB411, § 65](#); [Laws 2022, LB843, § 49](#).

32-1525. Polling and interviews; poll watchers; prohibited acts; penalty.

(1) No person shall conduct an exit poll, a public opinion poll, or any other interview with voters on election day seeking to determine voter preference within twenty feet of the entrance of any polling place or, if inside the polling place or building, within one hundred feet of any voting booth.

(2) (a) No poll watcher shall interfere with any voter in the preparation or casting of such voter's ballot or prevent any election worker from performing the worker's duties.

(b) A poll watcher shall not provide assistance to a voter as described in section [32-918](#) unless selected by the voter to provide assistance as provided in section [32-918](#).

(c) A poll watcher shall not engage in electioneering as defined in section [32-1524](#) while engaged in observing at a polling place.

(d) A poll watcher shall maintain a distance of at least eight feet from the sign-in table, the sign-in register, the polling booths, the ballot box, and any ballots which have not been cast, except that if the polling place is not large enough for a distance of eight feet, the judge of election shall post a notice of the minimum distance the poll watcher must maintain from the sign-in table, the sign-in register, the polling booths, the ballot box, and any ballots which have not been cast. The posted notice shall be clearly visible to the voters and shall be posted prior to the opening of the polls on election day. The minimum distance shall not be determined to exclude a poll watcher from being in the polling place.

(3) Any person violating this section shall be guilty of a Class V misdemeanor.

Source: Laws 1994, LB 76, § 424; [Laws 2020, LB1055, § 18](#).

32-1526. Fraudulent placement of ballot in ballot box; penalty.

Any judge or clerk of election who puts a ballot into the ballot box, except his or her own ballot or such as may be received in the regular discharge of his or her duties as a judge or clerk, or who knowingly permits any ballot which was fraudulently placed or deposited in such ballot box by any other person to remain in the ballot box or to be counted with the legal votes cast at such election shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 425.

32-1527. Voting of ballots; prohibited acts; penalty.

(1) No voter shall receive an official ballot from any person other than a judge of election, and no person other than a judge of election shall deliver an official ballot to a voter.

(2) No voter shall vote or offer to vote any ballot except an official ballot received from a judge of election.

(3) No voter shall place any mark upon an official ballot by which it may afterwards be identified as the one voted by him or her.

(4) No person shall solicit a voter to show his or her ballot after it is marked to any person to reveal the contents thereof or the name of the candidate or candidates for whom he or she has marked his or her vote. This subsection does not prohibit a voter from voluntarily photographing his or her ballot after it is marked and revealing such photograph in a manner that allows the photograph to be viewed by another person.

(5) No person other than a judge of election shall receive from a voter an official ballot prepared for voting.

(6) Any person violating this section shall be guilty of a Class V misdemeanor.

Source: Laws 1994, LB 76, § 426; [Laws 2016, LB874, § 8](#).

32-1528. Nonresident of school district, village, or precinct; illegal voting; penalty.

Any person who votes a ballot in any school district, village, or precinct of a city in this state in which he or she does not actually reside or into which he or she has come for merely temporary purposes shall be guilty of a Class III misdemeanor.

Source: Laws 1994, LB 76, § 427.

32-1529. Nonresident of state; illegal voting; penalty.

Any resident of another state who votes in this state shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 428.

32-1530. Ineligible voter; illegal voting; penalty.

Any person who votes

(1) who is not a resident of this state or registered in the county or who at the time of election is not of the constitutionally prescribed age of a registered voter,

(2) who is not a citizen of the United States, or

(3) after being disqualified by law by reason of his or her conviction of a felony and prior to the end of the two-year period after completing the sentence, including any parole term, shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 429; [Laws 2005, LB 53, § 6](#).

32-1531. Nonresident of county; illegal voting; penalty.

Except as provided in sections [32-933](#) to [32-937](#), any person who is a resident of this state and who goes or comes into any county of which he or she is not an actual resident and votes in such county shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 430.

32-1532. Aiding and abetting ineligible voter; penalty.

Any person who procures, aids, assists, counsels, or advises another to give his or her vote, knowing that such other person is not a resident of this state or a registered voter of the county as required by law at the time of election, is not of the constitutionally prescribed age of a registered voter, is not a citizen of the United States, or is not duly qualified as a result of any other disability to vote at the place where and the time when the vote is to be given shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 431.

32-1533. Aiding and abetting nonresident of county; penalty.

Any person who procures, aids, assists, counsels, or advises another to go or come into any county for the purpose of giving his or her vote in such county knowing that the other person is not duly qualified to vote in such county shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 432.

32-1534. Voting more than once; penalty.

Any person who votes more than once at the same election shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 433.

32-1535. Unauthorized removal of ballots; penalty.

Any person who removes any ballot from the polling room before the closing of the polls except as otherwise authorized under the Election Act shall be guilty of a Class V misdemeanor.

Source: Laws 1994, LB 76, § 434.

32-1536. Bribery; prohibited acts; penalty.

(1) Any person who accepts or receives any valuable thing as a consideration for his or her vote for any person to be voted for at any election shall be guilty of a Class II misdemeanor.

(2) Any person who, by bribery, attempts to influence any voter of this state in voting, uses any threat to procure any voter to vote contrary to the inclination of such voter, or deters any voter from voting shall be guilty of a Class II misdemeanor.

Source: Laws 1994, LB 76, § 435.

32-1537. Employer; prohibited acts; penalty.

Any person who

(1) coerces or attempts to coerce any of his or her employees in their voting or in any other political action at any caucus, convention, or election held or to be held in this state or

(2) attempts to influence the political action of his or her employees by threatening to discharge them because of their political action or by threats on the part of such person to close his or her place of business in the event of the passage or defeat of any issue on the ballot, in the event of the election or defeat of any candidate for public office, or in the event of the success or defeat of any political party at any election shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 436.

32-1538. Fraudulent assistance of illiterate voter; penalty.

Any person who, with intent to induce a voter who cannot read to vote contrary to his or her inclination, furnishes the voter with a ballot and informs him or her that the ballot contains a name or names different from the name or names which are written or printed on the ballot or who fraudulently or deceitfully changes a ballot of any voter so that such voter is prevented from voting for the candidate or candidates as he or she intended shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 437.

32-1539. Ballot for early voting; prohibited acts; penalty.

Any person who

(1) impersonates or makes a false representation in order to obtain a ballot for early voting,

(2) knowingly connives to help a person to vote such a ballot illegally,

(3) destroys, steals, marks, or mutilates any such ballot after the same has been voted or aids or abets another to do so,

(4) delays in delivering such a ballot to the election commissioner or county clerk to prevent the ballot from arriving in time to be counted,

(5) in any manner aids or attempts to aid any person to vote such a ballot unlawfully,

(6) hinders or attempts to hinder a registered voter from voting any such ballot, or

(7) hinders or attempts to hinder any official from delivering or counting any such ballot shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 438; [Laws 2005, LB 98, § 31](#).

32-1540. Fraudulent placement of ballot into ballot box; penalty.

Any person who fraudulently puts a ballot into the ballot box shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 439.

32-1541. List of voters book; prohibited acts; penalty.

Any person who willfully, knowingly, and with fraudulent intent inscribes, writes, or causes to be inscribed or written in or upon any list of voters book the name of any person not entitled to vote at such election shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 440.

32-1542. Election records and returns; prohibited acts; penalty.

Any person who has in his or her possession any falsely made, altered, forged, or counterfeited list of voters book, official summary of votes cast, or election returns of any election and who knows such book, summary, or election returns to be falsely made, altered, forged, or counterfeited, with the intent to hinder, defeat, or prevent a fair expression of the popular will at such election, shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 441.

32-1543. Unlawful destruction or possession of ballot or ballot box; penalty.

Any person who unlawfully attempts to destroy a ballot or who unlawfully, by force, violence, fraud, or other improper means, obtains or attempts to obtain possession of a ballot box or a ballot which was deposited in a ballot box while the voting at the election is going on or before the ballots have been duly taken out of the ballot box by a judge of election shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 442.

32-1544. Unlawful destruction of election material; prohibited acts; penalty.

Any person who, from the time any ballots are cast or voted until the time has expired for using the same as evidence in any contest of an election, unlawfully destroys or attempts to destroy or incites or requests another to destroy any ballot box, list of registered voters, sign-in register, or record of early voters used at any election, unlawfully destroys, falsifies, marks, or writes on any ballot cast or voted, or changes, alters, erases, or tampers with any name contained on any ballot cast or voted shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 443; Laws 1997, LB 764, § 108; [Laws 2005, LB 98, § 32](#).

32-1545. Election results or returns; prohibited acts; penalty.

(1) Any person disclosing any election results or election returns before the closing of the polls without the express authorization of the election commissioner or county clerk shall be guilty of a Class IV felony.

(2) Any person other than the election commissioner or county clerk who receives partial returns or election results and releases such partial returns or results without the express authorization of the election commissioner or county clerk shall be guilty of a Class IV felony.

(3) Any person who attempts to disseminate any election results or election returns before the closing of the polls shall be guilty of a Class IV felony.

(4) Any person who in any way causes the release of any election results or election returns without the express authorization of the election commissioner or county clerk shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 444.

32-1546. Petition signers and circulators; prohibited acts; penalties.

(1) Any person who is not, at the time of signing a petition, a registered voter and qualified to sign the petition except as provided for initiative and referendum petitions in section [32-1404](#) or who signs any name other than his or her own to any petition shall be guilty of a Class I misdemeanor.

(2) Any person who falsely swears to a circulator's affidavit on a petition, who accepts money or other things of value for signing a petition, or who offers money or other things of value in exchange for a signature upon any petition shall be guilty of a Class IV felony.

Source: Laws 1994, LB 76, § 445; [Laws 2003, LB 444, § 13](#).

32-1547. Member of the Legislature or constitutional officer; multiple filing prohibited; penalty.

Any person serving as a member of the Legislature or in an elective office described in Article IV, section 1, of the Constitution of Nebraska who files for more than one elective office to be filled in the same election except for the position of delegate to a county, state, or national political party convention shall be guilty of a Class IV misdemeanor.

Source: Laws 1994, LB 76, § 446.

32-1548. County attorney; prosecute violations; suspension of sentence or judgment; when.

Except as provided in subdivision (2) of section [84-205](#), the county attorney of any county in this state shall prosecute all complaints which may be made of violations of the Election Act to final judgment. The court before which any conviction for such violation shall be had shall not in any case suspend sentence or judgment for more than twenty days, except that no indictment or information for such violation shall be brought to trial unless the complainant, if he or she is found, has had at least two days' notice, in writing, from the county attorney of the day when he or she intends to try the same.

Source: Laws 1994, LB 76, § 447; Laws 1997, LB 758, § 2.

32-1549. Citation in lieu of arrest; Supreme Court; powers; prosecution; procedure; failure to appear; penalty.

(1) A peace officer may issue a citation in lieu of arrest for any offense which is a misdemeanor under the Election Act. The citation may be served in the same manner as an arrest warrant, in the same manner as a summons in a civil action, or by certified mail.

(2) To achieve uniformity, the Supreme Court may prescribe the form of citation. The citation shall include a description of the crime or offense charged, the time and place at which the person cited is to appear, a warning that failure to appear in accordance with the command of the citation is a punishable offense, and such other matter as the court deems appropriate, but shall not include a place for the cited person's social security number. The court may provide that a copy of the citation shall constitute the complaint filed in the trial court.

(3) When a citation is used by a peace officer, he or she shall enter on the citation all required information, including the name and address of the cited person, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three days after the issuance of the citation. One copy of the citation shall be delivered to the person cited, and a duplicate thereof shall be signed by such person, giving his or her promise to appear at the time and place stated in the citation. Such person shall be released from custody upon signing the citation. As soon as practicable, the copy signed by the person cited shall be delivered to the prosecuting attorney.

(4) At least twenty-four hours before the time set for the appearance of the cited person, the prosecuting attorney shall issue and file a complaint charging such person with an offense or such person shall be released from the obligation to appear as specified. A person cited pursuant to this section may waive his or her right to trial. The Supreme Court may prescribe uniform rules for such waivers.

(5) Anyone may use a credit card authorized by the court in which the person is cited as a means of payment of his or her fine and costs.

(6) Any person failing to appear or otherwise comply with the command of a citation shall be guilty of a Class III misdemeanor.

Source: Laws 1994, LB 76, § 448; [Laws 2002, LB 82, § 16](#).

32-1550. Arrest; grounds.

(1) Any peace officer having grounds for issuing a citation under the Election Act may take the accused into custody when the accused fails to identify himself or herself satisfactorily or refuses to sign the citation or when the officer has reasonable grounds to believe that

- (a) the accused will refuse to respond to the citation,
- (b) such custody is necessary to protect the accused or others when his or her continued liberty would constitute a risk of immediate harm,
- (c) such action is necessary in order to carry out legitimate investigative functions,
- (d) the accused has no ties to the jurisdiction reasonably sufficient to assure his or her appearance, or
- (e) the accused has previously failed to appear in response to a citation.

(2) Notwithstanding that a citation is issued, a peace officer is authorized to take a cited person to an appropriate medical facility if the person appears mentally or physically unable to care for himself or herself.

(3) Nothing in this section or section [32-1549](#) shall be construed to affect the rights, lawful procedures, or responsibilities of peace officers using the citation procedure in lieu of the arrest or warrant procedure.

Source: Laws 1994, LB 76, § 449.

32-1551. Special election by mail; prohibited acts; penalty.

Any person who

(1) impersonates or makes a false representation in order to obtain a ballot for an election to be held by mail as provided in sections [32-952](#) to [32-959](#),

(2) knowingly connives to help a person to vote such a ballot illegally,

(3) destroys, steals, marks, or mutilates any such ballot after the same has been voted or aids or abets another to do so,

(4) delays in delivering such a ballot to the election commissioner or county clerk to prevent the ballot from arriving in time to be counted,

(5) in any manner aids or attempts to aid any person to vote such a ballot unlawfully,

(6) hinders or attempts to hinder a registered voter from voting any such ballot, or

(7) hinders or attempts to hinder any official from delivering or counting any such ballot shall be guilty of a Class IV felony.

Source: Laws 1996, LB 964, § 13.

Chapter 2 – Agriculture (Natural Resources Districts)

2-953.01. County weed district board; elections; membership.

The county board may, following an election in which a majority of the votes cast are in favor of such action, function as and exercise the authority and carry out the duties of the county weed district board. To initiate such an election, the county board may, by resolution, require the county clerk of such county to have placed upon the ballot at the election next following such resolution, the question,

Shall the county weed district board be dissolved and its duties and authority be exercised by the county board?

Yes No

If a majority of the votes cast on this question are opposed to dissolution of the county weed district board, the county shall remain subject to the direction and authority of the elected county weed district board. If a majority of the votes cast on this question are in favor of the dissolution of the county weed district board, the county board shall function as and exercise the authority and carry out the duties of the county weed district board. If, at any time following the dissolution of the county weed district board, county residents, representing at least ten percent of the votes cast in the preceding general election in such county, submit a petition to the county clerk for reestablishment of the county weed district board as an independent elected body, the clerk shall place the following question on the next general election ballot:

Shall the county weed district board be reestablished and elected independent of other county officials?

Yes No

If a majority of the ballots favor reestablishment of the independent board, the county board shall appoint an initial county weed district board and thereafter the county weed district board members shall be elected in conformity with section [32-531](#).

When the county board does not function as the county weed district board, such board shall be composed of five members, three of whom shall be from rural areas and two of whom shall be from cities, villages, or townships.

Source: Laws 1994, LB 76, § 451.

2-3213. Board of directors; membership; number of directors; executive committee; terms.

(1) Except as provided in subsections (2), (3), and (4) of this section, each district shall be governed by a board of directors of five, seven, nine, eleven, thirteen, fifteen, seventeen, nineteen, or twenty-one members. The board of directors shall determine the number of directors and in making such determination shall consider the complexity of the foreseeable programs and the population and land area of the district. Districts shall be political subdivisions of the state, shall have perpetual succession, and may sue and be sued in the name of the district.

(2) Except as provided by subsection (7) of this section, at least six months prior to the primary election, the board of directors of any natural resources district may change the number of directors for the district and may change subdistrict boundaries to accommodate the increase or decrease in the number of directors.

(3) The board of directors shall utilize the criteria found in subsection (1) of this section and in subsection (2) of section [2-3214](#) when changing the number of directors. Except as provided in subsection (6) of this section, no director's term of office shall be shortened as a result of any change in the number of directors. Any reduction in the number of directors shall be made as directors take office during the two succeeding elections or more quickly if the reduction can be made by not filling vacancies on the board and if desired by the board. If necessary to preserve staggered terms for directors when the reduction in number is made in whole or in part through unfilled vacancies, the board may provide for a one-time election of one or more directors for a two-year term. The board of directors shall inform the

Secretary of State whenever any such one-time elections have been approved. Notwithstanding subsection (1) of this section, the district may be governed by an even number of directors during the two-year transition to a board of reduced number.

(4) Whenever any change of boundaries, division, or merger results in a natural resources district director residing in a district other than the one to which such director was elected to serve, such director shall automatically become a director of the board of the district in which he or she then resides. Except as provided in subsection (6) of this section, all such directors shall continue to serve in office until the expiration of the term of office for which they were elected. Directors or supervisors of other special-purpose districts merged into a natural resources district shall not become members of the natural resources district board but may be appointed as advisors in accordance with section [2-3228](#). No later than six months after any change, division, or merger, each affected board, in accordance with the procedures and criteria found in this section and section [2-3214](#), shall determine the number of directors for the district as it then exists, the option chosen for nomination and election of directors, and, if appropriate, new subdistrict boundaries.

(5) To facilitate the task of administration of any board increased in size by a change of boundaries or merger, such board may appoint an executive committee to conduct the business of the board in the interim until board size reductions can be made in accordance with this section. An executive committee shall be empowered to act for the full board in all matters within its purview unless specifically limited by the board in the establishment and appointment of the executive committee.

(6) Notwithstanding the provisions of section [2-3214](#) and subsections (4) and (5) of this section, the board of directors of any natural resources district established by merging two or more districts in their entirety may provide that all directors be nominated and elected at the first primary and general elections following the year in which such merger becomes effective. In districts which have one director elected from each subdistrict, each director elected from an even-numbered subdistrict shall be elected for a two-year term and each director from an odd-numbered district and any member to be elected at large shall be elected for a four-year term. In districts which have two directors elected from each subdistrict, the four candidates receiving the highest number of votes at the primary election shall be carried over to the general election, and at such general election the candidate receiving the highest number of votes shall be elected for a four-year term and the candidate receiving the second highest number of votes shall be elected for a two-year term. Thereafter each director shall be elected for a four-year term.

(7) Following the release of the 2020 Census of Population data by the United States Department of Commerce, Bureau of the Census, as required by Public Law [94-171](#), any natural resources district that will have a change to the number of directors as a result of any adjustment to the boundaries of election districts shall provide to the election commissioner or county clerk

(a) written notice of the need and necessity of his or her office to perform such adjustments and

(b) a revised election district boundary map that has been approved by the board of directors and subjected to all public review and challenge ordinances of the natural resources district by December 30, 2021.

Source: Laws 1969, c. 9, § 13, p. 108; Laws 1971, LB 544, § 4; Laws 1972, LB 543, § 6; Laws 1973, LB 335, § 3; Laws 1978, LB 411, § 2; Laws 1981, LB 81, § 1; Laws 1986, LB 302, § 1; Laws 1986, LB 124, § 1; Laws 1987, LB 148, § 2; Laws 1988, LB 1045, § 10; Laws 1994, LB 76, § 458; Laws 1994, LB 480, § 4; [Laws 2021, LB285, § 1.](#)

2-3214. Board of directors; nomination; election; subdistricts; oath.

(1) District directors shall be elected as provided in section [32-513](#). Elections shall be conducted as provided in the Election Act. Registered voters residing within the district shall be eligible for nomination as candidates for any at-large position or, in those districts that have established subdistricts, as candidates from the subdistrict within which they reside.

(2) The board of directors may choose to:

(a) Nominate candidates from subdistricts and from the district at large who shall be elected by the registered voters of the entire district;

(b) nominate and elect each candidate from the district at large; or

(c) nominate and elect candidates from subdistricts of substantially equal population except that any at-large candidate would be nominated and elected by the registered voters of the entire district.

Unless the board of directors determines that the nomination and election of all directors will be at large, the board shall strive to divide the district into subdistricts of substantially equal population, except that no subdistrict shall have a population greater than three times the population of any other subdistrict within the district. Such subdistricts shall be consecutively numbered and shall be established with due regard to all factors including, but not limited to, the location of works of improvement and the distribution of population and taxable values within the district. Except as provided by subsection (7) of this section, the boundaries and numbering of such subdistricts shall be designated at least six months prior to the primary election. Unless the district has been divided into subdistricts with substantially equal population, all directors shall be elected by the registered voters of the entire district and all registered voters shall vote on the candidates representing each subdistrict and any at-large candidates. If a district has been divided into subdistricts with substantially equal population, the board of directors may determine that directors shall be elected only by the registered voters of the subdistrict except that an at-large director may be elected by registered voters of the entire district.

(3) Except in districts which have chosen to have a single director serve from each subdistrict, the number of subdistricts for a district shall equal a number which is one less than a majority of directors for the district. In districts which have chosen to have a single director serve from each subdistrict, the number of subdistricts shall equal a number which is equal to the total number of directors of the district or which is one less than the total number of directors for the district if there is an at-large candidate. If the number of directors to be elected exceeds the number of subdistricts or if the term of the at-large director expires in districts which have chosen to have a single director serve from each subdistrict, candidates may file as a candidate from the district at large. Registered voters may each cast a number of votes not larger than the total number of directors to be elected.

(4) Elected directors shall take their oath of office in the same manner provided for county officials.

(5) At least six months prior to the primary election, the board of directors may choose to have a single director serve from each subdistrict.

(6) The board of directors shall certify to the Secretary of State and the election commissioners or county clerks the number of directors to be elected at each election and the length of their terms as provided in section [32-404](#).

(7) Following the release of the 2020 Census of Population data by the United States Department of Commerce, Bureau of the Census, as required by Public Law [94-171](#), any board of directors requesting the adjustment of the boundaries of election districts shall provide to the election commissioner or county clerk

(a) written notice of the need and necessity of his or her office to perform such adjustments and

(b) a revised election district boundary map that has been approved by the board and subjected to all public review and challenge ordinances of the natural resources district by December 30, 2021.

Source: Laws 1969, c. 9, § 14, p. 110; Laws 1972, LB 543, § 7; Laws 1974, LB 641, § 1; Laws 1986, LB 302, § 2; Laws 1987, LB 148, § 3; Laws 1994, LB 76, § 459; Laws 1994, LB 480, § 5; [Laws 2021, LB285, § 2](#).

2-3215. Board; vacancy; how filled.

(1) In addition to the events listed in section [32-560](#), a vacancy on the board shall exist in the event of the removal from the district or subdistrict of any director. After notice and hearing, a vacancy shall also exist in the event of the absence of any director from more than two consecutive regular meetings of the board unless such absences are excused by a majority of the remaining board members.

(2) In the event of a vacancy from any of such causes or otherwise, the board of directors shall give notice of the date the vacancy occurred, the office vacated, and the length of the unexpired term

(a) in writing to the Secretary of State and

(b) to the public by a notice published in a newspaper of general circulation within the district or by posting in three public places in the district.

The vacancy shall be filled by the board of directors. The person so appointed shall have the same qualifications as the person whom he or she succeeds. Such appointments shall be in writing and until a successor is elected and qualified. The written appointment shall be filed with the Secretary of State.

(3) (a) If the vacancy occurs during the first year of the unexpired term or prior to August 1 of the second year of the unexpired term, the appointee shall serve until the first Thursday after the first Tuesday in January next succeeding the next regular general election and at such regular general election a director shall be elected to succeed the appointee and serve the remainder of the unexpired term.

(b) If the vacancy occurs on or after August 1 of the second year of the unexpired term or during the third or fourth year of the unexpired term, the appointee shall serve until the term expires.

Source: Laws 1969, c. 9, § 15, p. 112; Laws 1972, LB 543, § 8; Laws 1985, LB 569, § 1; Laws 1988, LB 1045, § 11; Laws 1994, LB 76, § 460; [Laws 2011, LB154, § 1](#).

2-3226.10. Flood protection and water quality enhancement bonds; authorized; natural resources district; powers and duties; special bond levy authorized.

In addition to other powers authorized by law, the board of directors of a natural resources district encompassing a city of the metropolitan class, upon an affirmative vote of two-thirds of the members of the board of directors, may issue negotiable bonds and refunding bonds of the district, entitled flood protection and water quality enhancement bonds, with terms determined appropriate by the board of directors, payable from an annual special flood protection and water quality enhancement bond levy upon the taxable value of all taxable property in the district. Such special bond levy is includable in the computation of other limitations upon the district's tax levy and shall not exceed one cent on each one hundred dollars of taxable valuation annually on all of the taxable property within the district without approval by a majority of registered voters of the district at an election in accordance with the Election Act called by the board of directors and held in conjunction with a statewide primary or general election.

Source: [Laws 2009, LB160, § 1](#).

Chapter 3 – Aeronautics (Airport Authorities)

3-502. Airport authority; created; board; members; expenses; delegation of authority; period of corporate existence; jurisdiction.

(1) Any city may create an airport authority to be managed and controlled by a board. The board, when and if appointed, shall have full and exclusive jurisdiction and control over all facilities owned or thereafter acquired by such city for the purpose of aviation operation, air navigation, and air safety operation.

(2) The Cities Airport Authorities Act shall not become operative as to any city unless the mayor and city council in their discretion activate the airport authority by the mayor appointing and the council approving the board members as provided in this section. Each such board shall be a body corporate and politic, constituting a public corporation and an agency of the city for which such board is established.

(3) Each board in cities of the primary, first, and second classes and in villages shall consist of five members to be appointed by the mayor with the approval of the city council to serve until their successors elected pursuant to section [32-547](#) take office. Members of such board shall be residents of the city for which such authority is created. Any vacancy on such board shall be filled by appointment by the mayor, with the approval of the city council, to serve the unexpired portion of the term. A member of such board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought, upon resolution of the city council, in the district court of the county in which such city is located.

(4) Each board in cities of the metropolitan class shall consist of five members who shall be nominated by the mayor and approved by the city council and shall serve for terms of five years. Any vacancy on such board shall be filled, not later than six months after the date of such vacancy, by appointment by the mayor with the approval of the city council, and such appointee shall serve the unexpired portion of the term of the member whose office was vacated. Any member of such board may be removed from office by the mayor, for incompetence, neglect of duty, or malfeasance in office, with the consent and approval of the city council.

(5) The members of the board hereby created shall not be entitled to compensation for their services but shall be entitled to reimbursement of expenses paid or incurred in the performance of the duties imposed upon them by the Cities Airport Authorities Act, to be paid as provided in section [23-1112](#) for county officers and employees. A majority of the members of the board then in office shall constitute a quorum. The board may delegate to one or more of the members, or to its officers, agents, and employees, such powers and duties as it may deem proper.

(6) The board and its corporate existence shall continue only for a period of twenty years from the date of appointment of the members thereof and thereafter until all its liabilities have been met and its bonds have been paid in full or such liabilities and bonds have otherwise been discharged. When all liabilities incurred by the authority of every kind and character have been met and all its bonds have been paid in full or such liabilities and bonds have otherwise been discharged, all rights and properties of the authority shall pass to and be vested in the city. The authority shall have and retain full and exclusive jurisdiction and control over all projects under its jurisdiction, with the right and duty to charge and collect revenue therefrom, for the benefit of the holders of any of its bonds or other liabilities. Upon the authority's ceasing to exist, all its remaining rights and properties shall pass to and vest in the city.

Source: Laws 1957, c. 9, § 2, p. 111; Laws 1959, c. 12, § 1, p. 120; Laws 1965, c. 19, § 1, p. 153; Laws 1967, c. 14, § 1, p. 102; Laws 1967, c. 15, § 1, p. 106; Laws 1969, c. 25, § 1, p. 218; Laws 1971, LB 164, § 1; Laws 1972, LB 661, § 1; Laws 1977, LB 201, § 1; Laws 1981, LB 204, § 13; Laws 1988, LB 975, § 1; Laws 1994, LB 76, § 461; [Laws 2013, LB87, § 1](#); [Laws 2020, LB1003, § 1](#).

3-611. Airport authority; creation; authorized; board; powers and duties; members; election; vacancy; removal; expenses; quorum.

In addition to the powers granted by sections [3-601](#) to [3-609](#), any county may create an airport authority. Such authority shall be managed and controlled by a board which shall have full and exclusive jurisdiction and control over all facilities owned or thereafter acquired by such county for airport purposes. Each such board shall be a body corporate and politic, constituting a public corporation and an agency of the county for which such board is established. Each board shall consist of five members. The county board creating

the authority shall appoint board members to serve until their successors elected pursuant to section [32-548](#) take office. Members of the board must be residents of the county for which the authority is created. Any vacancy on a board shall be filled by temporary appointment by the county board until a successor can be elected at the next general election. A member of such board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for removal of such member may be brought, upon resolution by the county board, in the district court of the county in which the authority is located.

The members of the board shall not be entitled to compensation for their services but shall be entitled to reimbursement of expenses paid or incurred in the performance of the duties imposed upon them by the provisions of sections [3-601](#) to [3-622](#) with reimbursement for mileage to be made at the rate provided in section [81-1176](#). A majority of the members of the board then in office shall constitute a quorum. The board may delegate to one or more of the members, or to its officers, agents, and employees, such powers and duties as it may deem proper. The board and its corporate existence shall continue only for a period of twenty years from the date of appointment of the members thereof and thereafter until all its liabilities have been met and its bonds have been paid in full or such liabilities and bonds have otherwise been discharged. When all liabilities incurred by the authority of every kind and character have been met and all its bonds have been paid in full or such liabilities and bonds have otherwise been discharged, all rights and properties of the authority shall pass to and be vested in the county. The authority shall have and retain full and exclusive jurisdiction and control over all projects under its jurisdiction, with the right and duty to charge and collect revenue therefrom, for the benefit of the holders of any of its bonds or other liabilities. Upon the authority's ceasing to exist, all its remaining rights and properties shall pass to and vest in the county.

The board may enter into leases for nonaviation purposes for periods longer than the corporate existence of the board for a maximum period of twenty years. Such leases shall be subject to the approval of the county at the time the leases are entered into. At the conclusion of the corporate existence of the board, such leases shall pass to the control of the county.

The board may enter into leases for nonaviation purposes with the State of Nebraska or any political subdivision for land and land improvements. Such leases may be entered into for a maximum of forty years. At the conclusion of the corporate existence of the board, such leases shall pass to the control of the county.

Source: Laws 1969, c. 141, § 11, p. 650; Laws 1976, LB 671, § 1; Laws 1981, LB 204, § 14; Laws 1994, LB 76, § 462; Laws 1996, LB 1011, § 3.

3-703. Joint airport authority; agreement; contents; board; members; election; qualifications; vacancies; how filled.

The agreement shall specify, in addition to those things required by section [13-804](#),

- (1) the date upon which the initial board is to organize,
- (2) the geographic boundaries or limits of the districts into which the joint authority shall be divided, of which there may be no more than five, from which the members of the initial board shall be appointed and from which their successors shall be elected,
- (3) the number of board members to be initially appointed, and thereafter elected, from each district designated pursuant to subdivision (2) of this section, and
- (4) the method by which the five members of the initial board shall be appointed and the duration of their respective terms of office.

The limits of each district may be changed only upon the affirmative vote of a majority of the whole membership of the board. Each member of the board shall be a registered voter and reside within the district from which he or she is appointed or elected. The terms of office of the members of the initial board shall expire at such time as their successors shall have been elected and qualified pursuant to section [32-549](#). Vacancies on the board, other than those resulting from expiration of a term of office, may be filled by a majority vote of the remaining members of the board. Any member so appointed shall serve until a successor is elected at the next general election to serve the unexpired portion of the term if any.

Source: Laws 1969, c. 24, § 3, p. 203; Laws 1994, LB 76, § 464.

Chapter 10 – Bonds (Cities & Schools; Election Procedures)

10-606. City of the second class and village; issuance; limitations; election; notice.

Any city of the second class and any village in the State of Nebraska may issue bonds for the purpose of funding any and all indebtedness now existing or hereafter created, now due or to become due; *Provided*, said bonds shall be payable in not less than two years and not more than twenty years from date of their issue, and that said bonds shall bear interest at a rate set by the governing body, with interest coupons attached, payable annually or semiannually; and may levy a tax on all the taxable property in the city or village in addition to other taxes for the payment of said coupons as they respectively become due, and the taxes levied to pay the same shall be payable only in cash or coupons; *Provided*, the city council of said cities or said board of trustees of said villages shall further authorize the issuing of said bonds by ordinance when so instructed by a majority of all of the votes cast at an election held in such city or village for that purpose; notice of said election shall be published in four issues of some legal newspaper, published in the city or village seeking to issue bonds, or if there be no newspaper published in said city or village then by posting said notices in five conspicuous places in said city or village for at least four weeks prior to the date of said election.

Source: Laws 1881, c. 19, § 1, p. 161; Laws 1911, c. 22, § 1, p. 142; R.S.1913, § 429; C.S.1922, § 346; Laws 1925, c. 42, § 1, p. 162; C.S.1929, § 11-605; R.S.1943, § 10-606; Laws 1969, c. 51, § 10, p. 279.

10-701. Issuance; purposes; power of district officers.

The district officers of any school district in Nebraska shall have power, on the terms and conditions set forth in sections [10-702](#) to [10-716](#), to issue the bonds of the district for the purpose of

(1) purchasing a site for and erecting thereon a schoolhouse or schoolhouses or a teacherage or teacherages, or for such purchase or erection, or purchasing an existing building or buildings for use as a schoolhouse or schoolhouses, including the site or sites upon which such building or buildings are located, and furnishing the same, in such district,

(2) retiring registered warrants, and

(3) paying for additions to or repairs for a schoolhouse or schoolhouses or a teacherage or teacherages.

Source: Laws 1879, § 1, p. 170; R.S.1913, § 447; C.S.1922, § 365; C.S.1929, § 11-901; R.S.1943, § 10-701; Laws 1949, c. 13, § 1, p. 75; Laws 1951, c. 15, § 1, p. 93; Laws 1969, c. 49, § 1, p. 266.

10-702. Issuance; election required; resubmission limited; submission at a statewide election; resolution; notice; counting boards.

The question of issuing school district bonds may be submitted at a special election or such question may be voted on at an election held in conjunction with the statewide primary or statewide general election. No bonds shall be issued until the question has been submitted to the qualified electors of the district and a majority of all the qualified electors voting on the question have voted in favor of issuing the same, at an election called for the purpose, upon notice given by the officers of the district at least twenty days prior to such election. If the election for issuing bonds is held as a special election, the procedures provided in section [10-703.01](#) shall be followed. The question of bond issues in such districts, when defeated, shall not, except in case of fire or other disaster or in the case of a newly created district, be resubmitted in substance for a period of six months from and after the date of such election.

When the question of issuing bonds is to be submitted at a statewide primary or statewide general election as ordered by a resolution of a majority of the members of the board of education, such order shall be made in writing and filed with the county clerk or election commissioner by March 1 for the statewide primary election or September 1 for the statewide general election. The order calling for the school bond election shall be filed with the county clerk or election commissioner in the county having the greatest number of electors entitled to vote on the question. The county clerk or election commissioner receiving such order shall conduct the school bond election for the school district as provided in the Election Act.

A special notice of the election shall be published by the board of education in a newspaper or newspapers of general circulation within the district stating the day of the election, the hours during which the polls will be open, and any other information deemed necessary in informing the public of the bond issue. The notice shall be made at least twenty days prior to the election.

If the question of submitting bonds for the school district is voted upon in one or more counties and the ballots have been certified across county lines, the election boards in the counties where the ballots are cast shall count the ballots on election day the same as all other ballots are counted and seal the same in their ballots-cast container along with other ballots.

The canvassing boards in each county shall canvass the returns in the same manner as other returns are canvassed.

The county clerk or election commissioner in any adjoining county voting on the bond issue shall certify the returns to the county clerk or election commissioner of the county having the greatest number of electors entitled to vote on the question of issuing bonds.

The county clerk or election commissioner in such county shall enter the total returns from any adjoining county or counties to the total votes recorded in his or her official book of votes cast and shall certify the returns to the board of education for which such bond election was held.

Source: Laws 1879, § 2, p. 170; R.S.1913, § 448; Laws 1917, c. 9, § 1, p. 65; C.S.1922, § 366; C.S.1929, § 11-902; R.S.1943, § 10-702; Laws 1949, c. 13, § 2, p. 75; Laws 1965, c. 36, § 1, p. 228; Laws 1967, c. 34, § 1, p. 157; Laws 1971, LB 534, § 7; Laws 1973, LB 550, § 1; Laws 1984, LB 920, § 28; Laws 1994, LB 76, § 465; [Laws 2020, LB1055, § 1](#).

10-703. Issuance; election; resolution of board; petition; form; content; exception.

A vote shall be ordered upon the issuance of such bonds, either

- (1) upon resolution of a majority of the members of the school board or board of education, or
- (2) whenever a petition shall be presented to the district board suggesting that a vote be taken for or against the issuing of such amount of bonds as may therein be asked for
 - (a) to purchase a site for or build a schoolhouse or schoolhouses or a teacherage or teacherages, or to purchase an existing building or buildings for use as a schoolhouse or schoolhouses, including the site or sites upon which such building or buildings are located,
 - (b) for furnishing the necessary furniture and apparatus for the same,
 - (c) for retiring registered warrants,
 - (d) for paying for additions to or repairs for a schoolhouse or schoolhouses or a teacherage or teacherages, or
 - (e) for all of these purposes, which petition shall be signed by at least ten percent of the qualified voters of such district.

Source: Laws 1879, § 3, p. 171; Laws 1887, c. 75, § 1, p. 596; R.S.1913, § 449; C.S.1922, § 367; C.S.1929, § 11-903; R.S.1943, § 10-703; Laws 1949, c. 13, § 3, p. 75; Laws 1969, c. 49, § 2, p. 267.

10-703.01. Issuance; election; notice; counting of ballots; canvass of vote.

In all special elections called for voting on the question of issuing bonds of the school district, the county clerk or election commissioner or, if the school district lies in more than one county, the county clerk or election commissioner in the county having the greatest number of electors entitled to vote on the question shall designate the polling places and appoint the election officials, who need not be the regular election officials, and otherwise conduct the election as provided under the Election Act except as otherwise specifically provided in this section. Any special election held under this section shall be subject to section [32-405](#). The school district shall designate the form of ballot and reimburse the county clerk or election official for the expenses of conducting the election as provided in sections [32-1201](#) to [32-1208](#) and at the minimum rate as described in subdivision (2)(d) of section [32-1203](#). The school district officers shall give notice of the election at least twenty days prior to the election and cause the sample ballot to be published in a newspaper of general circulation in the school district one time not more than ten days nor

less than three days prior to the election, and no notice of the election shall be required to be given by the county clerk or election commissioner. The notice of election shall state where ballots for early voting may be obtained.

The ballots shall be counted by the county clerk or election commissioner conducting the election and two disinterested persons appointed by him or her. When the polls are closed, the receiving board shall deliver the ballots to the county clerk or election commissioner conducting the election who, with the two disinterested persons appointed by him or her, shall proceed to count the ballots.

Ballots for early voting shall be furnished to the county clerk or election commissioner and ready for distribution by the county clerk or election commissioner conducting the election not less than fifteen days prior to the election.

When a school district lies in more than one county, the county clerk or election commissioner in any other county containing part of such school district shall, upon request, certify its registration books for those precincts in which the school district is located to the county clerk or election commissioner conducting the election and shall immediately forward all requests for ballots for early voting to the county clerk or election commissioner charged with the issuing of such ballots. Not less than five days prior to the election, the school district officers shall certify to the county clerk or election commissioner conducting the election a list of all registered voters of the school district in any other county or counties qualified to vote on the bond issue.

All ballots cast at the election shall be counted by the same board. When all the ballots have been counted, the returns of such election shall be turned over to the school board or board of education of the district in which the election was held for the purpose of making a canvass thereof.

The two disinterested persons appointed on the counting board shall receive wages at no less than the minimum rate set in section [48-1203](#) for each hour of service rendered.

Source: Laws 1957, c. 352, § 1, p. 1198; Laws 1959, c. 26, § 1, p. 175; Laws 1972, LB 661, § 2; Laws 1973, LB 550, § 2; Laws 1979, LB 421, § 1; Laws 1984, LB 920, § 29; Laws 1992, LB 424, § 1; Laws 1994, LB 76, § 466; Laws 1997, LB 764, § 2; [Laws 2002, LB 935, § 1](#); [Laws 2003, LB 521, § 1](#); [Laws 2005, LB 98, § 1](#); [Laws 2014, LB946, § 1](#); [Laws 2015, LB575, § 1](#).

Chapter 13 – Cities, Counties, & Other Political Subdivisions

13-319. County; sales and use tax authorized; limitation; election.

Any county by resolution of the governing body may impose a sales and use tax of one-half percent, one percent, or one and one-half percent upon the same transactions sourced as provided in sections [77-2703.01](#) to [77-2703.04](#) within the county, but outside any incorporated municipality which has adopted a local sales tax pursuant to section [77-27.142](#), on which the state is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time. Any sales and use tax imposed pursuant to this section must be used

- (1) to finance public safety services provided by a public safety commission,
- (2) to provide the county share of funds required under any other agreement executed under the Interlocal Cooperation Act or Joint Public Agency Act, or
- (3) to finance public safety services provided by the county.

A sales and use tax shall not be imposed pursuant to this section until an election has been held and a majority of the qualified electors have approved the tax pursuant to sections [13-322](#) and [13-323](#). A sales and use tax shall not be imposed pursuant to this section if the county is imposing a tax pursuant to section [77-6403](#).

Source: Laws 1996, LB 1177, § 6; [Laws 1999, LB 87, § 53](#); [Laws 2003, LB 282, § 2](#); [Laws 2011, LB106, § 2](#); [Laws 2019, LB472, § 7](#).

Cross References: **Interlocal Cooperation Act**, see section [13-801](#); **Joint Public Agency Act**, see section [13-2501](#); **Nebraska Revenue Act of 1967**, see section [77-2701](#).

13-322. Submission of question to voters; ballot language; procedure.

The powers granted by section [13-319](#) shall not be exercised unless and until the question has been submitted at a primary, general, or special election held within the area which would be subject to the tax and in which all registered voters are entitled to vote on such question. The officials of the incorporated municipality or county shall order the submission of the question by submitting a certified copy of the resolution proposing the tax to the election commissioner or county clerk. The question may include any terms and conditions set forth in the resolution proposing the tax, such as a termination date or the specific public safety service for which the revenue received from the tax will be allocated, and shall include the following language:

Shall the county impose a sales and use tax upon the same transactions within the county, other than in municipalities which impose a local option sales tax, on which the State of Nebraska is authorized to impose a tax to finance public safety services?

If a majority of the votes cast upon the question are in favor of the tax, the governing body may impose the tax. If a majority of those voting on the question are opposed to the tax, the governing body shall not impose the tax. Any election under this section shall be conducted in accordance with the procedures provided in the Election Act.

Source: Laws 1996, LB 1177, § 9; Laws 1997, LB 269, § 8.

13-323. Submission of question to voters; notice.

The election commissioner or county clerk shall give notice of the submission of the question of imposing a tax under section [13-319](#) not more than thirty days nor less than ten days before the election, by publication one time in one or more newspapers published in or of general circulation in the municipality or county in which the question is to be submitted. This notice is in addition to any other notice required under the Election Act.

Source: Laws 1996, LB 1177, § 10; Laws 1997, LB 269, § 9.

13-404. Civil offices; vacancy; how filled.

Every civil office in a political subdivision filled by appointment shall be vacant upon the happening of any one of the events listed in section [32-560](#) except as provided in section [32-561](#). The resignation of the incumbent of such a civil office may be made as provided in section [32-562](#). Vacancies in such a civil office shall be filled as provided in sections [32-567](#) and [32-574](#) and shall be subject to section [32-563](#).

Source: Laws 1994, LB 76, § 468; [Laws 2015, LB575, § 2](#).

13-519. Governmental unit; adoption of budget; limitations; additional increases authorized; procedure.

(1) (a) Subject to subdivisions (1)(b) and (c) of this section, for all fiscal years beginning on or after July 1, 1998, no governmental unit shall adopt a budget containing a total of budgeted restricted funds more than the last prior year's total of budgeted restricted funds plus allowable growth plus the basic allowable growth percentage of the base limitation established under section [77-3446](#). For the second fiscal year in which a county will receive a full year of receipts from the tax imposed in sections [77-27,223](#) to [77-27,227](#), the prior year's total of restricted funds shall be the prior year's total of restricted funds plus the total receipts from the tax imposed in sections [77-27,223](#) to [77-27,227](#) in the prior year. If a governmental unit transfers the financial responsibility of providing a service financed in whole or in part with restricted funds to another governmental unit or the state, the amount of restricted funds associated with providing the service shall be subtracted from the last prior year's total of budgeted restricted funds for the previous provider and may be added to the last prior year's total of restricted funds for the new provider. For governmental units that have consolidated, the calculations made under this section for consolidating units shall be made based on the combined total of restricted funds, population, or full-time equivalent students of each governmental unit.

(b) For all fiscal years beginning on or after July 1, 2008, educational service units may exceed the limitations of subdivision (1)(a) of this section to the extent that one hundred ten percent of the needs for the educational service unit calculated pursuant to section [79-1241.03](#) exceeds the budgeted restricted funds allowed pursuant to subdivision (1)(a) of this section.

(c) For fiscal year 2017-18, the last prior year's total of restricted funds for counties shall be the last prior year's total of restricted funds less the last prior year's restricted funds budgeted by counties under sections [39-2501](#) to [39-2520](#), plus the last prior year's amount of restricted funds budgeted by counties under sections [39-2501](#) to [39-2520](#) to be used for capital improvements.

(d) The limitations of subdivision (1)(a) of this section shall not apply to the budget or budget statement adopted by a regional metropolitan transit authority for the first five fiscal years commencing on the January 1 that follows the effective date of the conversion of the transit authority established under the Transit Authority Law into a regional metropolitan transit authority.

(2) A governmental unit may exceed the limit provided in subdivision (1)(a) of this section for a fiscal year by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body.

(3) A governmental unit may exceed the applicable allowable growth percentage otherwise prescribed in this section by an amount approved by a majority of legal voters voting on the issue at a special election called for such purpose upon the recommendation of the governing body or upon the receipt by the county clerk or election commissioner of a petition requesting an election signed by at least five percent of the legal voters of the governmental unit. The recommendation of the governing body or the petition of the legal voters shall include the amount and percentage by which the governing body would increase its budgeted restricted funds for the ensuing year over and above the current year's budgeted restricted funds. The county clerk or election commissioner shall call for a special election on the issue within thirty days after the receipt of such governing body recommendation or legal voter petition. The election shall be held pursuant to the Election Act, and all costs shall be paid by the governing body. The issue may be approved on the same question as a vote to exceed the levy limits provided in section [77-3444](#).

(4) In lieu of the election procedures in subsection (3) of this section, any governmental unit may, for a period of one year, exceed the allowable growth percentage otherwise prescribed in this section by an amount approved by a majority of legal voters voting at a meeting of the residents of the governmental unit, called after notice is published in a newspaper of general circulation in the governmental unit at least twenty days prior to the meeting. At least ten percent of the registered voters residing in the governmental

unit shall constitute a quorum for purposes of taking action to exceed the allowable growth percentage. If a majority of the registered voters present at the meeting vote in favor of exceeding the allowable growth percentage, a copy of the record of that action shall be forwarded to the Auditor of Public Accounts along with the budget documents. The issue to exceed the allowable growth percentage may be approved at the same meeting as a vote to exceed the limits or final levy allocation provided in section [77-3444](#).

Source: [Laws 1996, LB 299, § 2](#); [Laws 1998, LB 989, § 2](#); [Laws 2001, LB 329, § 9](#); [Laws 2002, LB 259, § 7](#); [Laws 2003, LB 9, § 1](#); [Laws 2005, LB 38, § 1](#); [Laws 2008, LB1154, § 2](#); [Laws 2009, LB121, § 1](#); [Laws 2009, LB501, § 1](#); [Laws 2010, LB1072, § 2](#); [Laws 2015, LB261, § 1](#); [Laws 2017, LB382, § 2](#); [Laws 2019, LB212, § 1](#); [Laws 2019, LB492, § 27](#).

Cross References: **Transit Authority Law**, see section [14-1826](#).

13-2810. Election; requirements.

(1) The powers granted by sections [13-2801](#) to [13-2809](#) shall not be exercised unless and until the question has been submitted at a primary, general, or special election held within the county or counties involved and in which registered voters within the boundaries of the proposed municipal county are entitled to vote on such question. The ballot question may combine the issues of creation of the municipal county, the merger of the county or counties and its offices, the merger of each municipality proposed to be merged, and the authorization of a local sales and use tax under section [13-2813](#).

(2) The officials of each county and each municipality seeking to form the municipal county shall order the submission of the question for creation by submitting a certified copy of the resolution calling for creation to the election commissioner or county clerk. The question may include any terms or conditions set forth in the resolution, such as the timing of the consolidation implementation, the number and method of election of council members, and any proposed name for the municipal county, and shall specifically state any offices to be eliminated.

(3) The election commissioner or county clerk shall give notice of the submission of the question not more than thirty days nor less than ten days before the election by publication one time in one or more newspapers published in or of general circulation within the boundaries of the proposed municipal county in which the question is to be submitted. This notice is in addition to any other notice required under the Election Act.

(4) (a) The vote shall be tabulated for

- (i) all those voting on the question,
- (ii) those voting who reside in each county and any municipality which would be consolidated into the municipal county,
- (iii) those voting who reside in each county but outside any municipality, and
- (iv) those voting who reside in each county but outside any municipality or any sanitary and improvement district.

(b) If a majority of those voting on the question, a majority of those voting who reside in at least one county to be consolidated, a majority of those voting who reside in at least one municipality which is in one county voting in favor of consolidation, a majority of those voting who reside in areas in the county to be consolidated which are outside any municipality to be consolidated, and a majority of those voting who reside in each county but outside any municipality or any sanitary and improvement district vote in favor of consolidation, the municipal county shall be deemed to be created for each county and municipality which had a majority of those voting in favor of consolidation according to the terms of the resolution. If no date of creation is provided in the resolution, the municipal county shall be deemed to be created on the following July 1. Any county in which a majority of those voting approve the consolidation shall be deemed to be abolished, and any municipality in such county which was proposed to be consolidated and in which a majority of those voting who reside in such municipality approve the consolidation shall be deemed to be abolished.

(c) The municipal county shall not be created

- (i) if a majority of those voting on the question are opposed,
- (ii) if a majority of those voting who reside in every county to be consolidated are opposed,
- (iii) if a majority of those voting who reside in every municipality to be consolidated which is in a county which approved are opposed,

(iv) if a majority of those voting who reside in areas in a county which approved which are outside any municipality are opposed, or

(v) if a majority of those voting who reside in a county which approved but outside any municipality or sanitary and improvement district are opposed.

(5) If a municipality within the boundaries of a municipal county is not a part of the municipal county either because the governing body of the municipality did not approve the resolution seeking inclusion or because the voters of the municipality disapproved the consolidation, the municipality may later seek inclusion into an existing municipal county by passing a resolution seeking inclusion and approval by those voting at a primary, general, or special election. The officials of the municipality shall deliver a certified copy of the resolution to the appropriate officer of the municipal county proposing inclusion. If a majority of those voting in the municipality approve inclusion and a majority of the elected council members of the municipal county vote to approve inclusion of such municipality, the municipality shall be merged into the municipal county. If a majority of those voting in the municipality disapprove or a majority of the elected council members of the municipal county do not vote to approve inclusion of such municipality, it shall not be merged.

(6) Any election under this section shall be conducted in accordance with the procedures provided in the Election Act.

Source: [Laws 2001, LB 142, § 10.](#)

13-2811. Approval of formation of municipal county; effect.

Approval of the formation of a municipal county shall abolish all county and municipal offices at the end of the then current officeholders' terms except as provided in subsection (3) of section [13-2803](#) and shall terminate all townships located within the municipal county. All debt of abolished counties and municipalities consolidated into a municipal county shall remain the responsibility of the county or municipality responsible at the time consolidation is approved.

Source: [Laws 2001, LB 142, § 11.](#)

13-2812. Dissolution; procedure.

(1) A municipal county may be dissolved by submitting the question of dissolution at a primary, general, or special election held within the county or counties involved and in which all registered voters are entitled to vote on such question. The ballot question may combine the issues of dissolution of the municipal county, the division of the municipal county into the county or counties and its offices, and the division of each merged municipality. The process of dissolving a municipal county shall begin by passage of a resolution by the council of the municipal county. The resolution may be initiated by the council or by petition as provided in subsection (2) of this section.

(2) Whenever registered voters of the municipal county, equal in number to ten percent of the total vote cast for Governor in the municipal county at the preceding election, petition the council to pass a resolution as contemplated by this section, it shall be the duty of the council to pass a resolution creating a dissolution planning commission. Petitions shall be filed with the election official. The election official shall ascertain the number of registered voters signing such petitions and transmit his or her findings, along with the petition, to the council.

(3) Within ninety days after the passage of the resolution or within ninety days after receipt of a petition by the registered voters, the council shall create a dissolution planning commission. A commission may also be created by the district court having jurisdiction over the municipal county upon the failure by the municipal county to pass a resolution after submission of a petition by the registered voters. The commission shall have no less than nine members and no more than twenty-one members representing the proposed counties and proposed municipalities to be reestablished as determined by the council in order to achieve proportionate representation. The council shall select the members. Representation on the commission shall be prorated based upon population of the proposed counties and proposed municipalities involved, except that (a) each proposed county and each proposed municipality involved shall have at least one representative selected by the council and (b) not more than forty percent of the total membership shall be public officials. Meetings of the commission shall be subject to the Open Meetings Act.

(4) The commission shall hold at least one public hearing prior to preparing the plan for the dissolution of the municipal county, study the affected area, and then make a determination of whether dissolution of a municipal county is in the public interest. If it is not in the public interest to do so, the commission shall issue a report stating its findings. If it is in the public interest to do so, the commission shall prepare one plan for the dissolution of the municipal county. Such plan shall be approved by the council prior to submission of the issue to a vote of the registered voters unless the commission was created by a petition of the registered voters. The plan shall specify

(a) which counties and municipalities will be reestablished upon dissolution of the municipal county, and

(b) which elected officials, if any, will be reestablished.

At least ninety days prior to submission of the issue to a vote of the registered voters, the commission and the council shall hold at least one public hearing in each county and municipality proposed to be reestablished and make available for review by residents of the municipal county all material terms and conditions set forth in the resolution to dissolve the municipal county, including information regarding the tax implications and quality and cost of services to be provided by the proposed plan to dissolve the municipal county.

(5) Upon approval of the plan by the council, if required, or upon the council's approval or failure to approve if the commission was created by a petition of registered voters, the election official shall place the issue on the ballot at the next primary, general, or special election. The question may include any terms or conditions set forth in the resolution, such as the services to be provided by the municipalities and the timing of the dissolution implementation, and shall include any offices to be reestablished.

(6) The election official shall give notice of the submission of the question not more than thirty days nor less than ten days before the election by publication one time in one or more newspapers published in or of general circulation in the municipal county in which the question is to be submitted. This notice is in addition to any other notice required under the Election Act.

(7) The vote shall be tabulated in each municipality which is proposed to be created by the dissolution separately from the areas outside the boundaries of the proposed municipalities. If a majority of those voting on the question in the area within the boundaries of any proposed municipality and the areas outside the proposed municipalities vote in favor of dissolution, the municipal county shall be deemed to be dissolved according to the terms of the resolution. If the dissolution is not approved by a majority of those voting in the election in the area within the boundaries of any proposed municipality or the areas outside the proposed municipalities, the dissolution shall be deemed rejected.

(8) Any election under this section shall be conducted in accordance with the procedures provided in the Election Act.

Source: [Laws 2001, LB 142, § 12](#); [Laws 2004, LB 821, § 7](#).

Cross References: [Open Meetings Act](#), see section [84-1407](#).

13-2813. Sales and use tax authorized.

(1) A municipal county by ordinance of its council may impose a sales and use tax of one-half percent, one percent, or one and one-half percent upon the same transactions within the entire municipal county on which the state is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time.

(2) A municipal county shall not impose a new sales and use tax, increase the tax, or extend the territory of an existing sales and use tax until an election is held and a majority of the registered voters as provided in section [13-2810](#) have approved the tax, increase, or extension. The ballot issue proposing approval of a new sales and use tax or the increase or territorial extension of an existing sales and use tax may be combined with the issue proposing creation of a municipal county.

Source: [Laws 2001, LB 142, § 13](#).

Cross References: [Nebraska Revenue Act of 1967](#), see section [77-2701](#).

Chapter 14 – Cities of the Metropolitan Class (City Council; Metropolitan Utility Districts)

14-101. Cities of the metropolitan class, defined; population required; general powers.

All cities in this state which have attained a population of four hundred thousand inhabitants or more as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census shall be cities of the metropolitan class and governed by sections 14-101 to 14-2004. The population of a city of the metropolitan class shall consist of the people residing within the territorial boundaries of such city and the residents of any territory duly and properly annexed to such city. Each city of the metropolitan class shall be a body corporate and politic and shall have power

(1) to sue and be sued,

(2) to purchase, lease, lease with option to buy, acquire by gift or devise, and hold real and personal property within or without the limits of the city for the use of the city, and real estate sold for taxes,

(3) to sell, exchange, lease, and convey any real or personal property owned by the city, in such manner and upon such terms as may be in the best interests of the city, except that real estate acquired for state armory sites shall be conveyed strictly in the manner provided in sections [18-1001](#) to [18-1006](#),

(4) to make all contracts and do all other acts in relation to the property and concerns of the city necessary for the exercise of its corporate or administrative powers, and

(5) to exercise such other and further powers as may be conferred by law. The powers granted under this section shall be exercised by the mayor and city council of such city except when otherwise specifically provided.

Source: Laws 1921, c. 116, art. I, § 1, p. 398; C.S.1922, § 3488; C.S.1929, § 14-101; Laws 1935, Spec. Sess., c. 10, § 2, p. 72; Laws 1941, c. 130, § 8, p. 494; C.S.Supp.,1941, § 14-101; R.S.1943, § 14-101; Laws 1947, c. 50, § 1, p. 170; Laws 1961, c. 58, § 1, p. 215; Laws 1963, c. 43, § 1, p. 218; Laws 1965, c. 85, § 1, p. 327; Laws 1967, c. 40, § 1, p. 170; Laws 1993, LB 726, § 3; [Laws 2017, LB113, § 4](#); [Laws 2022, LB800, § 7](#); [Laws 2022, LB820, § 1](#).

14-101.01. Declaration as city of the metropolitan class; when.

Whenever any city of the primary class shall attain a population of four hundred thousand inhabitants or more as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census, the mayor of such city shall certify such fact to the Secretary of State, who upon the filing of such certificate shall by proclamation declare such city to be a city of the metropolitan class.

Source: [Laws 2017, LB113, § 5](#); [Laws 2022, LB800, § 8](#); [Laws 2022, LB820, § 2](#).

14-201. City council members; election; term.

In each city of the metropolitan class, seven city council members shall be elected to the city council as provided in section [32-536](#). The general city election for the election of elective officers of cities of the metropolitan class shall be held on the first Tuesday after the second Monday in May 1993 and every four years thereafter. The terms of office of such city council members shall commence on the fourth Monday after such election.

Source: Laws 1921, c. 116, art. II, § 1, p. 419; C.S.1922, § 3526; C.S.1929, § 14-201; Laws 1935, c. 78, § 1, p. 264; C.S.Supp.,1941, § 14-201; R.S.1943, § 14-201; Laws 1951, c. 30, § 1, p. 128; Laws 1979, LB 80, § 1; Laws 1979, LB 329, § 2; Laws 1982, LB 807, § 38; Laws 1989, LB 165, § 3; Laws 1994, LB 76, § 469; [Laws 2022, LB800, § 35](#).

14-201.02. Legislative findings.

The Legislature finds and declares that the election of the city council at large in cities of the metropolitan class denies representation to some socioeconomic segments of the population. The Legislature further finds and declares that fair and adequate representation of all areas and all socioeconomic segments of

the population of cities of the metropolitan class is a matter of general statewide concern, the provisions of any home rule charter notwithstanding.
Source: Laws 1979, LB 329, § 1.

14-201.03. City council districts; duties.

The election commissioner in any county in which is situated a city of the metropolitan class shall divide the city into seven city council districts of compact and contiguous territory. Such districts shall be numbered consecutively from one to seven. One city council member shall be elected from each district. The city council shall be responsible for redrawing the city council district boundaries pursuant to section [32-553](#).

Source: Laws 1979, LB 329, § 3; Laws 1989, LB 165, § 4; Laws 1994, LB 76, § 470; [Laws 2001, LB 71, § 1](#); [Laws 2022, LB800, § 36](#).

14-202. Special election; notice; vote; requirements.

The city council of a city of the metropolitan class is authorized to call, by ordinance, special elections and to submit at such elections such questions and propositions as may be authorized by law to be submitted to the electors at a special election. Unless otherwise specifically directed, it shall be sufficient to give, in the manner required by law, thirty days' notice of the time and place of holding such special election. Unless otherwise specifically designated, a majority vote of the electors voting on any proposition shall be regarded sufficient to approve or carry such proposition. The vote at such special election shall be canvassed by the authority or officer authorized to canvass the vote at the general city election and the result of such election certified or declared and certificate of election, if required, shall be issued.

Source: Laws 1921, c. 116, art. II, § 2, p. 419; C.S.1922, § 3527; C.S.1929, § 14-202; R.S.1943, § 14-202; Laws 1949, c. 16, § 1, p. 81; Laws 1967, c. 42, § 1, p. 172; [Laws 2022, LB800, § 37](#).

14-204. City council; candidates; qualifications; primary election; filing.

(1) A candidate for city council member of a city of the metropolitan class shall be a registered voter and a resident of the district from which he or she seeks election and shall have been a resident in the city and district or any area annexed by the city for six months. The primary election for nomination of city council members shall be held on the first Tuesday of April preceding the date of the general city election.

(2) Any person desiring to become a candidate for city council member shall file a candidate filing form pursuant to sections [32-606](#) and [32-607](#).

Source: Laws 1921, c. 116, art. II, § 4, p. 420; C.S.1922, § 3529; C.S.1929, § 14-204; R.S.1943, § 14-204; Laws 1949, c. 16, § 2, p. 81; Laws 1953, c. 21, § 1, p. 91; Laws 1979, LB 80, § 3; Laws 1979, LB 329, § 5; Laws 1982, LB 807, § 39; Laws 1994, LB 76, § 471; [Laws 2022, LB800, § 38](#).

14-205. City council; primary election; ballot; form.

Notwithstanding any more general law respecting primary elections in force in this state, the official ballot to be prepared and used at the primary election under section [14-204](#) shall be in substantially the form provided in this section. The names of all candidates shall be placed upon the ballot without any party designation.

Candidate for Nomination for City Council Member from City Council District No., of the City of, at the Primary Election

Vote for only one:

.....

(Names of candidates)

In all other respects the general character of the ballot to be used shall be the same as authorized by the Election Act.

In printing, the names shall not be arranged alphabetically but shall be rotated according to the following plan: The form shall be set up by the printer, with the names in the order in which they are placed upon the sample ballot prepared by the officer authorized to conduct the general city election. In printing the ballots for the various election districts or precincts, the position of the names shall be changed for each election district, and in making the change of position the printer shall take the line of type containing the name at the head of the form and place it at the bottom, shoving up the column so that the name that was second before the change shall be the first after the change. The primary election shall be conducted pursuant to the Election Act except as provided in section [14-204](#) and unless otherwise provided in the home rule charter or city code.

Source: Laws 1921, c. 116, art. II, § 5, p. 421; C.S.1922, § 3530; C.S.1929, § 14-205; R.S.1943, § 14-205; Laws 1949, c. 17, § 1, p. 83; Laws 1979, LB 80, § 4; Laws 1979, LB 329, § 6; Laws 1994, LB 76, § 472; [Laws 2022, LB800, § 39.](#)

14-206. City council; election; candidates; number.

The two candidates receiving the highest number of votes in each city council district at the primary election under section [14-204](#) shall be the candidates and the only candidates whose names shall be placed upon the official ballot for city council members in such city council district at the general city election in such city.

Source: Laws 1921, c. 116, art. II, § 6, p. 422; C.S.1922, § 3531; C.S.1929, § 14-206; R.S.1943, § 14-206; Laws 1979, LB 80, § 5; Laws 1979, LB 329, § 7; Laws 1994, LB 76, § 473; [Laws 2022, LB800, § 40.](#)

14-207. City council; general election; ballot; form; applicable law.

At the general city election at which city council members are to be elected, the ballot shall be prepared in substantially the same form as provided in section [14-205](#), and the person receiving the highest number of votes in each of the city council districts shall be the city council member elected. The general city election shall be conducted pursuant to the Election Act unless otherwise provided in the home rule charter or city code.

Source: Laws 1921, c. 116, art. II, § 7, p. 422; C.S.1922, § 3532; C.S.1929, § 14-207; R.S.1943, § 14-207; Laws 1979, LB 80, § 6; Laws 1979, LB 329, § 8; Laws 1994, LB 76, § 474; [Laws 2022, LB800, § 41.](#)

14-210. Ordinances; adoption by initiative; procedure.

(1) The right to enact ordinances for any city of the metropolitan class is hereby granted to the qualified electors of such city, but such grant is made upon the following conditions and in addition to the right granted to the city council to legislate as provided in this section.

(2) (a) Whenever qualified electors of any city of the metropolitan class equal in number to fifteen percent of the vote cast at the last preceding city election petition the city council to enact a proposed ordinance, it shall be the duty of the city council to either enact such ordinance without amendment within thirty days or submit such ordinance to a vote of the people at the next election held within such city regardless of whether such election be a city, county or state election.

(b) Whenever such proposed ordinance is petitioned for by qualified electors equal in number to twenty-five percent of the votes cast at the last preceding city election and such petition requests that a special election be called to submit the proposed ordinance to a vote of the people in the event that the city council shall fail to enact such ordinance, the city council shall either enact such ordinance without amendment within thirty days or submit such ordinance to a vote of the people at a special election called by the city council for that purpose. The date of such election shall not be less than fifty days nor more than seventy days after the filing of the petition for the proposed ordinance.

(3) The petition provided for in this section shall be in the general form and as to signatures and verification as provided in section [14-212](#) and shall be filed with the city clerk. Upon the filing of a petition, the city clerk and the county clerk or election commissioner of the county in which the city is located may by mutual agreement provide that the county clerk or election commissioner shall ascertain whether the

petition is signed by the requisite number of voters. When the verifying official has ascertained the percent of the voters signing such petition, such official shall transmit his or her findings, together with such petition, to the city council.

(4) In the event the city council shall fail to enact such ordinance, the city council shall submit such ordinance to a vote of the people of such city as provided in this section. The mayor shall notify the electors of such election at least fifteen days prior to such election, and the city council shall cause to have published a notice of the election and a copy of such proposed ordinance once in each of the daily legal newspapers in or of general circulation in the city, or, if there is no such newspaper, then once in each weekly legal newspaper in or of general circulation in such city. Such publication shall be not more than twenty nor less than five days prior to such election.

(5) All proposed ordinances shall have a title which shall state in a general way the purpose and intent of such ordinance.

(6) The ballots used when voting upon such proposed ordinance shall contain the following: For the ordinance (set forth the title thereof) and Against the ordinance (set forth the title thereof).

(7) If a majority of the electors voting on the proposed ordinance shall vote in favor of the question such ordinance shall become a valid and binding ordinance of the city. An ordinance adopted as provided in this section shall not be altered or modified by the city council within one year after such adoption.

(8) Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section except that the same measure, either in form or essential substance, shall not be submitted more often than once every two years.

Source: Laws 1921, c. 116, art. II, § 10, p. 425; C.S.1922, § 3535; C.S.1929, § 14-210; R.S.1943, § 14-210; [Laws 2022, LB800, § 42.](#)

14-211. Ordinances; when effective; repeal by referendum; procedure.

(1) (a) No ordinance passed by the city council of a city of the metropolitan class, except when otherwise required by the general laws of the state, by other provisions of sections [14-201](#) to [14-229](#), or as provided in subdivision (1)(b) of this section, shall go into effect before fifteen days from the time of its final passage.

(b) An ordinance passed by the city council of a city of the metropolitan class may take effect sooner than fifteen days from the time of its final passage if the ordinance is:

(i) For the appropriation of money to pay the salary of officers or employees of the city; or

(ii) An emergency ordinance that is for the preservation of the public peace, health, or safety and that contains a statement of such emergency.

(2) (a) If during such fifteen days a petition, signed and verified as provided in this section by electors of the city equal in number to at least fifteen percent of the highest number of votes cast for any city council member at the last preceding general city election, protesting against the passage of such ordinance, shall be presented to the city council, then such ordinance shall be suspended from going into operation, and it shall be the duty of the city council to reconsider such ordinance.

(b) If such ordinance is not repealed by the city council, then the city council shall proceed to submit to the voters such ordinance at a special election to be called for such purpose or at a general city election, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on such ordinance shall vote in favor of the question.

(3) Such petition shall be in all respects in accordance with the provisions of section [14-212](#) relating to signatures, verification, inspection, and certification.

Source: Laws 1921, c. 116, art. II, § 11, p. 426; C.S.1922, § 3536; C.S.1929, § 14-211; R.S.1943, § 14-211; [Laws 2022, LB800, § 43.](#)

14-212. Petitions; signatures; verification.

All petitions provided for in sections [14-204](#), [14-210](#), and [14-211](#) shall be signed by none but legal voters of the city and each petition shall contain, in addition to the names of the petitioners, the street and house number where the petitioner resides. The signatures to such petition need not all be appended in a single sheet, and at least one of the signatories of each sheet shall make oath before some officer, competent to

administer oaths, that the statements made in any such petition are true and that the signatories were, at the time of signing such petition, legal voters of the city. He or she shall also state in the affidavit the number of signatories upon the petition, or part of such petition, sworn to or affirmed by him or her, at the time he or she makes such affidavit.

Source: Laws 1921, c. 116, art. II, § 12, p. 427; C.S.1922, § 3537; C.S.1929, § 14-212; R.S.1943, § 14-212; Laws 1984, LB 975, § 9; [Laws 2022, LB800, § 44](#).

14-230. City council; mayor; candidate; public officeholder not disqualified from candidacy.

The Legislature, recognizing the importance to the entire State of Nebraska of sound and stable government in cities of the metropolitan class, hereby declares that the qualifications for candidacy for the office of mayor and city council member of such cities, whether any such city is governed by a home rule charter or not, are matters of general statewide concern. The provisions of any ordinance or home rule charter of any such city to the contrary notwithstanding, no person shall be disqualified from candidacy for the office of mayor or city council member of any such city because of the fact that such person holds any other public office, either elective or appointive except any office subordinate to the mayor and city council of such city, and no holder of any such other office shall be required to resign such other office in order to become and remain a candidate for the office of mayor or city council member of any such city.

Source: Laws 1965, c. 162, § 1, p. 513; Laws 1979, LB 80, § 14; [Laws 2022, LB800, § 60](#).

14-2102. Board of directors; qualifications; election; outside member.

(1) In each metropolitan utilities district service area, there shall be a board of directors consisting of seven members. The members shall be elected as provided in section [32-540](#).

(2) Registered voters within the boundaries of the district shall be registered voters of such district. A registered voter of the district shall be eligible for the office of director subject to the special qualification of residence for the outside member, except that if the board of directors, by resolution, divides the territory of the district into election subdivisions pursuant to subsection (2) of section [32-540](#), a registered voter of the district shall be eligible for the office of director from the election subdivision in which he or she resides.

(3) The outside member specified in section [32-540](#) shall be a registered voter residing within the district but outside the corporate limits of the city of the metropolitan class for which the district was created.

In the event of the annexation of the area within which the outside member resides, he or she may continue to serve as the outside member until the expiration of the term of office for which such member was elected and until a successor is elected and qualified.

Source: Laws 1913, c. 143, § 3, p. 350; R.S.1913, § 4245; C.S.1922, § 3747; C.S.1929, § 14-1003; R.S.1943, § 14-1003; Laws 1945, c. 17, § 1, p. 121; Laws 1953, c. 22, § 1, p. 93; Laws 1961, c. 32, § 1, p. 152; Laws 1976, LB 665, § 1; Laws 1977, LB 201, § 3; R.S.1943, (1991), § 14-1003; Laws 1992, LB 746, § 2; Laws 1994, LB 76, § 477; [Laws 2009, LB562, § 1](#); [Laws 2014, LB1014, § 1](#).

14-2103. Board of directors; territory outside city; participation in election; filings; where made.

Whenever a metropolitan utilities district is extended to include sanitary and improvement districts, unincorporated area, towns, villages, or territory lying outside the corporate limits of cities of the metropolitan class or so extended as to include sanitary and improvement districts, unincorporated area, towns, or villages in an adjoining county or counties, then such sanitary and improvement districts, unincorporated area, towns, or villages shall have a right to participate in the nomination and in the election of members of the board of directors of the metropolitan utilities district. The election commissioner or county clerk of each of the counties in which ballots are cast pursuant to this section shall transmit, by mail or otherwise, to the Secretary of State, a copy of the abstract of the votes cast for members of the board of directors. The Secretary of State shall in due course deliver to the candidate receiving the highest number of votes a certificate of election as a member of the board of directors. All filings for such office shall be made with the Secretary of State.

Source: Laws 1921, c. 109, § 1, p. 385; C.S.1922, § 3748; C.S.1929, § 14-1004; R.S.1943, § 14-1004; Laws 1961, c. 32, § 2, p. 152; R.S.1943, (1991), § 14-1004; Laws 1992, LB 746, § 3; Laws 1994, LB 76, § 478; [Laws 2014, LB1014, § 2](#); [Laws 2019, LB411, § 19](#).

14-2104. Board of directors; vacancy; compensation; benefits; expenses.

(1) Any vacancy occurring in the board of directors shall be filled for the unexpired term by the remaining members thereof within thirty days after the vacancy occurs. It is the intent and purpose to render the board of directors nonpartisan in character.

(2) The chairperson of the board of directors of a metropolitan utilities district shall be paid, as compensation for his or her services, not to exceed the sum of one thousand two hundred sixty dollars per month. Each of the other members of the board of directors shall be paid, as compensation for his or her services, not to exceed the sum of one thousand one hundred twenty dollars per month. Any adjustments in compensation shall be made only at regular meetings of the board of directors, and the salaries of the chairperson and other members of such board shall not be increased more often than once in any calendar year.

(3) Members of the board of directors may be considered employees of the district for purposes of participation in medical and dental plans of insurance offered to regular employees. The dollar amount of any health insurance premiums paid from the funds of the district for the benefit of a member of the board of directors may be in addition to the amount of compensation authorized to be paid to such director pursuant to this section.

(4) The chairperson and other members of such board of directors shall also be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

Source: Laws 1913, c. 143, § 4, p. 351; R.S.1913, § 4246; Laws 1919, c. 33, § 1, p. 107; C.S.1922, § 3749; C.S.1929, § 14-1005; R.S.1943, § 14-1005; Laws 1947, c. 20, § 2, p. 108; Laws 1953, c. 22, § 2, p. 94; Laws 1967, c. 45, § 1, p. 176; Laws 1981, LB 311, § 1; Laws 1985, LB 2, § 1; Laws 1990, LB 730, § 1; R.S.1943, (1991), § 14-1005; Laws 1992, LB 746, § 4; [Laws 2001, LB 101, § 1](#).

Chapter 15 – Cities of the Primary Class

15-101. Cities of the primary class, defined; population required.

All cities having more than one hundred thousand and less than four hundred thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census shall be known as cities of the primary class. The population of a city of the primary class shall consist of the people residing within the territorial boundaries of such city and the residents of any territory duly and properly annexed to such city.

Source: Laws 1901, c. 16, § 1, p. 71; R.S.1913, § 4404; C.S.1922, § 3780; C.S.1929, § 15-101; R.S.1943, § 15-101; Laws 1947, c. 50, § 2, p. 171; Laws 1961, c. 58, § 2, p. 216; Laws 1965, c. 85, § 2, p. 328; Laws 1993, LB 726, § 4; [Laws 2017, LB113, § 7](#); [Laws 2022, LB820, § 3](#).

15-301. Elections; when held.

The general city elections in cities of the primary class shall be held on the first Tuesday in May of every odd-numbered year. All city elections shall be conducted in accordance with the Election Act.

Source: Laws 1901, c. 16, § 12, p. 74; Laws 1905, c. 16, § 1 ½, p. 200; Laws 1905, c. 17, § 1, p. 213; R.S.1913, § 4478; C.S.1922, § 3864; C.S.1929, § 15-301; R.S.1943, § 15-301; Laws 1961, c. 36, § 4, p. 162; Laws 1982, LB 807, § 40; Laws 1994, LB 76, § 481.

Chapter 16 – Cities of the First Class

16-101. Cities of the first class, defined; population required.

All cities having more than five thousand and not more than one hundred thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census shall be known as cities of the first class. The population of a city of the first class shall consist of the people residing within the territorial boundaries of such city and the residents of any territory duly and properly annexed to such city.

Source: Laws 1901, c. 18, § 1, p. 226; R.S.1913, § 4804; C.S.1922, § 3972; C.S.1929, § 16-101; R.S.1943, § 16-101; Laws 1965, c. 85, § 3, p. 328; Laws 1993, LB 726, § 5; [Laws 2017, LB113, § 9](#).

From Blue Book, pg. 790:

Alliance	Beatrice	Bellevue	Blair	Chadron
Columbus	Crete	Fremont	Gering	Grand Island
Hastings	Holdrege	Kearney	La Vista	Lexington
McCook	Nebraska City	Norfolk	North Platte	Ogallala
Papillion	Plattsmouth	Ralston	Schuyler	Scottsbluff
Seward	Sidney	S. Sioux City	Wayne	York

16-202. Real estate; conveyance; how effected; remonstrance; procedure; hearing; exceptions.

(1) Except as otherwise provided in subsection (4) of this section, the power to sell and convey any real estate owned by a city of the first class, including park land, shall be exercised by ordinance directing the conveyance of such real estate and the manner and terms thereof. Notice of such sale and the terms thereof shall be published for three consecutive weeks in a legal newspaper in or of general circulation in such city immediately after the passage and publication of such ordinance.

(2) If within thirty days after the passage and publication of such ordinance a remonstrance petition against such sale is signed by registered voters of the city equal in number to thirty percent of the registered voters of the city voting at the last regular city election held therein and is filed with the city council, the property shall not then, nor within one year thereafter, be sold. If the date for filing the petition falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day. Upon the receipt of the petition, the city council, with the aid and assistance of the election commissioner or county clerk, shall determine the validity and sufficiency of signatures on the petition. The city council shall deliver the petition to the election commissioner or county clerk by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Upon receipt of the petition, the election commissioner or county clerk shall issue to the city council a written receipt that the petition is in the custody of the election commissioner or county clerk. The election commissioner or county clerk shall compare the signature of each person signing the petition with the voter registration records to determine if each signer was a registered voter on or before the date on which the petition was filed with the city council. The election commissioner or county clerk shall also compare the signer's printed name, street and number or voting precinct, and city, village, or post office address with the voter registration records to determine whether the signer was a registered voter. The signature and address shall be presumed to be valid only if the election commissioner or county clerk determines that the printed name, street and number or voting precinct, and city, village, or post office address matches the registration records and that the registration was received on or before the date on which the petition was filed with the city council. The determinations of the election commissioner or county clerk may be rebutted by any credible evidence which the city council finds sufficient. The express purpose of the comparison of names and addresses with the voter registration records, in addition to helping to determine the validity of the petition, the sufficiency of the petition, and the qualifications of the signer, shall be to prevent fraud, deception, and misrepresentation in the petition process. Upon completion of the comparison of names and addresses with the voter registration records, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name and address of each signer found not to be a registered voter and the signature page number and line number where the name is found, and if the reason for the invalidity of the signature or address is other than the nonregistration of the signer, the

election commissioner or county clerk shall set forth the reason for the invalidity of the signature. If the election commissioner or county clerk determines that a signer has affixed his or her signature more than once to the petition and that only one person is registered by that name, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name of the duplicate signature and shall count only the earliest dated signature. The election commissioner or county clerk shall certify to the city council the number of valid signatures necessary to constitute a valid petition. The election commissioner or county clerk shall deliver the petition and the certifications to the city council within forty days after the receipt of the petition from the city council. The delivery shall be by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Not more than twenty signatures on one signature page shall be counted.

(3) The city council shall, within thirty days after the receipt of the petition and certifications from the election commissioner or county clerk, hold a public hearing to review the petition and certifications and receive testimony regarding them. The city council shall, following the hearing, vote on whether or not the petition is valid and shall uphold the petition if sufficient valid signatures have been received.

(4) This section does not apply to

(a) real estate used in the operation of public utilities,

(b) real estate for state armory sites for the use of the State of Nebraska as expressly provided in section [16-201](#), or

(c) real estate for state veterans' cemetery sites for the use of the State of Nebraska as expressly provided in section [12-1301](#).

Source: Laws 1901, c. 18, § 8, p. 230; R.S.1913, § 4817; C.S.1922, § 3985; C.S.1929, § 16-202; Laws 1935, Spec. Sess., c. 10, § 7, p. 75; Laws 1937, c. 27, § 1, p. 148; Laws 1941, c. 130, § 13, p. 497; C.S.Supp.,1941, § 16-202; R.S.1943, § 16-202; Laws 1963, c. 60, § 2, p. 252; Laws 1988, LB 793, § 4; Laws 1993, LB 59, § 1; Laws 1997, LB 230, § 1; [Laws 2016, LB704, § 17](#); [Laws 2020, LB911, § 3](#).

16-302.01. Officers; election; qualifications; term.

In any city of the first class except any city having adopted the commissioner or city manager plan of government, the mayor and city council members shall be registered voters of the city and the city council members shall be residents of the ward from which elected if elected by ward and residents of the city if elected at large. The city council may also, by a two-thirds vote of its members, provide by ordinance for the election of the treasurer and clerk. All nominations and elections of such officers shall be held as provided in the Election Act. The terms of office of all such members shall commence on the first regular meeting of the city council in December following their election.

Source: Laws 1969, c. 257, § 3, p. 933; Laws 1973, LB 558, § 1; Laws 1975, LB 323, § 1; Laws 1976, LB 688, § 1; Laws 1977, LB 201, § 4; Laws 1979, LB 421, § 2; Laws 1979, LB 80, § 22; Laws 1981, LB 446, § 1; Laws 1982, LB 807, § 41; Laws 1983, LB 308, § 2; Laws 1990, LB 957, § 3; Laws 1990, LB 853, § 2; Laws 1994, LB 76, § 485; [Laws 2001, LB 730, § 1](#); [Laws 2016, LB704, § 49](#).

16-404. City council; ordinances, resolutions, or orders; procedure for passage; vote of mayor, when; amendments; revision ordinances; ~~revised election district boundaries; ordinance.~~ (2023 Update)

(1) All ordinances and resolutions or orders for the appropriation or payment of money in a city of the first class shall require for their passage or adoption the concurrence of a majority of all elected members ~~of elected to~~ the city council. The mayor may vote on any such matter if

(a) the mayor's vote is required due to the city council members being equally divided or

(b) a majority vote of all the elected members cannot be reached due to absence, vacancy, or abstention of one or more city council members. For purposes of such vote, the mayor is deemed to be a member of the city council when his or her vote will provide the additional vote required to create a number of votes equal to a majority of the number of members elected to the city council, and the mayor shall, for the purpose of such vote, be deemed to be a member of the city council.

(2) (a) Ordinances of a general or permanent nature in a city of the first class shall be read by title on three different days unless three-fourths of the city council members vote to suspend this requirement, except that in a city having a commission plan of government such requirement may be suspended by a three-fifths majority vote.

(b) Regardless of the form of government, such requirement shall not be suspended
(i) for any ordinance for the annexation of territory or the redrawing of boundaries for city council election districts or wards ~~except as otherwise provided in subsection (4) of this section or~~
(ii) as otherwise provided by law.

(c) In case such requirement is suspended, the ordinances shall be read by title or number and then moved for final passage.

(d) Three-fourths of the city council members may require a reading of any such ordinance in full before enactment under either procedure set out in this section, except that in a city having a commission plan of government, such reading may be required by a three-fifths majority vote.

(3) Ordinances in a city of the first class shall contain no subject which is not clearly expressed in the title, and, except as provided in section [19-915](#), no ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended and the ordinance or section so amended is repealed, except that:

(a) For an ordinance revising all the ordinances of a city of the first class, the only title necessary shall be An ordinance of the city of, revising all the ordinances of the city. Under such title all the ordinances may be revised in sections and chapters or otherwise, may be corrected, added to, and any part suppressed, and may be repealed with or without a saving clause as to the whole or any part without other title; and

(b) For an ordinance used solely to revise ordinances or code sections or to enact new ordinances or code sections in order to adopt statutory changes made by the Legislature which are specific and mandatory and bring the ordinances or code sections into conformance with state law, the title need only state that the ordinance revises those ordinances or code sections affected by or enacts ordinances or code sections generated by legislative changes. Under such title, all such ordinances or code sections may be revised, repealed, or enacted in sections and chapters or otherwise by a single ordinance without other title.

~~(4) Following the release of the 2020 Census of Population data by the United States Department of Commerce, Bureau of the Census, as required by Public Law [94-171](#), the city council of any city of the first class requesting the adjustment of the boundaries of election districts shall provide to the election commissioner or county clerk~~

~~(a) written notice of the need and necessity of his or her office to perform such adjustments and~~

~~(b) a revised election district boundary map that has been approved by the requesting city council and subjected to all public review and challenge ordinances of the city by December 30, 2021. The revised election district boundary map shall be adopted by ordinance. Such ordinance shall be read by title on three different days unless three-fourths of the city council members vote to suspend this requirement.~~

Source: Laws 1901, c. 18, § 37, p. 240; Laws 1903, c. 19, § 5, p. 235; R.S.1913, § 4897; C.S.1922, § 4065; C.S.1929, § 16-404; R.S.1943, § 16-404; Laws 1961, c. 43, § 1, p. 174; Laws 1969, c. 108, § 2, p. 510; Laws 1972, LB 1235, § 1; Laws 1975, LB 172, § 1; Laws 1980, LB 662, § 2; Laws 1989, LB 790, § 2; Laws 1990, LB 966, § 1; Laws 1994, LB 630, § 2; [Laws 2003, LB 365, § 1](#); [Laws 2016, LB704, § 73](#); [Laws 2018, LB865, § 3](#); [Laws 2019, LB193, § 5](#); [Laws 2019, LB194, § 25](#); [Laws 2021, LB131, § 11](#); [Laws 2021, LB285, § 3](#); [Laws 2023, LB531, § 6](#).

Operative Date: [June 7, 2023](#)

Cross References: For other provisions for revision of ordinances, see section [16-247](#).

16-6,100. Public buildings; construction; bonds authorized; approval of electors required, when. (New)

The mayor and city council of a city of the first class shall have the power to borrow money and pledge the property and credit of the city upon its negotiable bonds or otherwise for the purpose of acquiring, by purchasing or constructing, including site acquisition, or aiding in the acquiring of a city hall, jail, auditorium, buildings for the fire department, and other public buildings, including the acquisition of buildings authorized to be acquired by Chapter 72, article 14, and including acquisition of buildings to be leased in whole or in part by the city to any other political or governmental subdivision of the State of Nebraska authorized by law to lease such buildings. No such bonds shall be issued until after the same have been authorized by a majority vote of the electors of the city voting on the proposition of their

issuance at an election called for the submission of such proposition and of which election notice of the time and place thereof shall have been given by publication in a legal newspaper in or of general circulation in the city three successive weeks prior thereto. If the buildings to be acquired are to be used by the State of Nebraska or its agency or agencies under a lease authorized by Chapter 72, article 14, or the buildings are to be leased by any other political or governmental subdivision of the State of Nebraska or other governmental agencies and if the combined area of the buildings to be leased by the state or its agency or agencies and the political or governmental subdivision of the State of Nebraska is more than fifty percent of the area of the buildings and if the cost of acquisition does not exceed five million dollars, no such vote of the electors will be required.

Source: Laws 1911, c. 15, § 1, p. 132; R.S.1913, § 4971; Laws 1915, c. 89, § 1, p. 229; Laws 1919, c. 39, § 1, p. 122; C.S.1922, § 4140; C.S.1929, § 16-670; Laws 1941, c. 23, § 1, p. 116; C.S.Supp.,1941, § 16-670; R.S.1943, § 16-6,100; Laws 1945, c. 23, § 1, p. 131; Laws 1947, c. 30, § 1, p. 138; Laws 1947, c. 28, § 2, p. 135; Laws 1969, c. 87, § 1, p. 436; [Laws 1972, LB 876, § 1](#); [Laws 2016, LB704, § 161](#); [Laws 2019, LB194, § 75](#); [Laws 2021, LB131, § 12](#).

Chapter 17 – Cities of the Second Class & Villages (City Board Members; Village Dissolution)

17-101. City of the second class, defined; population; exception.

Each municipality containing more than eight hundred and not more than five thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census shall be a city of the second class and be governed by sections [17-101](#) to [17-153](#) unless it adopts or retains a village form of government as provided in sections [17-306](#) to [17-312](#). The population of a city of the second class shall consist of the people residing within the territorial boundaries of such city and the residents of any territory duly and properly annexed to such city.

Source: Laws 1879, § 1, p. 193; Laws 1885, c. 16, § 1, p. 156; R.S.1913, § 4993; C.S.1922, § 4162; C.S.1929, § 17-101; R.S.1943, § 17-101; Laws 1971, LB 62, § 1; Laws 1993, LB 726, § 6; [Laws 2014, LB702, § 1](#); [Laws 2017, LB113, § 12](#); [Laws 2017, LB133, § 1](#).

From Blue Book, pgs. 790-791:

Ainsworth	Albion	Alma	Arapahoe	Ashland
Atkinson	Auburn	Aurora	Bassett	Battle Creek
Bayard	Beaver City	Benkelman	Bennington	Bloomfield
Blue Hill	Blue Springs	Bridgeport	Broken Bow	Burwell
Cambridge	Central City	Chappell	Clarkson	Clay Center
Cozad	Crawford	Creighton	Crofton	Curtis
Dakota City	David City	Deshler	Edgar	Elgin
Fairbury	Fairfield	Falls City	Fort Calhoun	Franklin
Friend	Fullerton	Geneva	Genoa	Gibbon
Gordon	Gothenburg	Grant	Gretna	Hartington
Harvard	Hay Springs	Hebron	Henderson	Hickman
Hooper	Humboldt	Humphrey	Imperial	Indianola
Kenesaw	Kimball	Laurel	Long Pine	Louisville
Loup City	Lyons	Madison	Milford	Minatare
Minden	Mitchell	Neligh	Nelson	Newman Grove
North Bend	Oakland	O'Neill	Ord	Osceola
Oshkosh	Osmond	Pawnee City	Peru	Pierce
Plainview	Ponca	Randolph	Ravenna	Red Cloud
Rushville	St. Edward	St. Paul	Sargent	Scribner
Springfield	Stanton	Stromsburg	Superior	Sutton
Syracuse	Tecumseh	Tekamah	Terrytown	Tilden
Valentine	Valley	Wahoo	Wakefield	Waverly
Weeping Water	West Point	Wilbur	Wisner	Wood River
Wymore	Yutan			

17-102. Wards; number; how determined.

Unless the city elects council members at large as provided in section [32-554](#), each city of the second class shall be divided into not less than two nor more than six wards, as provided by ordinance of the city council. Each ward shall contain, as nearly as practicable, an equal portion of the population.

Source: Laws 1879, § 2, p. 193; R.S.1913, § 4994; C.S.1922, § 4163; C.S.1929, § 17-102; Laws 1935, c. 32, § 1, p. 137; C.S.Supp.,1941, § 17-102; R.S.1943, § 17-102; Laws 1969, c. 257, § 5, p. 934; [Laws 2016, LB702, § 1](#).

17-103. City council; members; number; qualifications.

The city council of a city of the second class shall consist of not less than four nor more than twelve residents of the city who are registered voters.

Source: Laws 1879, § 3, p. 194; R.S.1913, § 4995; C.S.1922, § 4164; C.S.1929, § 17-103; R.S.1943, § 17-103; Laws 1973, LB 559, § 1; Laws 1994, LB 76, § 489.

17-104. City council members; election; term; qualifications.

Unless the city elects city council members at large as provided in section [32-554](#), each ward of each city of the second class shall have at least two city council members elected in the manner provided in the Election Act. The term of office shall begin on the first regular meeting of the city council in December following the statewide general election. No person shall be eligible to the office of city council member who is not at the time of the election an actual resident of the ward for which he or she is elected and a registered voter.

Source: Laws 1879, § 4, p. 194; R.S.1913, § 4996; C.S.1922, § 4165; C.S.1929, § 17-104; R.S.1943, § 17-104; Laws 1969, c. 257, § 6, p. 934; Laws 1973, LB 559, § 2; Laws 1979, LB 253, § 1; Laws 1981, LB 446, § 2; Laws 1994, LB 76, § 490; [Laws 2016, LB702, § 2](#); [Laws 2017, LB133, § 2](#).

17-107. Mayor; qualifications; election; officers; appointment; removal; terms of office; police officers; appointment; removal, demotion, or suspension; procedure.

(1) A mayor of a city of the second class shall be elected in the manner provided in the Election Act. The mayor shall take office on the date of the first regular meeting of the city council held in December following the statewide general election. The mayor shall be a resident and registered voter of the city. If the president of the city council assumes the office of mayor for the unexpired term, there shall be a vacancy on the city council which vacancy shall be filled as provided in section [32-568](#).

(2) The mayor, with the consent of the city council, may appoint such officers as shall be required by ordinance or otherwise required by law. Such officers may be removed from office by the mayor. The terms of office for all officers, except regular police officers, appointed by the mayor and confirmed by the city council shall be established by the city council by ordinance. The ordinance shall provide that either

- (a) the officers hold the office to which they have been appointed until the end of the mayor's term of office and until their successors are appointed and qualified unless sooner removed or
- (b) the officers hold office for one year unless sooner removed.

(3) (a) The mayor, by and with the consent of the city council, shall appoint such a number of regular police officers as may be necessary. All police officers appointed by the mayor and city council may be removed, demoted, or suspended at any time by the mayor as provided in subdivision (b) of this subsection. A police officer, including the chief of police, may appeal to the city council such removal, demotion, or suspension with or without pay. After a hearing, the city council may uphold, reverse, or modify the action.

(b) The city council shall by ordinance adopt rules and regulations governing the removal, demotion, or suspension with or without pay of any police officer, including the chief of police. The ordinance shall include a procedure for such removal, demotion, or suspension with or without pay of any police officer, including the chief of police, upon the written accusation of the police chief, the mayor, or any citizen or taxpayer. The city council shall establish by ordinance procedures for acting upon such written accusation, including:

- (i) Provisions for giving notice and a copy of the written accusation to the police officer;
- (ii) the police officer's right to have an attorney or representative retained by the police officer present with him or her at all hearings or proceedings regarding the written accusation;
- (iii) the right of the police officer or his or her attorney or representative retained by the police officer to be heard and present evidence; and
- (iv) the right of the police officer as well as the individual imposing the action or their respective attorneys or representatives to record all hearings or proceedings regarding the written accusation.

The ordinance shall also include a procedure for making application for an appeal, specifications on the period of time within which such application shall be made, and provisions on the manner in which the appeals hearing shall be conducted. Both the police officer and the individual imposing the action or their respective attorneys or representatives shall have the right at the hearing to be heard and to present evidence to the city council for its consideration. Not later than thirty days following the adjournment of the meeting at which the hearing was held, the city council shall vote to uphold, reverse, or modify the action. The failure of the city council to act within thirty days or the failure of a majority of the elected city council members to vote to reverse or modify the action shall be construed as a vote to uphold the action. The decision of the city council shall be based upon its determination that, under the facts and evidence

presented at the hearing, the action was necessary for the proper management and the effective operation of the police department in the performance of its duties under the statutes of the State of Nebraska. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders.

(c) This subsection does not apply to a police officer during his or her probationary period.

Source: Laws 1879, § 6, p. 194; Laws 1881, c. 23, § 1, p. 168; R.S.1913, § 4999; Laws 1921, c. 155, § 1, p. 637; C.S.1922, § 4168; Laws 1923, c. 67, § 3, p. 203; Laws 1925, c. 36, § 1, p. 143; C.S.1929, § 17-107; R.S.1943, § 17-107; Laws 1955, c. 38, § 1, p. 151; Laws 1969, c. 257, § 7, p. 935; Laws 1972, LB 1032, § 104; Laws 1973, LB 559, § 2; Laws 1974, LB 1025, § 1; Laws 1976, LB 441, § 1; Laws 1976, LB 782, § 13; Laws 1994, LB 76, § 491; Laws 1995, LB 346, § 1; [Laws 2009, LB158, § 1](#); [Laws 2011, LB308, § 1](#); [Laws 2017, LB133, § 5](#).

17-201. Village, defined; incorporation; restriction on territory; condition.

(1) Any municipality containing not less than one hundred nor more than eight hundred inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census incorporated as a village under the laws of this state, any village that votes to retain village government as provided in section [17-312](#), and any city of the second class that has adopted village government as provided by sections [17-306](#) to [17-309](#) shall be a village and shall have the rights, powers, and immunities granted by law to villages. The population of a village shall consist of the people residing within the territorial boundaries of such village and the residents of any territory duly and properly annexed to such village.

(2) Whenever a majority of the inhabitants of any village, not incorporated under any laws of this state, present a petition to the county board of the county in which the petitioners reside, requesting that they may be incorporated as a village and designating the name they wish to assume and the metes and bounds of the proposed village, and a majority of the members of such county board are satisfied that a majority of the inhabitants of the proposed village have signed such petition and that inhabitants to the number of one hundred or more are actual residents of the territory described in the petition, the county board shall declare the proposed village incorporated, enter the order of incorporation upon its records, and designate the metes and bounds of such village. Thereafter the village shall be governed by the provisions of law applicable to the government of villages. The county board shall, at the time of the incorporation of the village, appoint five persons, having the qualifications provided in section [17-203](#), as the village board of trustees, who shall hold their offices and perform all the duties required of them by law until the election and qualification of their successors at the time and in the manner provided in section [17-202](#), except that the county board shall not declare a proposed village incorporated or enter an order of incorporation if any portion of the territory of such proposed village is within five miles of another incorporated municipality.

Source: Laws 1879, § 40, p. 202; Laws 1881, c. 22, § 1, p. 165; Laws 1913, c. 137, § 1, p. 335; R.S.1913, § 5051; C.S.1922, § 4223; C.S.1929, § 17-201; R.S.1943, § 17-201; Laws 1961, c. 48, § 1, p. 188; Laws 1969, c. 91, § 1, p. 454; Laws 1971, LB 62, § 2; Laws 1993, LB 726, § 7; [Laws 2014, LB702, § 2](#); [Laws 2017, LB113, § 13](#); [Laws 2017, LB133, § 62](#).

17-201.01. Villages; incorporation; presumption of regularity of proceedings.

When a county board has entered an order declaring any village within the county as incorporated, it shall be conclusively presumed that such incorporation and all proceedings in connection therewith are valid in all respects notwithstanding some defect or defects that may appear on the face of the record, or the absence of any record, unless an action shall be brought within one year from the date of entry of such order of the county board, attacking its validity.

Source: Laws 1961, c. 48, § 2, p. 189; [Laws 2017, LB133, § 63](#).

17-202. Board of trustees; election; terms.

The corporate powers and duties of every village shall be vested in a board of trustees which shall consist of five members. At the first statewide general election held after the incorporation of a village, two trustees shall be elected to serve two years and three trustees shall be elected to serve four years. Thereafter the board members shall be elected as provided in the Election Act. The terms shall begin on the first regular meeting of the board in December following the statewide general election. The changes made to this section by Laws 1994, LB 76, and Laws 1995, LB 194, shall not change the staggering of the terms of the board members in villages established prior to January 1, 1995.

Source: Laws 1879, § 41, p. 202; Laws 1899, c. 13, § 1, p. 78; R.S.1913, § 5052; C.S.1922, § 4224; C.S.1929, § 17-202; Laws 1943, c. 26, § 1, p. 120; R.S.1943, § 17-202; Laws 1969, c. 257, § 9, p. 936; Laws 1994, LB 76, § 493; Laws 1995, LB 194, § 3; [Laws 2017, LB133, § 64](#).

17-203. Board of trustees; qualifications.

Any person may be a trustee who is a citizen of the United States, resides in the village, and is a registered voter.

Source: Laws 1879, § 42, p. 202; Laws 1899, c. 13, § 1, p. 78; R.S.1913, § 5053; Laws 1915, c. 90, § 1, p. 230; Laws 1921, c. 129, § 1, p. 539; C.S.1922, § 4225; C.S.1929, § 17-203; R.S.1943, § 17-203; Laws 1969, c. 257, § 10, p. 936; Laws 1973, LB 559, § 4; Laws 1994, LB 76, § 494.

17-204. Board of trustees; oath; meetings.

Every village trustee, before entering upon the duties of his or her office, shall take an oath to support the Constitution of the United States and the Constitution of Nebraska and faithfully and impartially to discharge the duties of his or her office. Every village board of trustees appointed by the county board shall meet within twenty days, organize, and appoint the officers required by law. All trustees elected to office shall qualify and meet on the first regular meeting of the village board of trustees in December thereafter, organize, elect a chairperson of the board of trustees, and appoint the officers required by law. The village board of trustees shall, by ordinance, fix the time and place of holding its stated meetings and may be convened at any time by the chairperson.

Source: Laws 1879, § 43, p. 203; Laws 1913, c. 216, § 1, p. 646; R.S.1913, § 5054; C.S.1922, § 4226; C.S.1929, § 17-204; R.S.1943, § 17-204; Laws 1974, LB 897, § 1; Laws 1995, LB 194, § 4; [Laws 2017, LB133, § 65](#).

17-205. Board of trustees; quorum; compulsory attendance.

At all meetings of the village board of trustees, a majority of the trustees shall constitute a quorum to do business. A smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as prescribed by the village board of trustees by ordinance.

Source: Laws 1879, § 44, p. 203; R.S.1913, § 5055; C.S.1922, § 4227; C.S.1929, § 17-205; R.S.1943, § 17-205; [Laws 2017, LB133, § 66](#).

17-215. Village; dissolution; how affected.

Any village incorporated under the laws of this state shall abolish its incorporation whenever a majority of the registered voters of the village, voting on the question of such abolishment, shall so decide in the manner provided in sections [17-215](#) to [17-219.03](#).

Source: Laws 1885, c. 17, § 1, p. 156; R.S.1913, § 5065; C.S.1922, § 4237; C.S.1929, § 17-215; R.S.1943, § 17-215; Laws 1998, LB 1346, § 2; [Laws 2017, LB133, § 79](#).

17-215.01. Village; dissolution; county, defined.

For purposes of sections [17-215](#) to [17-219.03](#), when reference is made to the county within which the village is located and the village is located in more than one county, county means the county within which the greater portion of the area of the village is located.

Source: Laws 1998, LB 1346, § 1.

17-216. Village; dissolution; petition or resolution; election.

(1) Whenever a petition for submission of the question of the abolishment of incorporation to the registered voters of any village, signed by not less than one-third of the registered voters of the village, is filed in the office of the county clerk or election commissioner of the county in which such village is situated, the county clerk or election commissioner shall cause such question to be submitted to the registered voters of the village as provided in this section and give notice thereof in the general notice of the election at which the question will be submitted.

(2) Whenever two-thirds of the members of the village board of trustees, by resolution following a public hearing, vote to submit the question of the abolishment of the incorporation of the village, the resolution shall be filed in the office of the county clerk or election commissioner of the county in which such village is situated and the county clerk or election commissioner shall cause such question to be submitted to the registered voters of the village as provided in this section and give notice thereof in the general notice of the election at which the question will be submitted.

(3) If a petition or resolution is filed with the county clerk or election commissioner, the county clerk or election commissioner shall cause such question to be submitted to the registered voters of the village at the next primary or general election which is scheduled to be held more than seventy days after the date upon which the petition or resolution is filed. If the petition or resolution calls for a vote on the question at a special election to be called for that purpose, the county clerk or election commissioner shall cause a special election to be called for the purpose of placing the question before the registered voters and the election shall be called not sooner than sixty days nor later than seventy days after the date of the filing of the petition or resolution. If a petition is filed at any time other than within one hundred eighty days prior to a primary or general election and the petition does not call for the question to be considered at a special election, the village board of trustees may, by majority vote, call for the county clerk or election commissioner to cause the matter to be placed upon the ballot at a special election on a date certain specified by the board, except that such date shall not be sooner than sixty days after the date upon which the petition was filed.

(4) If the question of abolishment of incorporation is submitted to the voters and such question receives a favorable vote by a majority of those voting on the issue, the village board of trustees shall file with the Secretary of State a certified statement showing the total votes for and against such measure.

Source: Laws 1885, c. 17, § 2, p. 157; R.S.1913, § 5066; C.S.1922, § 4238; C.S.1929, § 17-216; R.S.1943, § 17-216; Laws 1973, LB 559, § 5; Laws 1998, LB 1346, § 3; [Laws 2017, LB133, § 80.](#)

17-217. Village; dissolution; election; form of ballot.

The form of the ballot for the question of the abolishment of incorporation of a village shall be, respectively, For abolishment of incorporation, and Against abolishment of incorporation, and the same shall be printed upon a separate ballot and shall be counted and canvassed in the same manner as other ballots voted at the election.

Source: Laws 1885, c. 17, § 3, p. 157; R.S.1913, § 5067; C.S.1922, § 4239; C.S.1929, § 17-217; R.S.1943, § 17-217; Laws 1973, LB 559, § 6; [Laws 2017, LB133, § 81.](#)

17-218. Village; dissolution; when effective.

(1) If a majority of the registered voters of a village voting on the question vote in favor of the abolishment of the incorporation of a village, then, from and after the effective date of the abolishment of the incorporation as determined by the county board as provided in subsection (2) of this section, the incorporation of the village shall cease and be abolished, and the area formerly encompassed within the boundaries of the village shall thereafter be governed by county commissioners as provided by law for unincorporated areas within the county. Upon such date, the terms of office of all elected and appointed officers and employees of the village shall end.

(2) Within fifty days after the date of the election at which the registered voters of the village approve the abolishment of the village's incorporation, the county board of the county within which the village is located shall, by resolution, specify the month, day, and year upon which the abolishment of the incorporation becomes effective. The effective date shall not be later than (a) six calendar months following the date of the election or (b) if there are liabilities of the village which cannot be retired except

by means of a continuing property tax levy by the village, the date such liabilities can be paid, whichever is later. The county clerk shall transmit a copy of the resolution to the Secretary of State.

Source: Laws 1885, c. 17, § 4, p. 157; R.S.1913, § 5068; C.S.1922, § 4240; C.S.1929, § 17-218; R.S.1943, § 17-218; Laws 1998, LB 1346, § 4; [Laws 2017, LB133, § 82](#).

17-503. Real property; sale; exception; procedure; remonstrance petition; procedure; hearing.

(1) Except as provided in section [17-503.01](#), the power of any city of the second class or village to convey any real property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution directing the sale of such real property.

(2) After the passage of the resolution directing the sale, notice of all proposed sales of property described in subsection (1) of this section and the terms of such sales shall be published once each week for three consecutive weeks in a legal newspaper in or of general circulation in such city or village.

(3) If within thirty days after the third publication of the notice a remonstrance petition against such sale

(a) conforms to section [32-628](#),

(b) is signed by registered voters of the city or village equal in number to thirty percent of the registered voters of the city or village voting at the last regular municipal election held in such city or village, and

(c) is filed with the governing body of such city or village, such property shall not then, nor within one year thereafter, be sold.

If the date for filing the petition falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day. Upon the receipt of the petition, the governing body of such city or village, with the aid and assistance of the election commissioner or county clerk, shall determine the validity and sufficiency of signatures on the petition. The governing body of such city or village shall deliver the petition to the election commissioner or county clerk by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Upon receipt of the petition, the election commissioner or county clerk shall issue to the governing body a written receipt that the petition is in the custody of the election commissioner or county clerk. The election commissioner or county clerk shall compare the signature of each person signing the petition with the voter registration records to determine if each signer was a registered voter on or before the date on which the petition was filed with the governing body. The election commissioner or county clerk shall also compare the signer's printed name, street and number or voting precinct, and city, village, or post office address with the voter registration records to determine whether the signer was a registered voter. The signature and address shall be presumed to be valid only if the election commissioner or county clerk determines that the printed name, street and number or voting precinct, and city, village, or post office address matches the registration records and that the registration was received on or before the date on which the petition was filed with the governing body. The determinations of the election commissioner or county clerk may be rebutted by any credible evidence which the governing body finds sufficient. The express purpose of the comparison of names and addresses with the voter registration records, in addition to helping to determine the validity of the petition, the sufficiency of the petition, and the qualifications of the signer, shall be to prevent fraud, deception, and misrepresentation in the petition process. Upon completion of the comparison of names and addresses with the voter registration records, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name and address of each signer found not to be a registered voter and the signature page number and line number where the name is found, and if the reason for the invalidity of the signature or address is other than the nonregistration of the signer, the election commissioner or county clerk shall set forth the reason for the invalidity of the signature. If the election commissioner or county clerk determines that a signer has affixed his or her signature more than once to the petition and that only one person is registered by that name, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name of the duplicate signature and shall count only the earliest dated signature. The election commissioner or county clerk shall certify to the governing body the number of valid signatures necessary to constitute a valid petition. The election commissioner or county clerk shall deliver the petition and the certifications to the governing body within forty days after the receipt of the petition from the governing body. The delivery shall be by

hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Not more than twenty signatures on one signature page shall be counted.

The governing body shall, within thirty days after the receipt of the petition and certifications from the election commissioner or county clerk, hold a public hearing to review the petition and certifications and receive testimony regarding them. The governing body shall, following the hearing, vote on whether or not the petition is valid and shall uphold the petition if sufficient valid signatures have been received.

(4) Real property now owned or hereafter owned by a city of the second class or a village may be conveyed without consideration to the State of Nebraska for state armory sites or, if acquired for state armory sites, shall be conveyed strictly in accordance with the conditions of sections [18-1001](#) to [18-1006](#).

(5) Following

- (a) passage of the resolution directing a sale,
- (b) publishing of the notice of the proposed sale, and
- (c) passing of the thirty-day right-of-remonstrance period, the property shall then be sold.

Such sale shall be confirmed by passage of an ordinance stating the name of the purchaser and terms of the sale.

(6) Notwithstanding the procedures in subsections (1) through (5) of this section, real property owned by a city of the second class or a village may be conveyed when such property:

- (a) Is sold in compliance with the requirements of federal or state grants or programs;
- (b) Is conveyed to another public agency; or
- (c) Consists of streets and alleys.

Source: Laws 1879, § 56, p. 207; R.S.1913, § 5080; Laws 1917, c. 100, § 1, p. 264; C.S.1922, § 4252; C.S.1929, § 17-401; Laws 1933, c. 29, § 1, p. 206; Laws 1935, Spec. Sess., c. 10, § 8, p. 76; Laws 1937, c. 30, § 1, p. 153; Laws 1941, c. 25, § 1, p. 120; Laws 1941, c. 130, § 14, p. 498; C.S.Supp.,1941, § 17-401; Laws 1943, c. 34, § 1, p. 153; R.S.1943, § 17-503; Laws 1957, c. 30, § 1, p. 190; Laws 1957, c. 31, § 1, p. 193; Laws 1971, LB 399, § 1; Laws 1981, LB 33, § 1; Laws 1982, LB 909, § 4; Laws 1988, LB 793, § 5; Laws 1993, LB 59, § 2; Laws 1997, LB 230, § 2; [Laws 2003, LB 476, § 1](#); [Laws 2017, LB133, § 119](#); [Laws 2017, LB315, § 1](#); [Laws 2022, LB843, § 1](#).

17-601.01. Caucus; when held; notice.

In any village the board of trustees may, by ordinance, call a caucus for the purpose of nomination of candidates for offices to be filled in the village election. Such caucus shall be held at least ten days before the filing deadline for such election, and the village board of trustees shall publish notice of such caucus in at least one legal newspaper in or of general circulation in the village at least once each week for two consecutive weeks before such caucus.

Source: Laws 1971, LB 432, § 1; Laws 1972, LB 1047, § 2; Laws 1993, LB 348, § 2; [Laws 2017, LB133, § 199](#).

17-601.02. Caucus; notice to village clerk; contents.

The chairperson of the caucus at which candidates are nominated under section [17-601.01](#) shall notify the village clerk in writing of the candidates so nominated, not later than two days following the caucus. The village clerk shall then notify the persons so nominated of their nomination, such notification to take place not later than five days after such caucus. No candidate so nominated shall have his or her name placed upon the ballot unless, not more than ten days after the holding of such caucus, he or she files with the village clerk a written statement accepting the nomination of the caucus and pays the filing fee, if any, for the office for which he or she was nominated.

Source: Laws 1971, LB 432, § 2; Laws 1993, LB 348, § 3; [Laws 2017, LB133, § 200](#).

17-601.03. Caucus; additional filings.

The provisions of sections [17-601.01](#) to [17-601.03](#) shall not preclude in any manner any person from filing for the offices to which such sections are applicable, either by direct filing or by petition.

Source: Laws 1971, LB 432, § 3.

17-602. Registered voters; qualifications.

All registered voters residing within the corporate limits of any city of the second class or village on or before election day shall be entitled to vote at all city and village elections.

Source: Laws 1879, § 61, p. 208; R.S.1913, § 5144; C.S.1922, § 4319; C.S.1929, § 17-510; R.S.1943, § 17-602; Laws 1963, c. 74, § 1, p. 277; Laws 1973, LB 559, § 8; Laws 1994, LB 76, § 497; [Laws 2017, LB133, § 201](#).

17-603. Officers; canvass; certificates of election; failure to qualify, effect.

At a meeting of the city council of a city of the second class, or the village board of trustees, on the first Monday after any city or village election, the returns, including returns for the election of members of the school board, shall be canvassed, and the city council or village board of trustees shall cause the city clerk or village clerk to make out and deliver certificates of election, under the seal of the city or village, to the persons found to be elected. A neglect of any such elected officer to qualify within ten days after the delivery of such certificate shall be deemed a refusal to accept the office to which he or she may have been elected.

Source: Laws 1879, § 62, p. 208; R.S.1913, § 5145; C.S.1922, § 4320; C.S.1929, § 17-511; R.S.1943, § 17-603; Laws 1951, c. 35, § 1, p. 136; Laws 1959, c. 60, § 56, p. 273; Laws 1994, LB 76, § 498; [Laws 2017, LB133, § 202](#).

17-614. Ordinances; how enacted; title; ~~revised election district boundary; ordinance.~~ (2023 Update)

(1) (a) All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all elected members of elected ~~to~~ the city council in a city of the second class or village board of trustees. The mayor of a city of the second class may vote on any such matter if

(i) the mayor's vote is required due to the city council members being equally divided or

(ii) a majority vote of all the elected members of the city council cannot be reached due to absence, vacancy, or abstention of one or more city council members. For purposes of such vote, the mayor is deemed to be a member of the city council when his or her vote would provide the additional vote required to attain the number of votes equal to a majority of the number of members elected to the city council, and the mayor shall, for the purpose of such vote, be deemed to be a member of the city council.

(b) Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the city council or village board of trustees vote to suspend this requirement. Such requirement shall not be suspended

(i) for any ordinance for the annexation of territory or the redrawing of boundaries for city council or village board of trustees election districts or wards ~~except as otherwise provided in subsection (3) of this section~~ or

(ii) as otherwise provided by law.

(c) In case such requirement is suspended, the ordinances shall be read by title and then moved for final passage.

(d) Three-fourths of the city council or village board of trustees may require a reading of any such ordinance in full before enactment under either procedure set out in this section.

(2) Ordinances shall contain no subject which is not clearly expressed in the title, and, except as provided in section [19-915](#), no ordinance or section of such ordinance shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended and the ordinance or section so amended is repealed, except that:

(a) For an ordinance revising all the ordinances of the city of the second class or village, the title need only state that the ordinance revises all the ordinances of the city or village. Under such title all the ordinances may be revised in sections and chapters or otherwise, may be corrected, added to, and any part suppressed, and may be repealed with or without a saving clause as to the whole or any part without other title; and

(b) For an ordinance used solely to revise ordinances or code sections or to enact new ordinances or code sections in order to adopt statutory changes made by the Legislature which are specific and mandatory and bring the ordinances or code sections into conformance with state law, the title need only state that the ordinance revises those ordinances or code sections affected by or enacts ordinances or code sections generated by legislative changes. Under such title, all such ordinances or code sections may be revised, repealed, or enacted in sections and chapters or otherwise by a single ordinance without other title.

~~(3) Following the release of the 2020 Census of Population data by the United States Department of Commerce, Bureau of the Census, as required by Public Law 94-171, the city council of any city of the second class or village board of trustees requesting the adjustment of the boundaries of election districts shall provide to the election commissioner or county clerk~~

~~(a) written notice of the need and necessity of his or her office to perform such adjustments and~~

~~(b) a revised election district boundary map that has been approved by the requesting city council or village board of trustees and subjected to all public review and challenge ordinances of the city or village by December 30, 2021.~~

~~The revised election district boundary map shall be adopted by ordinance. Such ordinance shall be read by title on three different days unless three-fourths of the members of the city council or village board of trustees vote to suspend this requirement.~~

Source: Laws 1879, § 79, p. 223; R.S.1913, § 5154; C.S.1922, § 4329; Laws 1929, c. 47, § 1, p. 202; C.S.1929, § 17-520; R.S.1943, § 17-614; Laws 1969, c. 108, § 3, p. 510; Laws 1972, LB 1235, § 2; Laws 1994, LB 630, § 3; [Laws 2001, LB 484, § 2](#); [Laws 2003, LB 365, § 2](#); [Laws 2013, LB113, § 2](#); [Laws 2017, LB133, § 213](#); [Laws 2018, LB865, § 4](#); [Laws 2021, LB131, § 14](#); [Laws 2021, LB285, § 4](#); [Laws 2023, LB531, § 9](#).

Operative Date: June 7, 2023

17-953. Public buildings; acquisition or construction; approval of electors required; exception.

Cities of the second class and villages are hereby authorized and empowered to

- (1) purchase,
- (2) accept by gift or devise,
- (3) purchase real estate upon which to erect, and
- (4) erect a building or buildings for an auditorium, fire station, municipal building, or community

house for housing municipal enterprises and social and recreation purposes, and other public buildings, including the construction of buildings authorized to be constructed by Chapter 72, article 14, and including construction of buildings to be leased in whole or in part by the city or village to any other political or governmental subdivision of the State of Nebraska authorized by law to lease such buildings, and maintain, manage, and operate the same for the benefit of the inhabitants of such cities or villages. Except as provided in section [17-953.01](#), before any such purchase can be made or building erected, the question shall be submitted to the electors of such city or village at a general municipal election or at an election duly called for that purpose, or as set forth in section [17-954](#), and be adopted by a majority of the electors voting on such question.

Source: Laws 1935, c. 37, § 1, p. 151; C.S.Supp.,1941, § 17-167; R.S.1943, § 17-953; Laws 1947, c. 40, § 1, p. 153; Laws 1955, c. 45, § 2, p. 162; Laws 1969, c. 97, § 1, p. 465; Laws 1981, LB 220, § 1; [Laws 2017, LB133, § 285](#).

17-953.01. Purchase or construction of public buildings without bond issue; remonstrance petition; procedure.

If the funds to be used to finance the purchase or construction of a building under section [17-953](#) are available other than through a bond issue, then either:

- (1) Notice of the proposed purchase or construction shall be published in a legal newspaper in or of general circulation in the city or village and no election shall be required to approve the purchase or construction unless within thirty days after the publication of the notice a remonstrance petition against the purchase or construction is signed by registered voters of the city or village equal in number to fifteen percent of the registered voters of the city or village voting at the last regular municipal election held

therein and is filed with the governing body of the city or village. If the date for filing the petition falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the thirty-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day. If a petition with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of the city or village at a general municipal election or a special election duly called for that purpose. If the purchase or construction is not approved, the property involved shall not then, nor within one year following the election, be purchased or constructed; or

(2) The governing body may proceed without providing the notice and right of petition required in subdivision (1) of this section if the property can be purchased below the fair market value as determined by an appraisal, and there is a willing seller, and the purchase price is less than twenty-five thousand dollars. Such purchase shall be approved by the governing body after notice and public hearing as provided in section [18-1755](#).

Source: Laws 1981, LB 220, § 2; Laws 1993, LB 59, § 3; Laws 1995, LB 197, § 2; [Laws 2017, LB133, § 286](#).

17-954. Public buildings; purchase or construction; bonds; approval of electors required; exception.

The mayor and city council of a city of the second class or the chairperson and village board of trustees adopting the proposition to make a purchase or erect a building or buildings for the purposes set forth in section [17-953](#) shall have the power to borrow money and pledge the property and credit of the city or village upon its negotiable bonds. No such bonds shall be issued until after the same have been authorized by a majority vote of the electors voting on the proposition of their issuance, at a general municipal election or at a special election called for the submission of such proposition. The question of such purchase or erection of such a building or buildings, as set forth in section [17-953](#), and the question of the issuance of the negotiable bonds referred to in this section may be submitted as one question at a general municipal or special election if so ordered by resolution or ordinance. Notice of the time and place of such election shall be given by publication in a legal newspaper in or of general circulation in such city or village three successive weeks immediately prior thereto. No such election for the issuance of such bonds shall be called until a petition for the election signed by at least ten percent of the legal voters of such city or village has been presented to the city council or to the village board of trustees. The number of voters voting at the last regular municipal election prior to the presenting of such petition shall be deemed the number of votes in such city or village for the purpose of determining the sufficiency of such petition. The question of bond issues for such purpose in such cities or villages when defeated shall not be resubmitted for six months from and after the date of such election. When the building to be constructed is to be used by the State of Nebraska or its agency or agencies under a lease authorized by Chapter 72, article 14, or the building is to be leased by any other political or governmental subdivision of the State of Nebraska, when the combined area of the building to be leased by the state or its agency or agencies and the political or governmental subdivision of the State of Nebraska is more than fifty percent of the area of the building, and when such sum does not exceed two million dollars, then no such vote of the electors will be required.

Source: Laws 1935, c. 37, § 2, p. 151; C.S.Supp., 1941, § 17-168; R.S. 1943, § 17-954; Laws 1947, c. 40, § 2, p. 154; Laws 1969, c. 97, § 2, p. 466; [Laws 2017, LB133, § 287](#).

17-963. Facility; acquisition or construction; issuance of bonds; interest; election.

(1) The mayor and city council of a city of the second class or the chairperson and village board of trustees of a village adopting the proposition to accept a gift or devise, make such purchase, erect such building or buildings, or maintain, manage, improve, remodel, equip, and operate a facility under section [17-961](#) shall have the power to borrow money and pledge the property and credit of the city or village upon its municipal bonds, or otherwise, for such purpose or purposes, except that no such bonds shall be issued until after the same have been authorized by a majority vote of the electors voting on the proposition of their issuance at a general municipal election or at a special election called for the submission of such proposition.

(2) The bonds shall be payable in not to exceed twenty years from date and shall bear interest payable annually or semiannually. Notice of the time and place of the election shall be given by

publication three successive weeks prior to such election in a legal newspaper in or of general circulation in such city or village.

(3) No election shall be called until a petition for the election, signed by at least ten percent of the legal voters of such city or village, has been presented to the city council or to the village board of trustees. The number of voters of the city or village voting for the office of Governor at the last general election prior to the presenting of such petition shall be deemed the number of voters in the city or village for the purpose of determining the sufficiency of such a petition. If such a bond issue in such a city or village is defeated, the proposition of issuing bonds for such a purpose shall not be resubmitted to the voters therein within a period of six months from and after the date of such election.

Source: Laws 1945, c. 31, § 3, p. 149; Laws 1947, c. 41, § 1, p. 156; Laws 1957, c. 36, § 2, p. 201; Laws 1965, c. 72, § 2, p. 293; Laws 1969, c. 51, § 59, p. 309; Laws 1971, LB 534, § 20; Laws 1992, LB 1240, § 16; [Laws 2017, LB133, § 294](#).

Chapter 18 – Cities & Villages; Laws Applicable to All (Initiatives & Referendums)

18-412. Electric light and power systems; construction, acquisition, and maintenance; revenue bonds and debentures authorized; referendum petition; cities with home rule charters; powers. Supplemental to any existing law on the subject, and in lieu of the issuance of general obligation bonds or the levy of taxes upon property as provided by law, any city or village within the State of Nebraska may construct, purchase, or otherwise acquire, maintain, extend, or enlarge, an electric light and power plant, distribution system, and transmission lines, and real and personal property needed or useful in connection therewith, and pay the cost thereof by pledging and hypothecating the revenue and earnings of any electric light and power plant, distribution system, and transmission lines, owned or to be owned by such city or village. In the exercise of the authority granted in this section, any such city or village may issue and sell revenue bonds or debentures and enter into such contracts in connection therewith as may be proper and necessary. Such revenue bonds or debentures shall be a lien only upon the revenue and earnings of the electric light and power plant, distribution system, and transmission lines owned or to be owned by such city or village. No revenue bonds shall be issued until thirty days' notice of the proposition relating thereto shall have been given by the governing body of such city or village by publication once each week for three successive weeks in a legal newspaper in or of general circulation in such city or village, or if no such newspaper is published, then by posting in five or more public places in such city or village. If, within thirty days after the last publication of such notice or posting thereof, a referendum petition signed by qualified electors of such city or village equal in number to at least twenty percent of the vote cast at the last general municipal election held in such city or village shall be filed with the city clerk or village clerk, such bonds shall not be issued until the issuance thereof has been approved by a vote of the electors of such city or village at any general or special municipal election. If a majority of the voters voting on the issue vote against issuing such bonds, the bonds shall not be issued. If no such petitions are filed, the bonds shall be issued at the expiration of such thirty-day period. No publication of notice shall be required when revenue bonds are issued solely for the maintenance, extension, or enlargement of any electric generating plant, distribution system, or transmission lines owned by such city or village. The provisions of this section shall not restrict or limit the power or authority in the issuance of any such revenue bonds, as authorized by any home rule charter duly adopted by the electors or any city pursuant to the Constitution of Nebraska.

Source: Laws 1935, c. 38, § 1, p. 153; C.S.Supp., 1941, § 18-1601; R.S. 1943, § 18-412; Laws 1963, c. 393, § 3, p. 1250; [Laws 2021, LB163, § 23](#).

18-412.02. Electric system; acquisition from public power district or public power and irrigation district.

If requested to do so at any time by a city or village, any public power district or public power and irrigation district, formed after May 4, 1945, and providing electrical service at retail to a city of the metropolitan class, owning a distribution system in such city or village and also owning generating plants and transmission lines or both, shall inform the city or village of the minimum price at which the district is permitted to sell that portion of its distribution system within the corporate limits of such city or village to such city or village under the agreements of the district entered into with the holders of obligations issued by such district. For purposes of this section, the term obligations shall include all bonds, notes, and other evidences of indebtedness to the payment of which the revenue from that portion of the distribution system such city or village desires to acquire has been pledged. There shall be allowed as a credit upon such minimum price a sum that bears the same proportion thereto as the amount of such obligations that have been paid or redeemed and funded reserves established therefor by the district out of the net revenue from its operation while such city or village was within such district bears to the total amount of such obligations issued by the district since the date of its formation, excluding the amount of such obligations that have been refinanced and including the amount of the refinancing obligations. Such city or village shall reimburse the district for any costs necessarily paid by the district to independent engineers to obtain the minimum price under such agreements with the holders of the obligations of the district. At the request of the city or village, the district shall sell and convey that portion of the distribution system which is within its corporate limits to the city or village upon payment of such minimum price, and

the city or village shall contract to continue to purchase all of its power and energy requirements from the district at least until such time as all obligations of the district outstanding on the date of such sale and conveyance shall have been fully paid and retired or reserves sufficient for the redemption thereof shall have been accumulated, but such transaction shall not be consummated nor become effective until thirty days' notice of the transaction shall have been given by the city council or village board of trustees by publication once each week for three successive weeks in some legal newspaper in or of general circulation in such city or village, or if no such newspaper is published, then by posting in five or more public places in such city or village. If, within ninety days after the last publication of such notice or posting thereof, referendum petitions signed by qualified electors of such city or village equal in number to at least twenty percent of the vote cast at the last general municipal election held in such city or village shall be filed with the city clerk or village clerk, such transaction shall not become effective until it has been approved by a vote of the electors of such city or village at any general or special municipal election. If a majority of the voters voting on the issue vote against such transaction, the transaction shall not become effective. If no such petitions are filed, the transaction shall become effective at the expiration of such ninety-day period. The public power district or public power and irrigation district shall charge fair, reasonable, and nondiscriminatory rates so adjusted as, in a fair and equitable manner, to confer upon and distribute among its customers the benefits of a successful and efficient operation and conduct of the business of the district.

Source: Laws 1971, LB 195, § 1; [Laws 2021, LB163, § 24.](#)

18-2501. Act, how cited; initiative and referendum; powers; use; provisions governing.

(1) Sections [18-2501](#) to [18-2538](#) shall be known and may be cited as the Municipal Initiative and Referendum Act.

(2) The powers of initiative and referendum are hereby reserved to the qualified electors of each municipality in the state. The Municipal Initiative and Referendum Act shall govern the use of initiative to enact and the use of referendum to amend or repeal measures affecting the governance of all municipalities in the state, except those operating under home rule charter and as specified in section [18-2537](#).

(3) Cities operating under home rule charter shall provide, by charter provision or ordinance, for the exercise of the powers of initiative and referendum within such cities. Nothing in the Municipal Initiative and Referendum Act shall be construed to prevent such cities from adopting any or all of the provisions of the act.

Source: Laws 1982, LB 807, § 1; [Laws 2021, LB163, § 164.](#)

18-2502. Definitions, where found.

For purposes of the Municipal Initiative and Referendum Act, the definitions in sections [18-2502.01](#) to [18-2511](#), unless the context otherwise requires, shall apply.

Source: Laws 1982, LB 807, § 2; Laws 1984, LB 1010, § 1; [Laws 2021, LB163, § 165.](#)

18-2503. Circulator, defined.

Circulator shall mean any person who solicits signatures for an initiative or referendum petition.

Source: Laws 1982, LB 807, § 3.

18-2504. City clerk, defined.

City clerk means the city clerk, village clerk, or other municipal official in charge of elections.

Source: Laws 1982, LB 807, § 4; [Laws 2021, LB163, § 167.](#)

18-2505. Governing body, defined.

Governing body means the city council or village board of trustees of any municipality subject to the Municipal Initiative and Referendum Act.

Source: Laws 1982, LB 807, § 5; [Laws 2021, LB163, § 168.](#)

18-2506. Measure, defined.

Measure means an ordinance, charter provision, or resolution which is within the legislative authority of the governing body of a municipality to pass and which is not excluded from the operation of referendum by the exceptions in section [18-2528](#). Measure does not include any action permitted by the Nebraska Advantage Transformational Tourism and Redevelopment Act.

Source: Laws 1982, LB 807, § 6; Laws 1984, LB 1010, § 2; [Laws 2010, LB1018, § 36](#); [Laws 2021, LB163, § 169](#).

Cross References: [Nebraska Advantage Transformational Tourism and Redevelopment Act](#), see section [77-1001](#).

18-2507. Municipality, defined.

Municipality means all cities and villages, not operating under home rule charters, including those functioning under the commission and city manager plans of government.

Source: Laws 1982, LB 807, § 7; [Laws 2019, LB193, § 9](#); [Laws 2021, LB163, § 170](#).

18-2508. Petition, defined.

Petition shall mean a document authorized for circulation pursuant to section [18-2512](#), or any copy of such document.

Source: Laws 1982, LB 807, § 8.

18-2508.01. Place of residence, defined.

Place of residence shall mean the street and number of the residence. If there is no street and number for the residence, place of residence shall mean the mailing address.

Source: Laws 1984, LB 1010, § 3.

18-2509. Prospective petition, defined.

Prospective petition shall mean a sample document containing the information necessary for a completed petition, including a sample signature sheet, which has not yet been authorized for circulation.

Source: Laws 1982, LB 807, § 9.

18-2510. Qualified electors, defined.

Qualified electors shall mean all persons registered to vote, at the time the prospective petition is filed, in the jurisdiction governed or to be governed by any measure sought to be enacted by initiative, or altered or repealed by referendum.

Source: Laws 1982, LB 807, § 10.

18-2510.01. Residence, defined.

Residence shall mean that place at which a person has established his or her home, where he or she is habitually present, and to which, when he or she departs, he or she intends to return.

Source: Laws 1984, LB 1010, § 4.

18-2511. Signature sheet, defined.

Signature sheet shall mean a sheet of paper which is part of a petition and which is signed by persons wishing to support the petition effort.

Source: Laws 1982, LB 807, § 11.

18-2512. Prospective petition; filing; city clerk; duties; revision; procedure; verification; effect.

Before circulating an initiative or referendum petition, the petitioner shall file with the city clerk a prospective petition. The city clerk shall date the prospective petition immediately upon its receipt. The city clerk shall verify that the prospective petition is in proper form and shall provide a ballot title for the initiative or referendum proposal, pursuant to section [18-2513](#). If the prospective petition is in proper form, the city clerk shall authorize the circulation of the petition and such authorization shall be given within three working days from the date the prospective petition was filed. If the form of the prospective petition is incorrect, the city clerk shall, within three working days from the date the prospective petition was filed, inform the petitioner of necessary changes and request that those changes be made. When the requested changes have been made and the revised prospective petition has been submitted to the city clerk in proper form, the city clerk shall authorize the circulation of the petition and such authorization shall be given within two working days from the receipt of the properly revised petition. Verification by the city clerk that the prospective petition is in proper form does not constitute an admission by the city clerk, governing body, or municipality that the measure is subject to referendum or limited referendum or that the measure may be enacted by initiative.

Source: Laws 1982, LB 807, § 12; Laws 1984, LB 1010, § 5.

18-2513. Ballot title; contents; ballots; form.

(1) The ballot title of any measure to be initiated or referred shall consist of:

(a) A briefly worded caption by which the measure is commonly known or which accurately summarizes the measure;

(b) A briefly worded question which plainly states the purpose of the measure and is phrased so that an affirmative response to the question corresponds to an affirmative vote on the measure; and

(c) A concise and impartial statement, of not more than seventy-five words, of the chief purpose of the measure.

(2) The ballots used when voting on an initiative or referendum proposal shall contain the entire ballot title. Proposals for initiative and referendum shall be submitted on separate ballots and the ballots shall be printed in lowercase ten-point type, except that the caption shall be in boldface type. All initiative and referendum measures shall be submitted in a nonpartisan manner without indicating or suggesting on the ballot that they have or have not been approved or endorsed by any political party or organization.

Source: Laws 1982, LB 807, § 13; Laws 1984, LB 1010, § 6.

18-2514. Petitions; form; Secretary of State; duties; copies.

The Secretary of State shall design the form to be used for initiative and referendum petitions. The petitions shall conform to section [32-628](#). These forms shall be made available to the public by the city clerk, and they shall serve as a guide for individuals preparing prospective petitions. Substantial compliance with initiative and referendum forms is required before authorization to circulate such petition shall be granted by the city clerk pursuant to section [18-2512](#). Chief petitioners or circulators preparing prospective petitions shall be responsible for making copies of the petition for circulation after authorization for circulation has been granted.

Source: Laws 1982, LB 807, § 14; Laws 1984, LB 1010, § 7; Laws 1994, LB 76, § 499.

18-2515. Petition; contents.

(1) Each petition presented for signature must be identical to the petition authorized for circulation by the city clerk pursuant to section [18-2512](#).

(2) Every petition shall contain the name and place of residence of not more than three persons as chief petitioners or sponsors of the measure.

(3) Every petition shall contain the caption and the statement specified in subdivisions (1)(a) and (1)(c) of section [18-2513](#).

(4) When a special election is being requested, such fact shall be stated on every petition.

Source: Laws 1982, LB 807, § 15; Laws 1984, LB 1010, § 9; [Laws 2003, LB 444, § 1](#); [Laws 2019, LB411, § 21](#).

18-2516. Signature sheet; requirements.

Every signature sheet shall:

- (1) Contain the caption required in subdivision (1)(a) of section [18-2513](#);
- (2) Be part of a complete and authorized petition when presented to potential signatories; and
- (3) Comply with the requirements of section [32-628](#).

Source: Laws 1982, LB 807, § 16; Laws 1984, LB 1010, § 10; Laws 1994, LB 76, § 500.

18-2517. Petition; signers and circulators; requirements.

Signers and circulators shall comply with sections [32-629](#) and [32-630](#).

Source: Laws 1982, LB 807, § 17; Laws 1984, LB 1010, § 11; Laws 1994, LB 76, § 501.

18-2518. Petition; filed; signature verification; costs; time limitation.

(1) Signed petitions shall be filed with the city clerk for signature verification. Upon the filing of a petition, a municipality, upon passage of a resolution by the governing body of such municipality, and the county clerk or election commissioner of the county in which such municipality is located may by mutual agreement provide that the county clerk or election commissioner shall ascertain whether the petition is signed by the requisite number of voters. The municipality shall reimburse the county for any costs incurred by the county clerk or election commissioner. When the verifying official has determined that one hundred percent of the necessary signatures required by the Municipal Initiative and Referendum Act have been obtained, he or she shall notify the governing body of the municipality of that fact and shall immediately forward to the governing body a copy of the petition.

(2) In order for an initiative or referendum proposal to be submitted to the governing body and the voters, the necessary signatures shall be on file with the city clerk within six months from the date the prospective petition was authorized for circulation. If the necessary signatures are not obtained by such date, the petition shall be void.

Source: Laws 1982, LB 807, § 18; [Laws 2021, LB163, § 171](#).

18-2519. Measure; resubmission; limitation.

The same measure, either in form or in essential substance, may not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once every two years. No attempt to repeal or alter an existing measure or portion of such measure by referendum petition may be made within two years from the last attempt to do the same. Such prohibition shall apply only when the subsequent attempt to repeal or alter is designed to accomplish the same, or essentially the same purpose as the previous attempt.

Source: Laws 1982, LB 807, § 19.

18-2520. Measure submitted to voters by municipality; procedure; approval.

(1) Except as provided in subsection (2) of this section, the chief executive officer and governing body of a municipality may at any time, by resolution, provide for the submission to a direct vote of the electors of any measure pending before it, passed by it, including an override of any veto, if necessary, or enacted by the electors under the Municipal Initiative and Referendum Act and may provide in such resolution that such measure shall be submitted at a special election or the next regularly scheduled primary or general election. Immediately upon the passage of any such resolution for submission, the city clerk shall cause such measure to be submitted to a direct vote of the electors, at the time specified in such resolution and in the manner provided in the Municipal Initiative and Referendum Act for submission of measures upon proposals and petitions filed by voters. Such matter shall become law if approved by a majority of the votes cast.

(2) The chief executive officer and governing body of a municipality shall not submit to a direct vote of the electors the question of whether the municipality should initiate proceedings for the condemnation of a natural gas system.

Source: Laws 1982, LB 807, § 20; Laws 1984, LB 1010, § 12; [Laws 2002, LB 384, § 26](#); [Laws 2021, LB163, § 172](#).

18-2521. Elections; when held; city clerk; duties.

Elections under the Municipal Initiative and Referendum Act, either at a special election or regularly scheduled primary or general election, shall be called by the city clerk. Any special election to be conducted by the election commissioner or county clerk shall be subject to section [32-405](#).

The city clerk shall cause notice of every such election to be printed in one or more legal newspapers in or of general circulation in such municipality at least once not less than thirty days prior to such election and also posted in the office of the city clerk and in at least three conspicuous places in such municipality at least thirty days prior to such election.

The city clerk shall make available for photocopying a copy in pamphlet form of measures initiated or referred. Such notice provided in this section shall designate where such a copy in pamphlet form may be obtained.

Source: Laws 1982, LB 807, § 21; Laws 1984, LB 1010, § 13; Laws 1994, LB 76, § 502; [Laws 2003, LB 521, § 2](#); [Laws 2021, LB163, § 173](#).

18-2522. Ballots; preparation; form.

All ballots for use in special elections under the Municipal Initiative and Referendum Act shall be prepared by the city clerk and furnished by the governing body, unless the governing body contracts with the county for such service, and shall be in form the same as provided by law for election of the chief executive officer and governing body of such municipality. When ordinances under the Municipal Initiative and Referendum Act are submitted to the electors at a regularly scheduled primary or general election, they shall be placed upon the official ballots as provided in the Municipal Initiative and Referendum Act.

Source: Laws 1982, LB 807, § 22; Laws 1984, LB 1010, § 14; [Laws 2021, LB163, § 174](#).

18-2523. Initiative powers; scope.

(1) The power of initiative allows citizens the right to enact measures affecting the governance of each municipality in the state. An initiative proposal shall not have as its primary or sole purpose the repeal or modification of existing law except if such repeal or modification is ancillary to and necessary for the adoption and effective operation of the initiative measure.

(2) An initiative shall not be effective if the direct or indirect effect of the passage of such initiative measure shall be to repeal or alter an existing law, or portion thereof, which is not subject to referendum or subject only to limited referendum pursuant to section [18-2528](#).

(3) The power of initiative shall extend to a measure to provide for the condemnation of an investor-owned natural gas system by a municipality when the condemnation would, if initiated by the governing body of the municipality, be governed by the provisions of the Municipal Natural Gas System Condemnation Act.

(4) An initiative measure to provide for the condemnation of an investor-owned natural gas system by a municipality shall be a measure to require the municipality to initiate and pursue condemnation proceedings subject to the provisions of the Municipal Natural Gas System Condemnation Act.

Source: Laws 1982, LB 807, § 23; [Laws 2002, LB 384, § 27](#); [Laws 2021, LB163, § 175](#).

Cross References: **Municipal Natural Gas System Condemnation Act**, see section [19-4624](#).

18-2524. Initiative petition; failure of governing body to pass; effect; regular or special election.

Whenever an initiative petition bearing signatures equal in number to at least fifteen percent of the qualified electors of a municipality has been filed with the city clerk and verified pursuant to section [18-2518](#), it shall be the duty of the governing body of such municipality to consider passage of the measure contained in the petition, including an override of any veto, if necessary. If the governing body fails to pass the measure without amendment, including an override of any veto, if necessary, within thirty days from the date it received notification pursuant to section [18-2518](#), the city clerk shall cause the measure to be submitted to a vote of the people at the next regularly scheduled primary or general election held within the municipality. If the governing body desires to submit the measure to a vote of the people at a

special election prior to the next regularly scheduled primary or general election held within the municipality, the governing body shall, by resolution, direct the city clerk to cause the measure to be submitted at a special election. Such resolution shall not be subject to referendum or limited referendum.

Source: Laws 1982, LB 807, § 24; Laws 1984, LB 1010, § 15; [Laws 2021, LB163, § 176](#).

18-2525. Initiative petition; request for special election; failure of governing body to pass; effect.

Whenever an initiative petition bearing signatures equal in number to at least twenty percent of the qualified electors of a municipality, which petition requests that a special election be called to submit the initiative measure to a vote of the people, has been filed with the city clerk and verified pursuant to section [18-2518](#), it shall be the duty of the governing body of such municipality to consider passage of the measure contained in the petition, including an override of any veto, if necessary. If the governing body fails to pass the measure, without amendment, including an override of any veto, if necessary, within thirty days from the date it received notification pursuant to section [18-2518](#), the city clerk shall cause the measure to be submitted to a vote of the people at a special election called for such purpose. Subject to the provisions of section [18-2521](#), the date of such election shall be set during the first available month that complies with sections [32-405](#) and [32-559](#).

Source: Laws 1982, LB 807, § 25; Laws 1984, LB 1010, § 16; Laws 1994, LB 76, § 503; [Laws 2021, LB163, § 177](#).

18-2526. Adopted initiative measure; when effective; amendment or repeal; restrictions.

If a majority of the voters voting on an initiative measure pursuant to the Municipal Initiative and Referendum Act shall vote in favor of such measure, it shall become a valid and binding measure of the municipality thirty days after certification of the election results, unless the governing body by resolution orders an earlier effective date or the measure itself provides for a later effective date, which resolution shall not be subject to referendum or limited referendum. A measure passed by such method shall not be amended or repealed except by two-thirds majority of the members of the governing body. No such attempt to amend or repeal shall be made within one year from the passage of the measure by the electors.

Source: Laws 1982, LB 807, § 26; Laws 1984, LB 1010, § 17; [Laws 2021, LB163, § 178](#).

18-2527. Referendum powers; scope.

The power of referendum allows citizens the right to repeal or amend existing measures, or portions thereof, affecting the governance of each municipality in the state.

Source: Laws 1982, LB 807, § 27; [Laws 2021, LB163, § 179](#).

18-2528. Referendum; measures excluded; measures subject to limited referendum; procedure.

(1) The following measures shall not be subject to referendum or limited referendum:

(a) Measures necessary to carry out contractual obligations, including, but not limited to, those relating to the issuance of or provided for in bonds, notes, warrants, or other evidences of indebtedness, for projects previously approved by a measure which was, or is, subject to referendum or limited referendum or previously approved by a measure adopted prior to July 17, 1982;

(b) Measures relating to any industrial development projects, subsequent to measures giving initial approval to such projects;

(c) Measures adopting proposed budget statements following compliance with procedures set forth in the Nebraska Budget Act;

(d) Measures relating to the immediate preservation of the public peace, health, or safety which have been designated as urgent measures by unanimous vote of those present and voting of the governing body of the municipality and approved by its chief executive officer;

(e) Measures relating to projects for which notice has been given as provided for in subsection (4) of this section and for which a sufficient referendum petition was not filed within the time limit stated in such notice or which received voter approval after the filing of such petition;

(f) Resolutions directing the city clerk to cause measures to be submitted to a vote of the people at a special election as provided in sections [18-2524](#) and [18-2529](#);

(g) Resolutions ordering an earlier effective date for measures enacted by initiative as provided in section [18-2526](#);

(h) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by municipalities and which are necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness;

(i) Measures that amend, supplement, change, modify, or repeal a zoning regulation, restriction, or boundary and are subject to protest as provided in section [14-405](#) or [19-905](#);

(j) Measures relating to personnel issues, including, but not limited to, establishment, modification, or elimination of any personnel position, policy, salary, or benefit and any hiring, promotion, demotion, or termination of personnel; and

(k) Measures relating to matters subject to the provisions of the Municipal Natural Gas System Condemnation Act.

(2) The following measures shall be subject to limited referendum:

(a) Measures in furtherance of a policy of the municipality or relating to projects previously approved by a measure which was subject to referendum or which was enacted by initiative or has been approved by the voters at an election, except that such measures shall not be subject to referendum or limited referendum for a period of one year after any such policy or project was approved at a referendum election, enacted by initiative, or approved by the voters at an election;

(b) Measures relating to the acquisition, construction, installation, improvement, or enlargement, including the financing or refinancing of the costs, of public ways, public property, utility systems, and other capital projects and measures giving initial approval for industrial development projects;

(c) Measures setting utility system rates and charges, except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidences of indebtedness, and pay rates and salaries for municipal employees other than the members of the governing body and the chief executive officer; and

(d) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by municipalities except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness.

(3) Measures subject to limited referendum shall ordinarily take effect thirty days after their passage by the governing body, including an override of any veto, if necessary. Referendum petitions directed at measures subject to limited referendum shall be filed for signature verification pursuant to section [18-2518](#) within thirty days after such measure's passage by the governing body, including an override of any veto, if necessary, or after notice is first published pursuant to subdivision (4)(c) of this section. If the necessary number of signatures as provided in section [18-2529](#) or [18-2530](#) has been obtained within the time limitation, the effectiveness of the measure shall be suspended unless approved by the voters.

(4) For any measure relating to the acquisition, construction, installation, improvement, or enlargement of public ways, public property, utility systems, or other capital projects or any measure relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act, a municipality may exempt all subsequent measures relating to the same project from the referendum and limited referendum procedures provided for in the Municipal Initiative and Referendum Act by the following procedure:

(a) By holding a public hearing on the project, the time and place of such hearing being published at least once not less than five days prior to the date set for hearing in a legal newspaper in or of general circulation within the municipality;

(b) By passage of a measure approving the project, including an override of a veto if necessary, at a meeting held on any date subsequent to the date of hearing; and

(c) After passage of such measure, including an override of a veto if necessary, by giving notice as follows:

(i) For those projects for which applicable statutes require an ordinance or resolution of necessity, creating a district or otherwise establishing the project, notice shall be given for

such project by including either as part of such ordinance or resolution or as part of any publicized notice concerning such ordinance or resolution a statement that the project as described in the ordinance or resolution is subject to limited referendum for a period of thirty days after the first publication of such notice and that, after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum; and

(ii) for projects for which applicable statutes do not require an ordinance or resolution of necessity, notice shall be given by publication of a notice concerning such projects stating in general terms the nature of the project and the engineer's estimate of costs of such project and stating that the project described in the notice is subject to limited referendum for a period of thirty days after the first publication of such notice and that, after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum. The notice required by subdivision (c)(ii) of this subsection shall be published in at least one legal newspaper in or of general circulation within the municipality and shall be published not later than fifteen days after passage by the governing body, including an override of a veto, if necessary, of a measure approving the project.

The right of a municipality to hold such a hearing prior to passage of the measure by the governing body and give such notice after passage of such measure by the governing body to obtain exemption for any particular project in a manner described in this subsection is optional, and no municipality shall be required to hold such a hearing or give such notice for any particular project.

(5) Nothing in subsections (2) and (4) of this section shall be construed as subjecting to limited referendum any measure related to matters subject to the provisions of the Municipal Natural Gas System Condemnation Act.

(6) All measures, except as provided in subsections (1), (2), and (4) of this section, shall be subject to the referendum procedure at any time after such measure has been passed by the governing body, including an override of a veto, if necessary, or enacted by the voters by initiative.

Source: Laws 1982, LB 807, § 28; Laws 1984, LB 1010, § 18; Laws 1992, LB 1257, § 65; Laws 1994, LB 76, § 504; [Laws 2000, LB 582, § 1](#); [Laws 2002, LB 384, § 28](#); [Laws 2021, LB163, § 180](#).

Cross References: **Integrated Solid Waste Management Act**, see section [13-2001](#); **Municipal Natural Gas System Condemnation Act**, see section [19-4624](#); **Nebraska Budget Act**, see section [13-501](#).

18-2529. Referendum petition; failure of governing body to act; effect; special election.

Whenever a referendum petition bearing signatures equal in number to at least fifteen percent of the qualified electors of a municipality has been filed with the city clerk and verified pursuant to section [18-2518](#), it shall be the duty of the governing body of the municipality to reconsider the measure or portion of such measure which is the object of the referendum. If the governing body fails to repeal or amend the measure or portion thereof in the manner proposed by the referendum, including an override of any veto, if necessary, within thirty days from the date the governing body receives notification pursuant to section [18-2518](#), the city clerk shall cause the measure to be submitted to a vote of the people at the next regularly scheduled primary or general election held within the municipality. If the governing body desires to submit the measure to a vote of the people at a special election prior to the next regularly scheduled primary or general election held within the municipality, the governing body shall, by resolution, direct the city clerk to cause the measure to be submitted at a special election. Such resolution shall not be subject to referendum or limited referendum.

Source: Laws 1982, LB 807, § 29; Laws 1984, LB 1010, § 19; [Laws 2021, LB163, § 181](#).

18-2530. Referendum petition; request for special election; failure of governing body to act; effect.

Whenever a referendum petition bearing signatures equal in number to at least twenty percent of the qualified voters of a municipality, which petition requests that a special election be called to submit the referendum measure to a vote of the people, has been filed with the city clerk and verified pursuant to section [18-2518](#), it shall be the duty of the governing body of the municipality to reconsider the measure or portion of such measure which is the object of the referendum. If the governing body fails to repeal or amend the measure or portion thereof, in the manner proposed by the referendum, including an override of any veto, if necessary, the city clerk shall cause the measure to be submitted to a vote of the people at a special election called for such purpose within thirty days from the date the governing body received

notification pursuant to section [18-2518](#). Subject to the provisions of section [18-2521](#), the date of such special election shall be set during the first available month that complies with sections [32-405](#) and [32-559](#).

Source: Laws 1982, LB 807, § 30; Laws 1984, LB 1010, § 20; Laws 1994, LB 76, § 505; [Laws 2021, LB163, § 182](#).

18-2531. Adopted referendum measure; reenactment or return to original form; restrictions; failure of referendum; effect.

If a majority of the electors voting on the referendum measure shall vote in favor of such measure, the law subject to the referendum shall be repealed or amended. A measure repealed or amended by referendum shall not be reenacted or returned to its original form except by a two-thirds majority of the members of the governing body. No such attempt to reenact or return the measure to its original form shall be made within one year of the repeal or amendment of the measure by the electors. If the referendum measure does not receive a majority vote, the ordinance shall immediately become effective or remain in effect.

Source: Laws 1982, LB 807, § 31.

18-2532. False affidavit; false oath; penalty.

Whoever knowingly or willfully makes a false affidavit or takes a false oath regarding the qualifications of any person to sign petitions under the Municipal Initiative and Referendum Act shall be guilty of a Class I misdemeanor with a fine not to exceed three hundred dollars.

Source: Laws 1982, LB 807, § 32; [Laws 2021, LB163, § 183](#).

18-2533. Petitions; illegal acts; penalty.

Whoever falsely makes or willfully destroys a petition or any part thereof, or signs a false name thereto, or signs or files any petition knowing the same or any part thereof to be falsely made, or suppresses any petition, or any part thereof, which has been duly filed, pursuant to the Municipal Initiative and Referendum Act shall be guilty of a Class I misdemeanor with a fine not to exceed five hundred dollars.

Source: Laws 1982, LB 807, § 33; [Laws 2021, LB163, § 184](#).

18-2534. Signing of petition; illegal acts; penalty.

Whoever signs any petition under the Municipal Initiative and Referendum Act, knowing that he or she is not a registered voter in the place where such petition is made, aids or abets any other person in doing any of the acts mentioned in this section, bribes or gives or pays any money or thing of value to any person directly or indirectly to induce him or her to sign such petition, or engages in any deceptive practice intended to induce any person to sign a petition, shall be guilty of a Class I misdemeanor with a fine not to exceed three hundred dollars.

Source: Laws 1982, LB 807, § 34; [Laws 2021, LB163, § 185](#).

18-2535. City clerk; illegal acts; penalty.

Any city clerk who willfully refuses to comply with the Municipal Initiative and Referendum Act or who willfully causes unreasonable delay in the execution of his or her duties under the Municipal Initiative and Referendum Act shall be guilty of a Class I misdemeanor, but imprisonment shall not be included as part of the punishment.

Source: Laws 1982, LB 807, § 35; Laws 1984, LB 1010, § 21; [Laws 2021, LB163, § 186](#).

18-2536. Election Act; applicability.

The Election Act, so far as applicable and when not in conflict with the Municipal Initiative and Referendum Act, shall apply to voting on ordinances by the registered voters pursuant to the Municipal Initiative and Referendum Act.

Source: Laws 1982, LB 807, § 36; Laws 1994, LB 76, § 506; [Laws 2021, LB163, § 187](#).

18-2537. Municipal Initiative and Referendum Act; inapplicability.

Nothing in the Municipal Initiative and Referendum Act shall apply to procedures for initiatives or referendums provided in sections [14-210](#) to [14-212](#) relating to cities of the metropolitan class, sections [18-412](#) and [18-412.02](#) relating to municipal light and power plants, sections [70-504](#) and [70-650.01](#) relating to public power districts, and sections [80-203](#) to [80-205](#) relating to soldiers and sailors monuments.

Source: Laws 1982, LB 807, § 37; [Laws 2021, LB163, § 188](#).

18-2538. Declaratory judgment; procedure; effect.

The municipality or any chief petitioner may seek a declaratory judgment regarding any questions arising under the Municipal Initiative and Referendum Act, as it may be from time to time amended, including, but not limited to, determining whether a measure is subject to referendum or limited referendum or whether a measure may be enacted by initiative. If a chief petitioner seeks a declaratory judgment, the municipality shall be served as provided in section [25-510.02](#). If the municipality seeks a declaratory judgment, only the chief petitioner or chief petitioners shall be required to be served. Any action brought for declaratory judgment for purposes of determining whether a measure is subject to limited referendum or referendum, or whether a measure may be enacted by initiative, may be filed in the district court at any time after the filing of a referendum or initiative petition with the city clerk for signature verification until forty days from the date the governing body received notification pursuant to section [18-2518](#). If the municipality does not bring an action for declaratory judgment to determine whether the measure is subject to limited referendum or referendum, or whether the measure may be enacted by initiative until after it has received notification pursuant to section [18-2518](#), it shall be required to proceed with the initiative or referendum election in accordance with the Municipal Initiative and Referendum Act. If the municipality does file such an action prior to receiving notification pursuant to section [18-2518](#), it shall not be required to proceed to hold such election until a final decision has been rendered in the action. Any action for a declaratory judgment shall be governed generally by sections [25-21,149](#) to [25-21,164](#), as amended from time to time, except that only the municipality and each chief petitioner shall be required to be made parties. The municipality, city clerk, governing body, or any other officers of the municipality shall be entitled to rely on any order rendered by the court in any such proceeding. Any action brought for declaratory judgment pursuant to this section shall be given priority in scheduling hearings and in disposition as determined by the court. When an action is brought to determine whether the measure is subject to limited referendum or referendum, or whether a measure may be enacted by initiative, a decision shall be rendered by the court no later than five days prior to the election. The provisions of this section relating to declaratory judgments shall not be construed as limiting, but construed as supplemental and additional to other rights and remedies conferred by law.

Source: Laws 1984, LB 1010, § 8; [Laws 2021, LB163, § 189](#).

18-2713. Election; procedures. (New)

(1) Before adopting an economic development program, a city shall submit the question of its adoption to the registered voters at an election. The governing body of the city shall order the submission of the question by filing a certified copy of the resolution proposing the economic development program with the election commissioner or county clerk not later than fifty days prior to a special election or a municipal primary or general election which is not held at the statewide primary or general election or not later than March 1 prior to a statewide primary election or September 1 prior to a statewide general election. The governing body of the city may determine not to submit the question at a particular election and order the removal of the question from the ballot by filing a certified copy of the resolution approving removing the question with the election commissioner or county clerk not later than March 1 prior to a statewide primary election or September 1 prior to a statewide general election.

(2) The question on the ballot shall briefly set out the terms, conditions, and goals of the proposed economic development program, including the length of time during which the program will be in existence, the year or years within which the funds from local sources of revenue are to be collected, the source or sources from which the funds are to be collected, the total amount to be collected for the program from local sources of revenue, and whether the city proposes to issue bonds pursuant to the Local Option Municipal Economic Development Act to provide funds to carry out the economic

development program. The ballot question shall also specify whether additional funds from other noncity sources will be sought beyond those derived from local sources of revenue. In addition to all other information, if the funds are to be derived from the city's property tax, the ballot question shall state the present annual cost of the economic development program per ten thousand dollars of assessed valuation based upon the most recent valuation of the city certified to the Property Tax Administrator pursuant to section [77-1613.01](#). The ballot question shall state:

“Shall the city of (name of the city) establish an economic development program as described here by appropriating annually from local sources of revenue \$..... for years?”.

If the only city revenue source for the proposed economic development program is a local option sales tax that has not yet been approved at an election, the ballot question specifications in this section may be repeated in the sales tax ballot question.

(3) If a majority of those voting on the issue vote in favor of the question, the governing body may implement the proposed economic development program upon the terms set out in the resolution. If a majority of those voting on the economic development program vote in favor of the question when the only city revenue source is a proposed sales tax and a majority of those voting on the local option sales tax vote against the question, the governing body shall not implement the economic development program, and it shall become null and void. If a majority of those voting on the issue vote against the question, the governing body shall not implement the economic development program.

Source: [Laws 1991, LB 840, § 14](#); [Laws 1993, LB 732, § 22](#); [Laws 1995, LB 490, § 23](#); [Laws 2017, LB451, § 1](#); [Laws 2019, LB411, § 22](#).

Chapter 19 – Cities & Villages; Laws Applicable to More Than One & Less Than All Cases

19-405. City council members; nomination; candidate filing form; primary election; waiver.

(1) Any person desiring to become a candidate for the office of city council member under the commission plan of government shall file a candidate filing form as provided in sections [32-606](#) and [32-607](#) and pay the filing fee as provided in section [32-608](#).

(2) Candidates for city council under the commission plan of government shall be nominated at large either at the statewide primary election or by filing a candidate filing form if there are not more than two candidates who have filed for each position or if the city council waives the requirement for a primary election.

(3) The city council may waive the requirement for a primary election by adopting an ordinance prior to January 5 of the year in which the primary election would have been held. If the city council waives the requirement for a primary election, all candidates filing candidate filing forms by August 1 prior to the date of the general election as provided in subsection (2) of section [32-606](#) shall be declared nominated. If the city council does not waive the requirement for a primary election and if there are not more than two candidates filed for each position to be filled, all candidates filing candidate filing forms by the deadline prescribed in subsection (1) of section [32-606](#) shall be declared nominated as provided in subsection (1) of section [32-811](#) and their names shall not appear on the primary election ballot.

Source: Laws 1911, c. 24, § 5, p. 152; Laws 1913, c. 21, § 2, p. 86; R.S.1913, § 5292; Laws 1919, c. 35, § 1, p. 115; C.S.1922, § 4515; Laws 1923, c. 141, § 3, p. 345; C.S.1929, § 19-405; R.S.1943, § 19-405; Laws 1969, c. 112, § 1, p. 519; Laws 1969, c. 257, § 15, p. 938; Laws 1979, LB 80, § 38; Laws 1989, LB 327, § 1; Laws 1994, LB 76, § 509; [Laws 1999, LB 250, § 1](#); [Laws 2019, LB193, § 15](#).

19-409. City council members; candidates; terms.

(1) In a city under the commission plan of government, the two candidates for city council member receiving the highest number of votes at the primary election shall be placed upon the official ballot for such position at the statewide general election. If no candidates appeared on the primary election ballot or if the city council waived the primary election under section [19-405](#), all persons filing pursuant to section [19-405](#) shall be the only candidates whose names shall be placed upon the official ballot for such position at the statewide general election.

(2) Terms for city council members under the commission plan of government shall begin on the date of the first regular meeting of the city council in December following the statewide general election. The changes made to this section by Laws 1999, LB 250, shall not change the staggering of the terms of city council members in cities that have adopted the commission plan of government prior to January 1, 1999.

Source: Laws 1911, c. 24, § 7, p. 155; Laws 1913, c. 21, § 3, p. 88; R.S.1913, § 5294; C.S.1922, § 4517; Laws 1923, c. 141, § 5, p. 348; C.S.1929, § 19-407; R.S.1943, § 19-409; Laws 1969, c. 112, § 4, p. 522; Laws 1979, LB 80, § 41; Laws 1989, LB 327, § 3; Laws 1994, LB 76, § 512; [Laws 1999, LB 250, § 2](#); [Laws 2019, LB193, § 16](#).

19-605. City manager plan; petition for adoption; election.

Whenever the electors of any city, equal in number to twenty percent of those who voted at the last regular city election, shall file a petition with the city clerk, asking that the question of organizing the city under the city manager plan of government be submitted to the electors of such city, the city clerk shall within one week certify that fact to the city council, and the city council shall, within thirty days, adopt a resolution to provide for submitting such question at a special election to be held not less than thirty days after the adoption of the resolution except as provided in this section. Any such election shall be conducted in accordance with the Election Act except as otherwise provided in the City Manager Plan of Government Act. If such petition is filed not more than one hundred eighty days nor less than seventy days prior to the regular municipal statewide primary or statewide general election, the city council shall adopt a resolution to provide for submitting such question at the next such election.

Source: Laws 1917, c. 208, § 6, p. 498; C.S.1922, § 4543; C.S.1929, § 19-606; R.S.1943, § 19-605; Laws 1974, LB 897, § 2; [Laws 2019, LB193, § 36](#).

19-606. City manager plan; adoption or abandonment; election.

The proposition to adopt or to abandon the city manager plan of government shall not be submitted to the electors of any city later than sixty days before a regular municipal election. If, in any city, a sufficient petition is filed requiring that the question of adopting the commission plan of government, or the question of choosing a convention to frame a city charter, be submitted to the electors of such city, or if an ordinance providing for the election of a charter convention is passed by the city council, the proposition to adopt the city manager plan of government shall not be submitted in such city so long as the question of adopting the commission plan of government, or of choosing a charter convention, or adopting a charter framed by such convention, is pending.

Source: Laws 1917, c. 208, § 7, p. 498; C.S.1922, § 4544; C.S.1929, § 19-607; R.S.1943, § 19-606; [Laws 2019, LB193, § 37.](#)

Cross References: [Petition for abandonment of city manager plan of government](#), see section [19-662](#).

19-607. Election; ballot; form.

In submitting the question of adopting the city manager plan of government, the city council shall cause to be printed on the ballots the following question:

Shall the city manager plan of government as provided in the City Manager Plan of Government Act be adopted?

Immediately following such question there shall be printed on the ballots the following propositions in the order here set forth: For the adoption of the city manager plan of government and Against the adoption of the city manager plan of government. Immediately to the left of each proposition shall be placed an oval or a square in which the electors may vote by making a cross (X) or other clear, intelligible mark.

Source: Laws 1917, c. 208, § 8, p. 499; C.S.1922, § 4545; C.S.1929, § 19-608; R.S.1943, § 19-607; [Laws 2019, LB193, § 38.](#)

19-608. Election; adoption of plan; when effective; rejection; resubmission.

If the city manager plan of government is approved by a majority of the electors voting thereon, such plan shall go into effect immediately as it applies to the nomination and election of officers provided for in sections [19-612](#) to [19-613.01](#), and in all other respects such plan shall go into effect on the first Monday following the next regular municipal election. If the proposition to adopt the city manager plan of government is rejected by the electors, it shall not again be submitted in such city within two years after the proposition is rejected.

Source: Laws 1917, c. 208, § 9, p. 499; C.S.1922, § 4546; C.S.1929, § 19-609; R.S.1943, § 19-608; [Laws 2019, LB193, § 39.](#)

19-609. City manager plan; abandonment; petition; election.

Any city which has operated under the city manager plan of government for at least four years may abandon such organization and either accept the provisions of the general law applicable to such city or adopt any other optional plan or organization open to such city. The petition for abandonment shall designate the plan desired, and the following proposition shall be submitted:

Shall the city of (.....) abandon the city manager plan of government and adopt the (name of plan) as provided in (giving the legal designation of the law as published)?

If a majority of the votes cast thereon be in favor of such proposition, the officers elected at the next regular municipal election shall be those prescribed by the laws designated in the petition, and upon the qualification of such officers the city shall become organized under such law. Such change shall not affect the property right or ability of any nature of such city, but shall extend merely to its form of government.

Source: Laws 1917, c. 208, § 10, p. 499; C.S.1922, § 4547; C.S.1929, § 19-610; R.S.1943, § 19-609; [Laws 2019, LB193, § 40.](#)

Cross References: [Petition for abandonment of city manager plan of government](#), see section [19-662](#).

Chapter 23 – County Government & Officers (Special Tax; Officials' Qualifications)

23-126. Special tax; submission to voters; notice.

The mode of submitting questions to the people for any purpose authorized by law shall be as follows: The whole question, including the sum desired to be raised, or the amount of tax desired to be levied, or the rate per annum, and the whole regulation, including the time of its taking effect, if it be of a nature to be set forth, and the penalty of its violation, if there be one, is to be published for four weeks in some newspaper published in the county. If there be no such newspaper, the publication is to be made by being posted in at least one of the most public places in each election precinct in the county, and in all cases the notice shall name the time when such question will be voted upon, and the form in which the question shall be taken, and a copy of the question submitted shall be posted at each place of voting during the day of election.

Source: Laws 1879, § 27, p. 363; R.S.1913, § 956; C.S.1922, § 856; C.S.1929, § 26-110; R.S.1943, § 23-126.

23-127. Bonds or expenditures; submission to voters; tax proposal mandatory.

When the question submitted involves the borrowing or expenditure of money, or issuance of bonds, the proposition of the question must be accompanied by a provision to levy a tax annually for the payment of interest, if any thereon, and no vote adopting the question proposed shall be valid unless it likewise adopt the amount of tax to be levied to meet the liability incurred.

Source: Laws 1879, § 28, p. 364; R.S.1913, § 957; C.S.1922, § 857; C.S.1929, § 26-111; R.S.1943, § 23-127.

23-128. Special tax; submission to voters; election; laws applicable.

At the time specified in such notice a vote of the qualified electors shall be taken in each precinct at the place designated in such notice. The votes shall be received, and returns thereof made, and the same shall be canvassed by the same officers and in the same manner as required at each general election.

Source: Laws 1879, § 29, p. 364; R.S.1913, § 958; C.S.1922, § 858; C.S.1929, § 26-112; R.S.1943, § 23-128.

23-129. Special tax; approval by voters; number required; effect.

If it appears that a majority of the total number of votes cast upon the proposition at the election in which the proposition is submitted are in favor of the proposition, except the proposal for bonds as provided in section [23-3501](#), which require a majority of votes cast upon the proposition at the election at which the proposition is submitted, and it also appears that the requirements of the law have been fully complied with, the same shall be entered at large by the county board upon the book containing the record of its proceedings, and it shall then have power to levy and collect the special tax in the same manner as other county taxes are collected. Propositions thus acted upon cannot be rescinded by the county board.

Source: Laws 1879, § 30, p. 364; R.S.1913, § 959; C.S.1922, § 859; C.S.1929, § 26-113; R.S.1943, § 23-129; Laws 1949, c. 37, § 1, p. 129; Laws 1953, c. 50, § 1, p. 177; Laws 1961, c. 85, § 1, p. 296; Laws 1971, LB 534, § 25; Laws 1996, LB 1114, § 38.

23-148. Commissioners; number; election; when authorized.

The county board of commissioners in all counties having not more than four hundred thousand inhabitants as determined by the most recent federal decennial census shall consist of three persons except as follows:

(1) Pursuant to petitions filed or a vote of the county board under section [23-149](#), the registered voters in any county containing not more than four hundred thousand inhabitants as determined by the most recent federal decennial census may vote at any general election as to whether their county board shall consist of three or five commissioners. Upon the completion of the canvass by the county

canvassing board, the proposition shall be decided and, if the number of commissioners is increased from three to five commissioners, vacancies shall be deemed to exist and the procedures set forth in sections [32-567](#) and [32-574](#) shall be instituted; and

(2) The registered voters of any county under township organization voting to discontinue township organization may also vote as to the number of county commissioners as provided in sections [23-292](#) to [23-299](#).

Source: Laws 1879, § 53, p. 369; Laws 1887, c. 29, § 1, p. 359; Laws 1891, c. 21, § 1, p. 225; Laws 1903, c. 30, § 1, p. 277; R.S.1913, § 978; Laws 1917, c. 16, § 1, p. 77; Laws 1919, c. 69, § 1, p. 182; C.S.1922, § 878; C.S.1929, § 26-132; R.S.1943, § 23-148; Laws 1945, c. 42, § 1, p. 202; Laws 1947, c. 62, § 2, p. 197; Laws 1951, c. 48, § 1, p. 165; Laws 1957, c. 60, § 1, p. 278; Laws 1979, LB 331, § 2; Laws 1985, LB 53, § 1; Laws 1991, LB 789, § 4; Laws 1994, LB 76, § 534; [Laws 2008, LB269, § 1](#); [Laws 2015, LB575, § 3](#); [Laws 2016, LB742, § 3](#); [Laws 2019, LB411, § 23](#).

Cross References: For discontinuance of township organization, see sections [23-292](#) to [23-299](#).

23-149. Commissioners; number; petition to change; resolution by county board; election; ballot; form.

(1) (a) In counties not under township organization, a registered voter may file a petition or petitions for the submission of the question regarding the number of commissioners on the county board. The petition or petitions shall be signed by registered voters equal in number to five percent of the voters registered in the county at the preceding statewide general election.

(b) In counties not under township organization, the county board may, by majority vote of all members, adopt a resolution for the submission of the question regarding the number of commissioners on the county board.

(2) When the petition or petitions or the resolution is filed with the election commissioner or county clerk not less than seventy days before the date of any general election, the election commissioner or county clerk shall cause the question to be submitted to the voters of the county at such election and give notice thereof in the general notice of such election. The forms of ballots shall be respectively:

For three commissioners and For five commissioners; and the same shall be printed upon the regular ballots cast for officers voted for at such election and shall be counted and canvassed in the same manner.

(3) If a majority of votes cast at the election favor the proposition For five commissioners, thereafter the county shall have five commissioners, and if a majority of the ballots cast at the election favor the proposition For three commissioners, thereafter the county shall have three commissioners.

Source: Laws 1891, c. 21, § 1, p. 226; Laws 1903, c. 30, § 1, p. 277; R.S.1913, § 978; Laws 1917, c. 18, § 1, p. 78; Laws 1919, c. 69, § 1, p. 183; C.S.1922, § 878; C.S.1929, § 26-132; R.S.1943, § 23-149; Laws 1969, c. 259, § 1, p. 958; Laws 1973, LB 75, § 1; Laws 1991, LB 789, § 5; [Laws 2008, LB269, § 2](#); [Laws 2019, LB411, § 24](#).

23-150. Commissioners; qualifications.

(1) The commissioners shall be registered voters and residents of their respective districts.

(2) Beginning in 1992, any person seeking nomination or election to the county board of commissioners in a county having more than four hundred thousand inhabitants as determined by the most recent federal decennial census shall have resided within the district he or she seeks to represent for at least six months immediately prior to the date on which he or she is required to file as a candidate for such office. No person shall be eligible to be appointed to the county board in such counties unless he or she has resided in the district he or she would represent for at least six months prior to assuming office.

(3) This section shall be complied with within six months after a determination that the population has reached more than four hundred thousand inhabitants as determined by the most recent federal decennial census.

Source: Laws 1879, § 53, p. 369; Laws 1887, c. 29, § 1, p. 359; Laws 1891, c. 21, § 1, p. 227; Laws 1903, c. 30, § 1, p. 278; R.S.1913, § 978; Laws 1917, c. 16, § 1, p. 78; Laws 1919, c. 69, § 1, p. 183; C.S.1922, § 878; C.S.1929, § 26-132; R.S.1943, § 23-150; Laws 1991, LB 789, § 6; Laws 1994, LB 76, § 535; [Laws 2016, LB742, § 4](#).

23-151. Commissioner system; districts; number; redistricting; duties of county board; commissioners; election.

(1) Each county under commissioner organization having not more than four hundred thousand inhabitants as determined by the most recent federal decennial census shall be divided into

(a) three districts numbered respectively, one, two, and three,

(b) five districts as provided for in sections [23-148](#) and [23-149](#) numbered respectively, one, two, three, four, and five, or

(c) seven districts as provided for in sections [23-292](#) to [23-299](#) numbered respectively, one, two, three, four, five, six, and seven. Each county having more than four hundred thousand inhabitants as determined by the most recent federal decennial census shall be divided into seven districts numbered respectively, one, two, three, four, five, six, and seven.

(2) Such districts shall consist of two or more voting precincts comprising compact and contiguous territory and embracing a substantially equal division of the population of the county. District boundary lines shall not be subject to alteration more than once every ten years unless the county has a change in population requiring it to be redistricted pursuant to subdivision (3)(a) of this section or unless there is a vote to change from three to five districts as provided for in sections [23-148](#) and [23-149](#).

(3) (a) The establishment of district boundary lines pursuant to subsection (1) of this section shall be completed within one year after a county attains a population of more than four hundred thousand inhabitants as determined by the most recent federal decennial census. Beginning in 2001 and every ten years thereafter, the district boundary lines of any county having more than four hundred thousand inhabitants as determined by the most recent federal decennial census shall be redrawn, if necessary to maintain substantially equal district populations, by the date specified in section [32-553](#).

(b) The establishment of district boundary lines and any alteration thereof under this subsection shall be done by the county board. If the county board fails to do so by the applicable deadline, district boundaries shall be drawn by the election commissioner within six months after the deadline established for the drawing or redrawing of district boundaries by the county board. If the election commissioner fails to meet such deadline, the remedies established in subsection (3) of section [32-555](#) shall apply.

(4) The district boundary lines shall not be changed at any session of the county board unless all of the commissioners are present at such session.

(5) Commissioners shall be elected as provided in section [32-528](#). Elections shall be conducted as provided in the Election Act.

Source: Laws 1879, § 54, p. 369; Laws 1887, c. 29, § 2, p. 359; Laws 1891, c. 21, § 1, p. 227; Laws 1903, c. 30, § 1, p. 278; Laws 1913, c. 150, § 1, p. 386; R.S.1913, § 979; Laws 1915, c. 19, § 1, p. 78; Laws 1917, c. 16, § 2, p. 78; Laws 1919, c. 69, § 2, p. 183; C.S.1922, § 879; C.S.1929, § 26-133; Laws 1931, c. 39, § 1, p. 132; C.S.Supp.,1941, § 26-133; R.S.1943, § 23-151; Laws 1947, c. 62, § 3, p. 198; Laws 1963, c. 111, § 1, p. 439; Laws 1969, c. 148, § 1, p. 706; Laws 1973, LB 552, § 2; Laws 1978, LB 632, § 3; Laws 1979, LB 331, § 3; Laws 1990, LB 81, § 1; Laws 1991, LB 789, § 7; Laws 1994, LB 76, § 536; [Laws 2008, LB268, § 1](#); [Laws 2008, LB269, § 3](#); [Laws 2016, LB742, § 5](#).

23-201. Township organization; adoption.

At any general election that may be held in the several counties of the state, the qualified voters in any county may vote for or against township organization in such county.

Source: Laws 1895, c. 28, § 1, p. 131; R.S.1913, § 987; C.S.1922, § 887; C.S.1929, § 26-201; R.S.1943, § 23-201.

23-202. Township organization; petition; filing; election.

(1) In counties not under township organization, a registered voter may file a petition or petitions for the submission of the question of township organization. The petition or petitions shall be signed by registered voters equal in number to five percent of the voters registered in the county at the preceding statewide general election.

(2) The petition or petitions shall be filed in the office of the election commissioner or county clerk by September 1 of the year of the general election at which the petitioners wish to have the question submitted for a vote. If such petition or petitions are filed in conformance with this subsection, the

question shall be submitted to the registered voters at the next general election held after the filing of the petition or petitions. The questions on the ballot shall be respectively:

For changing to township organization with a seven-member county board of supervisors; or
Against changing to township organization.

(3) Elections shall be conducted as provided in the Election Act.

Source: Laws 1895, c. 28, § 2, p. 131; R.S.1913, § 988; C.S.1922, § 888; C.S.1929, § 26-202; R.S.1943, § 23-202; [Laws 2008, LB269, § 4](#); [Laws 2009, LB434, § 1](#); [Laws 2019, LB411, § 25](#).

23-203. When effective.

If it shall appear by the returns of said election that a majority of the legal voters of such county voting upon the proposition are for township organization, then the office of county commissioner and the board of county commissioners shall cease to exist on and after the meeting of the supervisors of the county as hereinafter provided, and the county so voting for the adoption of township organization shall thereafter be governed by and subject to the provisions of sections [23-201](#) to [23-299](#).

Source: Laws 1895, c. 28, § 3, p. 131; R.S.1913, § 989; C.S.1922, § 889; Laws 1927, c. 53, § 1, p. 208; C.S.1929, § 26-203; R.S.1943, § 23-203; Laws 1947, c. 64, § 1, p. 210.

23-204. Supervisor districts; formation; election of supervisors.

On the second Tuesday after the election under section [23-201](#) adopting township organization in any county, the county attorney, county clerk, and county treasurer of the county shall meet at the county seat of such county and shall, within three days from and after the first day of meeting, divide such county into seven districts to be known as supervisor districts. Such districts shall be divided as nearly as possible with regular boundary lines and in regular and compact form and shapes, and each of such districts shall as nearly as possible have the same number of inhabitants as any other district. No voting precinct shall be divided by any such district, except that in counties having cities of more than one thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census and when such cities have more inhabitants than the average outlying district, the county board shall add enough contiguous territory to such city so that the inhabitants in such city and contiguous territory equal the inhabitants of two of the other districts. The county attorney, county clerk, and county treasurer shall then divide the tract thus segregated into two supervisor districts with population as nearly equal as possible, and when so divided, each of the districts shall elect one supervisor who shall reside in such supervisor district and be nominated and elected by the registered voters residing in that district. If any such city has more than the requisite inhabitants for two supervisor districts, then sufficient outlying territory may be added to such city to make three supervisor districts. The supervisor in each supervisor district in such city shall reside in such supervisor district and be nominated and elected by the registered voters residing in that supervisor district. The remainder of the county outside of such city districts shall be divided so as to create a total of seven supervisor districts, except that if any county under township organization has gone to an at-large basis for election of supervisors under section [32-554](#), the board of supervisors of such county may stay on the at-large voting basis.

Source: Laws 1895, c. 28, § 4, p. 131; Laws 1911, c. 36, § 1, p. 203; R.S.1913, § 990; Laws 1917, c. 17, § 1, p. 81; C.S.1922, § 890; C.S.1929, § 26-204; R.S.1943, § 23-204; Laws 1947, c. 64, § 2, p. 210; Laws 1973, LB 552, § 3; Laws 1979, LB 331, § 4; Laws 1991, LB 789, § 8; Laws 1994, LB 76, § 537; [Laws 2017, LB113, § 34](#).

23-214. Chairman of township board; appointment; qualifications.

The county board shall also, at the meeting at which it shall fix and name the several townships, appoint for each township some suitable person, who is an elector within the township, as chairman of the township board. The person so appointed shall, on or before the first Tuesday in January next ensuing, take the oath of office and file a bond as provided by law. Such bond shall be approved by the board as provided by law. In case such person shall neglect or refuse to qualify, the county board shall at its

regular January meeting appoint another who shall qualify as above stated. The person so appointed shall hold said office until his successor shall be duly elected and qualified as provided by law.

Source: Laws 1895, c. 28, § 12, p. 135; R.S.1913, § 998; C.S.1922, § 900; C.S.1929, § 26-214; R.S.1943, § 23-214; Laws 1957, c. 62, § 1, p. 281; Laws 1969, c. 153, § 1, p. 719; Laws 1973, LB 75, § 2.

23-215. Town clerk and treasurer; qualifications; bond.

The county board shall on or before the third Tuesday in December following the adoption of township organization, appoint for each township one town clerk and one treasurer who are qualified electors residing in the township. Such persons so appointed shall on or before the first Tuesday in January next ensuing take the oath of office and give bond as provided by law. The county board shall approve such bonds at its January meeting or shall meet and approve all bonds given to fill vacancies provided for in this section and section [23-214](#) before the first day of April next ensuing. In the event the persons appointed shall fail or refuse to qualify by the time named above, the county board shall name some other person or persons possessing the qualifications mentioned in this section. The persons so appointed shall qualify and hold their offices for the term.

Source: Laws 1895, c. 28, § 13, p. 135; R.S.1913, § 999; C.S.1922, § 901; C.S.1929, § 26-215; R.S.1943, § 23-215; Laws 1973, LB 75, § 3.

23-222. Township officers; when elected; qualifications. (New)

The officers of the township board shall be elected pursuant to the Election Act at the next general election held in November following appointment and shall have the qualifications required by sections [23-214](#) and [23-215](#).

Source: Laws 1895, c. 28, § 20, p. 137; R.S.1913, § 1006; C.S.1922, § 908; C.S.1929, § 26-222; R.S.1943, § 23-222; [Laws 1994, LB 76, § 538](#); [Laws 1997, LB 764, § 6](#); [Laws 2003, LB 461, § 1](#).

Cross References: Election Act, see section [32-101](#).

23-268. County supervisors; election; ballots; residency.

County supervisors shall be elected as provided in section [32-529](#). Elections shall be conducted as provided in the Election Act. In city districts, the ballots shall state which one of the supervisors is elected for the odd-numbered district and which one for the even-numbered district.

A supervisor elected after November 1986 need not be a resident of the district when he or she files for election as a supervisor from a given district, but a supervisor shall reside in the district in which he or she holds office.

Source: Laws 1895, c. 28, § 69, p. 152; R.S.1913, § 1052; C.S.1922, § 954; C.S.1929, § 26-268; R.S.1943, § 23-268; Laws 1947, c. 64, § 7, p. 212; Laws 1986, LB 812, § 1; Laws 1994, LB 76, § 539.

23-269. County supervisor districts; boundaries; change.

The supervisor districts may be changed after each state and federal census if it appears from an examination that the population has become unequal among the several districts. In the event of any change or amendment of sections [23-201](#) to [23-299](#) which may necessitate a change in the boundaries of such supervisor districts or any one of them, the county board shall make such change in boundary at its next regular meeting after such change or amendment takes effect. Those counties under township organization may change their procedures for electing members to their governing board from district to at large or from at large to district following the provisions of section [32-554](#).

Source: Laws 1895, c. 28, § 72, p. 153; R.S.1913, § 1053; Laws 1917, c. 17, § 3, p. 82; C.S.1922, § 955; C.S.1929, § 26-269; R.S.1943, § 23-269; Laws 1973, LB 552, § 4; Laws 1991, LB 789, § 9; Laws 1994, LB 76, § 540.

23-292. Township organization; how discontinued.

Any county which has township organization shall discontinue the same whenever the majority of the registered voters of the county voting on the question of such discontinuance so decide in the manner provided in sections [23-293](#) to [23-295](#).

Source: Laws 1885, c. 43, § 1, p. 235; R.S.1913, § 1056; C.S.1922, § 958; C.S.1929, § 26-272; R.S.1943, § 23-292; [Laws 2008, LB269, § 5](#).

23-293. Township organization; discontinuance; procedure.

(1) In counties under township organization, a registered voter may file a petition or petitions for submission of the question of the discontinuance of township organization to the registered voters of the county. The petition or petitions shall be signed by registered voters equal in number to five percent of the voters registered in the county at the preceding statewide general election. The petition or petitions shall be filed in the office of the election commissioner or county clerk by September 1 of the year of the general election at which the petitioners wish to have the question submitted for a vote. If such petition or petitions are filed in conformance with this subsection, the question shall be submitted to the registered voters at the next general election held after the filing of the petition or petitions.

(2) In counties under township organization, the county board may, by a resolution supported by a majority of the county board, submit the question of discontinuance of township organization to the registered voters of the county. If such resolution is filed in the office of the election commissioner or county clerk by September 1 of the year of the general election at which the board wishes to have the question submitted for a vote, the question shall be submitted to the registered voters at the next general election held after the filing of the resolution.

(3) A petition or county board resolution for discontinuance of township organization shall specify whether the county board of commissioners to be formed pursuant to section [23-151](#) will have five or seven members and that reorganization as a county board of commissioners will be effective at the expiration of the supervisors' terms of office in January of the third calendar year following the election to discontinue township organization.

Source: Laws 1885, c. 43, § 2, p. 236; Laws 1895, c. 29, § 1, p. 154; R.S.1913, § 1057; C.S.1922, § 959; C.S.1929, § 26-273; R.S.1943, § 23-293; Laws 1973, LB 75, § 18; Laws 1985, LB 422, § 1; [Laws 2008, LB269, § 6](#); [Laws 2019, LB411, § 26](#).

23-294. Township organization; discontinuance; election; ballot; form.

(1) If the petition or county board resolution to discontinue township organization specifies a five-member county board of commissioners pursuant to section [23-293](#), the questions on the ballot shall be respectively:

For discontinuance of township organization and creation of a five-member county board of commissioners; or

Against changing to a commissioner form of county government.

(2) If the petition or county board resolution to discontinue township organization specifies a seven-member county board of commissioners pursuant to section [23-293](#), the questions on the ballot shall be respectively: For discontinuance of township organization and creation of a seven-member county board of commissioners; or Against changing to a commissioner form of county government.

(3) Elections shall be conducted regarding discontinuance of township organization as provided in the Election Act.

Source: Laws 1885, c. 43, § 3, p. 236; R.S.1913, § 1058; C.S.1922, § 960; C.S.1929, § 26-274; R.S.1943, § 23-294; [Laws 2008, LB269, § 7](#); [Laws 2009, LB434, § 2](#).

23-295. Township organization; discontinuance; when effective.

If a majority of the votes cast on the question are for the discontinuance of township organization, then such organization shall cease to exist effective at the expiration of the supervisors' terms of office in January of the third calendar year following such election.

Source: Laws 1885, c. 43, § 4, p. 236; R.S.1913, § 1059; C.S.1922, § 961; C.S.1929, § 26-275; R.S.1943, § 23-295; [Laws 2008, LB269, § 8](#); [Laws 2009, LB434, § 3](#).

23-296. Township organization; cessation; establishment of commissioner system.

When township organization ceases in any county as provided by sections [23-292](#) to [23-295](#), a commissioner system shall be established. The county board of commissioners shall have five or seven members as specified in the petition or county board resolution pursuant to section [23-293](#).

Source: Laws 1885, c. 43, § 5, p. 236; R.S.1913, § 1060; C.S.1922, § 962; C.S.1929, § 26-276; R.S.1943, § 23-296; Laws 1945, c. 42, § 2, p. 203; [Laws 2008, LB269, § 9](#).

23-297. Commissioner system creation; districts; elected members; how treated.

(1) If the voters vote for creation of a seven-member county board of commissioners, the commissioner districts shall be the same districts as the former supervisor districts unless changed at a later date as provided by section [23-149](#) and the supervisors whose terms have not expired on the effective date of the reorganization prescribed in section [23-293](#) shall continue in office as commissioners for the remainder of their unexpired terms.

(2) (a) If the voters vote for creation of a five-member county board of commissioners, the county clerk, county treasurer, and county attorney shall meet on the first Saturday after the first Tuesday of January following such election and redistrict the county into five commissioner districts with substantially equal population. Such redistricting shall be completed within thirty days after such initial meeting and shall specify where necessary the newly established districts which the members will serve for the balance of the unexpired terms as designated in subdivision (b) of this subsection. The newly established districts will not be effective until the effective date of the reorganization prescribed in section [23-293](#) except for purposes of being nominated and elected for office from such districts.

(b) (i) If three members of the county board of supervisors were elected for four-year terms at the election to create a five-member county board of commissioners, each such supervisor shall serve two of such years as a supervisor and two of such years as a commissioner representing the newly established districts as designated under subdivision (a) of this subsection and two commissioners shall be elected for four-year terms from the newly established districts at the next general election.

(ii) If four members of the county board of supervisors were elected for four-year terms at the election to create a five-member county board of commissioners, the three of such supervisors receiving the most votes at such election shall serve two of such years as a supervisor and two of such years as a commissioner representing the newly established districts as designated under subdivision (a) of this subsection, the fourth of such supervisors shall serve a term of two years as a supervisor, and two commissioners shall be elected for four-year terms from the newly established districts at the next general election.

Source: Laws 1885, c. 43, § 6, p. 237; R.S.1913, § 1061; C.S.1922, § 963; C.S.1929, § 26-277; R.S.1943, § 23-297; Laws 1945, c. 42, § 3, p. 203; Laws 1979, LB 331, § 7; [Laws 2008, LB269, § 10](#).

23-2,100. Termination of township board; public hearing; notice; resolution; termination date; conduct of business; disposal of property; discontinuance of township organization of county.

(1) If a township board has become inactive, the county board of supervisors shall hold a public hearing on the issue of termination of the township board. Notice of the hearing shall be published for two consecutive weeks in a newspaper of general circulation in the county. For purposes of this section, a township board has become inactive when two or more board positions are vacant and the county board has been unable to fill such positions in accordance with sections [32-567](#) and [32-574](#) for six or more months.

(2) If no appointment to the township board has been made within thirty days after the public hearing because no resident of the township has provided written notice to the county board that he or she will serve on the township board, the county board may adopt a resolution to terminate the township board. The resolution shall state the effective date of the termination.

(3) Between the date of the public hearing and the date of termination of the township board, the business of the township shall be handled according to this subsection. No tax distributions shall be made to the township. Such funds shall be held by the county board in a separate township fund and disbursed only to pay outstanding obligations of the township board. All claims against the township board shall be filed with the county clerk and heard by the county board. Upon allowance of a claim, the county board

shall direct the county clerk to draw a warrant upon the township fund. The warrant shall be signed by the chairperson of the county board and countersigned by the county clerk.

(4) Upon termination of a township board, the county board shall settle all unfinished business of the township board and shall dispose of all property under ownership of the township. Any proceeds of such sale shall first be disbursed to pay any outstanding obligations of the township, and remaining funds shall be credited to the road fund of the county board. Any remaining township board members serving as of the date of termination shall deposit with the county clerk all township records, papers, and documents pertaining to the affairs of the township and shall certify to the county clerk the amount of outstanding indebtedness in existence on the date of termination. The county board shall levy a tax upon the taxable property located within the boundaries of the township to pay for construction and maintenance of township roads within the township and any outstanding indebtedness not paid for under this subsection. The county board shall have continuing authority to construct and maintain township roads within the township and to perform the functions provided in section [23-224](#) until such time as the township board is reconstituted by general election that results in the filling of all vacancies on the township board.

(5) If more than fifty percent of the township boards in a county have been terminated, the county board shall file with the election commissioner or county clerk a resolution supporting the discontinuance of the township organization of the county pursuant to subsection (2) of section [23-293](#).

Source: [Laws 2010, LB768, § 1](#); [Laws 2012, LB936, § 1](#); [Laws 2015, LB65, § 1](#); [Laws 2015, LB575, § 4](#).

23-301. County resurvey; petition; contents; election.

Upon petition filed with the county clerk of any county, signed by twenty percent of the qualified voters of said county as shown by the last preceding election and praying the county board to submit the proposition of ordering a resurvey, in whole or in part, of said county for the purpose of reestablishing the original corners of the United States survey, it shall be the duty of the county board to submit to the voters of the county at the next general election, or a special election, the question whether such resurvey shall be ordered; *Provided*, upon a like petition signed by twenty percent of the voters of any township or townships in said county, according to the government survey thereof, praying for the submission of a like proposition to the voters of said township or townships, it shall be the duty of the county board in like manner to submit the question at the next general election, or a special election, whether a resurvey shall be ordered in said township or townships. In every case the petition shall set forth in brief form the extent of the resurvey desired and whether it shall be of the township and county lines, or of the county, township and sectional lines, and an estimate as near as may be by the county surveyor of the probable expense of said resurvey. This statement and estimate shall be placed upon the official ballot with the following words thereafter:

For resurvey proposition, and
Against resurvey proposition.

Source: Laws 1909, c. 36, § 1, p. 219; Laws 1913, c. 153, § 1, p. 392; R.S.1913, § 1108; C.S.1922, § 1042; C.S.1929, § 26-736; R.S.1943, § 23-301.

23-302. County resurvey; election; canvass of votes.

The vote on the proposition shall be canvassed in the same manner as the vote on county officers. If a majority of the votes upon said proposition shall be in favor of the same, the county board shall within thirty days notify the Board of Educational Lands and Funds who shall require such resurvey to be made under its instructions by such competent deputy state surveyor as it shall appoint, assisted by the county surveyor of the county wherein the work is to be done, and according to the laws governing surveys by the State Surveyor and deputy state surveyors. Such surveys shall be made in accordance with the laws of the United States and the rules and regulations of the United States Department of Interior, Bureau of Land Management, governing the restoration of lost and obliterated corners and the specifications and instructions of the Board of Educational Lands and Funds. The field notes and plats of said resurvey shall be made in the manner and form prescribed by the Bureau of Land Management for the return of field notes and maps of United States surveys, and shall be filed in the office of the county clerk of the county where the work is done and duplicate copies filed in the office of the Board of Educational Lands and Funds at Lincoln, Nebraska, before being paid for; *Provided*, when any integral part of said resurvey is

completed upon filing proof of its completion together with plats and field notes for the same approved as provided by law, the county board may allow payment for the part so completed.

Source: Laws 1909, c. 36, § 2, p. 220; R.S.1913, § 1109; Laws 1921, c. 84, § 1, p. 301; C.S.1922, § 1043; C.S.1929, § 26-737; R.S.1943, § 23-302; Laws 1982, LB 127, § 1.

23-303. County resurvey; cost; tax; bonds; submission to voters.

In case the question of said resurvey has been submitted to the voters of the entire county, the cost of said resurvey may be paid out of the county general fund in case there is money there available for that purpose. If not, the cost may be provided for by an issue of bonds or special tax levy, in which case the proposition for bonds or special tax levy shall be submitted to the voters as a part of the resurvey proposition; *Provided*, when a proposition for resurvey has already been submitted to the voters of a county, and a majority have voted in favor of such proposition, it shall be legal for the county board to proceed to make contract for such resurvey in accordance with the provisions of sections [23-301](#) to [23-303](#) providing for such contract; *provided further*, in case the question has been submitted to the voters of any one or more governmental townships of any county under the provisions of section [23-301](#), and a majority have voted in favor of such proposition, the cost of said resurvey may be paid out of the general fund and said fund may be reimbursed the amount of such expenditure by the assessment of a special tax by the county board of such county equally apportioning the cost of such resurvey upon the area of all real estate in such governmental township or townships according to the acreage in each tract as shown by the original United States survey thereof, and including in addition thereto any accreted lands to such original United States survey as may be shown by the resurvey herein provided.

Source: Laws 1909, c. 36, § 3, p. 221; Laws 1913, c. 153, § 1, p. 392; R.S.1913, § 1110; C.S.1922, § 1044; C.S.1929, § 26-738; R.S.1943, § 23-303.

23-501. County buildings; erection; petition.

Whenever it is deemed necessary to erect a courthouse, jail, or other public county buildings in any county in this state, the county board may and, upon petition of not less than one-fourth of the registered voters of the county as shown by the list of registered voters of the last previous general election, shall submit to the people of the county to be voted upon at a general election or at a special election called by the county board for that purpose a proposition to vote a special annual tax for that purpose of not to exceed three and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in such county for a term of not to exceed five years. The special annual tax is excluded from the limitation in section [77-3442](#) as provided by section [77-3444](#).

Source: Laws 1895, c. 27, § 1, p. 129; Laws 1897, c. 22, § 1, p. 187; Laws 1909, c. 31, § 1, p. 213; R.S.1913, § 436; C.S.1922, § 353; C.S.1929, § 11-701; R.S.1943, § 23-501; Laws 1953, c. 287, § 47, p. 958; Laws 1979, LB 187, § 120; Laws 1992, LB 719A, § 104; Laws 1997, LB 764, § 7; [Laws 1999, LB 141, § 5](#).

23-502. Election; proposition; submission.

The manner of submitting such proposition shall be governed by section [23-126](#).

Source: Laws 1895, c. 27, § 2, p. 129; R.S.1913, § 437; C.S.1922, § 354; C.S.1929, § 11-702; R.S.1943, § 23-502.

23-503. Election; tax; how collected; resubmission of proposal.

The county board, upon being satisfied that all the foregoing requirements have been substantially complied with, and that sixty percent of all the votes cast at said election are in favor of such tax, shall cause such proposition and all the proceedings had thereon to be entered upon the records of said county board, and shall make an order that said levy be carried on the tax lists in a column for that purpose, and collected as other taxes; *Provided*, that the question of levying such taxes, when defeated, shall not be resubmitted in substance for a period of one year from and after the date of said election.

Source: Laws 1895, c. 27, § 3, p. 129; R.S.1913, § 438; C.S.1922, § 355; Laws 1923, c. 186, § 1, p. 429; C.S.1929, § 11-703; R.S.1943, § 23-503.

23-1114. County officers and deputies; salaries; fixed by county board; when; method of payment.

(1) The salaries of all elected officers of the county shall be fixed by the county board prior to January 15 of the year in which a general election will be held for the respective offices.

(2) The salaries of all deputies in the offices of the elected officers and appointive veterans service officers of the county shall be fixed by the county board at such times as necessity may require.

(3) The county board may make payments that include, but are not limited to, salaries described in this section or reimbursable expenses by electronic funds transfer or a similar means of direct deposit.

Source: Laws 1953, c. 63, § 1, p. 204; Laws 1955, c. 72, § 1, p. 224; Laws 1959, c. 85, § 2, p. 391; Laws 1963, c. 118, § 1, p. 463; Laws 1971, LB 574, § 1; Laws 1973, LB 220, § 1; Laws 1975, LB 90, § 1; Laws 1986, LB 1056, § 1; Laws 1996, LB 1085, § 29; [Laws 2011, LB278, § 1.](#)

23-1114.08. County officers; minimum salaries; person occupying more than one office.

When the same person occupies more than one office in the same county, he shall receive only one minimum annual salary.

Source: Laws 1961, c. 96, § 8, p. 326.

23-1201.01. County attorney; residency; appointment of nonresident attorney, when; contract.

(1) Except as provided in subsection (2) of this section, a qualified person need not be a resident of the county when he or she files for election as county attorney, but if elected as county attorney, such person shall reside in a county for which he or she holds office, except that a county attorney serving in a county which does not have a city of the metropolitan, primary, or first class may reside in an adjoining Nebraska county.

(2) If there is no county attorney elected pursuant to section [32-522](#) or if a vacancy occurs for any other reason, the county board of such county may appoint a qualified attorney from any Nebraska county to the office of county attorney. In making such appointment, the county board shall negotiate a contract with the attorney, such contract to specify the terms and conditions of the appointment, including the compensation of the attorney, which compensation shall not be subject to sections [23-1114.02](#) to [23-1114.06](#).

Source: Laws 1943, c. 60, § 1, p. 234; R.S.1943, § 23-1201.01; Laws 1971, LB 109, § 1; Laws 1986, LB 812, § 2; Laws 1993, LB 468, § 1; Laws 1994, LB 76, § 541; Laws 1995, LB 669, § 1; Laws 1996, LB 1085, § 30; [Laws 2003, LB 84, § 1.](#)

23-1201.02. County attorney; qualifications; exception.

(1) No person shall seek nomination or appointment for the office of county attorney in counties of Class 4, 5, 6, or 7, nor serve in that capacity, unless he or she has been admitted to the practice of law in this state for at least two years next preceding the date such person would take office and has practiced law actively in this state during such two-year period, except that if no person who meets the requirements of this subsection has filed for or sought such office by the filing deadline for nomination or by the deadline for applications for appointment, the provisions of this subsection shall not apply to any person seeking such office.

(2) No person shall seek nomination or appointment for the office of county attorney, nor serve in that capacity, unless he or she has been admitted to the practice of law in this state.

(3) The classification of counties in section [23-1114.01](#) applies for purposes of this section.

Source: Laws 1969, c. 142, § 1, p. 664; Laws 1993, LB 468, § 2; [Laws 2009, LB55, § 1.](#)

Cross References: Classification of counties, see section [23-1114.01](#).

23-1301. County clerk; office; duties; residency.

The county clerk shall keep his or her office at the county seat; shall attend the sessions of the county board; shall keep the seal, records, and papers of the board; and shall sign the record of the proceedings of the board and attest the same with the county seal. After the period of time specified by the State Records Administrator pursuant to the Records Management Act, the county clerk may transfer such record of the proceedings of the board to the State Archives of the Nebraska State Historical Society for permanent preservation.

A county clerk elected after November 1986 need not be a resident of the county when he or she files for election as county clerk, but a county clerk shall reside in a county for which he or she holds office.

Source: Laws 1879, § 73, p. 374; R.S.1913, § 5605; C.S.1922, § 4924; C.S.1929, § 26-1001; R.S.1943, § 23-1301; Laws 1973, LB 224, § 5; Laws 1986, LB 812, § 3; Laws 1996, LB 1085, § 31.

Cross References: **Records Management Act**, see section [84-1220](#).

23-1301.01. County clerk; deputy; appointment; oath; duties.

The county clerk may appoint a deputy for whose acts he or she will be responsible. The clerk may not appoint the county treasurer, sheriff, register of deeds, or surveyor as deputy.

The appointment shall be in writing and revocable in writing by the clerk. Both the appointment and revocation shall be filed and kept in the office of the clerk.

The deputy shall take the same oath as the clerk which shall be endorsed upon and filed with the certificate of appointment. The clerk may require a bond of the deputy.

In the absence or disability of the clerk, the deputy shall perform the duties of the clerk pertaining to the office, but when the clerk is required to act in conjunction with or in place of another officer, the deputy cannot act in the clerk's place.

Source: Laws 1990, LB 821, § 3.

23-1302. County clerk; duties.

It shall be the general duty of the county clerk:

(1) To record in a book provided for that purpose all proceedings of the board. If the county clerk or his or her deputy is unable to be present for any proceeding of the board, the county clerk may appoint a designee to record such proceedings;

(2) To make regular entries of its resolutions and decisions in all questions concerning the raising of money;

(3) To countersign all warrants issued by the board and signed by its chairperson;

(4) To preserve and file all accounts acted upon by the board, with its action thereon, and perform such special duties as are required by law. Such special duties do not include budget-making duties performed under section [23-906](#). In a county having a county comptroller, all accounts acted upon by the board shall remain on file in the office of such comptroller; and the county clerk shall certify to the county treasurer as of June 30 and December 31 of each year the total amount of unpaid claims of the county; and

(5) To prepare and file with the county board the annual inventory statement of county personal property in his or her custody and possession, and to perform the duties enjoined upon him or her by sections [23-346](#) to [23-350](#).

Source: Laws 1879, § 74, p. 374; Laws 1907, c. 33, § 1, p. 166; R.S.1913, § 5606; C.S.1922, § 4925; C.S.1929, § 26-1002; Laws 1935, c. 53, § 1, p. 183; Laws 1939, c. 28, § 7, p. 147; C.S.Supp.,1941, § 26-1002; R.S.1943, § 23-1302; [Laws 2002, LB 1018, § 2](#); [Laws 2005, LB 762, § 1](#); [Laws 2021, LB105, § 1](#).

Cross References: **Distribute political accountability and disclosure forms**, see section [49-14, 139](#).

23-1306. County officers; signatures and seals; duty to report to Secretary of State.

It shall be the duty of the county clerk to report to the Secretary of State, on or before the first day of February of each year, the names of all the county officers with their official signatures and seals of their respective offices. When any change is made in the incumbent of any county office, the change shall be forthwith reported by the county clerk to the Secretary of State, who shall preserve and record such lists with changes subsequently made therein.

Source: Laws 1879, § 90, p. 379; R.S.1913, § 5610; C.S.1922, § 4929; C.S.1929, § 26-1006; R.S.1943, § 23-1306; Laws 1955, c. 76, § 1, p. 230.

23-1307. County clerks; election commissioners; deputies; oaths; acknowledgments.

All county clerks and election commissioners and their deputies shall have authority to administer oaths and affirmations in all cases where oaths and affirmations are required and to take acknowledgments of deeds, mortgages, and all other instruments in writing, attesting to such with the county seal.

Source: Laws 1883, c. 19, § 1, p. 181; R.S.1913, § 5611; C.S.1922, § 4930; C.S.1929, § 26-1007; R.S.1943, § 23-1307; [Laws 2012, LB398, § 1.](#)

23-1501. Register of deeds; office, equipment, and supplies; residency.

In each county that has a register of deeds, the county board shall provide suitable office room, fireproof vaults of sufficient capacity, and necessary books, blanks, stationery, and office furniture for the use of the register of deeds.

A register of deeds elected after November 1986 need not be a resident of the county when he or she files for election as register of deeds, but a register of deeds shall reside in a county for which he or she holds office.

Source: Laws 1887, c. 30, § 2, p. 364; R.S.1913, § 5616; C.S.1922, § 4943; C.S.1929, § 26-1201; R.S.1943, § 23-1501; Laws 1986, LB 812, § 4; Laws 1989, LB 24, § 1; Laws 1996, LB 1085, § 32.

23-1501.01. Register of deeds; deputy; appointment; oath; duties.

When authorized by the county board, the register of deeds may appoint one or more deputies for whose acts he or she will be responsible. The register of deeds may not appoint the county treasurer, sheriff, clerk, or surveyor as deputy.

The appointment shall be in writing and revocable in writing by the register of deeds. Both the appointment and revocation shall be filed and kept in the office of the county clerk.

The deputy shall take the same oath as the register of deeds which shall be endorsed upon and filed with the certificate of appointment. The register of deeds may require a bond of the deputy.

In the absence or disability of the register of deeds, the deputy shall perform the duties of the register of deeds pertaining to the office, but when the register of deeds is required to act in conjunction with or in place of another officer, the deputy cannot act in the place of the register of deeds.

Source: Laws 1990, LB 821, § 5.

23-1502. County clerk ex officio register of deeds, when.

Unless a register of deeds is elected pursuant to section [32-518](#), the county clerk shall perform all the duties imposed by law upon the register of deeds and shall be ex officio register of deeds.

Source: Laws 1887, c. 30, § 3, p. 364; R.S.1913, § 5617; C.S.1922, § 4944; C.S.1929, § 26-1202; R.S.1943, § 23-1502; Laws 1989, LB 24, § 2; Laws 1994, LB 76, § 542.

23-1601.01. Residency requirement.

A county treasurer elected after November 1986 need not be a resident of the county when he or she files for election as county treasurer, but a county treasurer shall reside in a county for which he or she holds office.

Source: Laws 1986, LB 812, § 5; Laws 1996, LB 1085, § 33.

23-1601.02. County treasurer; deputy; appointment; oath; duties.

The county treasurer may appoint a deputy for whose acts he or she will be responsible. The treasurer may not appoint the county clerk, sheriff, register of deeds, or surveyor as deputy.

The appointment shall be in writing and revocable in writing by the treasurer. Both the appointment and revocation shall be filed and kept in the office of the county clerk.

The deputy shall take the same oath as the treasurer which shall be endorsed upon and filed with the certificate of appointment. The treasurer may require a bond of the deputy. In the absence or disability of the treasurer, the deputy shall perform the duties of the treasurer pertaining to the office, but when the treasurer is required to act in conjunction with or in place of another officer, the deputy cannot act in the treasurer's place.

Source: Laws 1990, LB 821, § 6.

23-1701. Sheriff; general duties; residency.

It is the duty of the sheriff to serve or otherwise execute, according to law, and return writs or other legal process issued by lawful authority and directed or committed to the sheriff and to perform such other duties as may be required by law. The county sheriff shall prepare and file the required annual inventory statement of county personal property in his or her custody or possession as provided in sections [23-346](#) to [23-350](#).

A sheriff elected after November 1986 need not be a resident of the county when he or she files for election as sheriff, but a sheriff shall reside in a county for which he or she holds office.

Source: Laws 1879, § 116, p. 384; R.S.1913, § 5653; C.S.1922, § 4980; C.S.1929, § 26-1401; Laws 1939, c. 28, § 15, p. 154; C.S.Supp.,1941, § 26-1401; R.S.1943, § 23-1701; Laws 1986, LB 812, § 6; Laws 1996, LB 1085, § 34.

Cross References: **Designate persons for vehicle identification inspections**, see section [60-182](#) et seq.

23-1701.01. Candidate for sheriff; requirements; sheriff; attend Sheriff's Certification Course; exception; continuing education; violation; penalty.

(1) Any candidate for the office of sheriff who does not have a law enforcement officer certificate or diploma issued by the Nebraska Commission on Law Enforcement and Criminal Justice shall submit with the candidate filing form required by section [32-607](#) a standardized letter issued by the director of the Nebraska Law Enforcement Training Center certifying that the candidate has:

(a) Within one calendar year prior to the deadline for filing the candidate filing form, passed a background investigation performed by the Nebraska Law Enforcement Training Center based on a check of his or her criminal history record information maintained by the Federal Bureau of Investigation through the Nebraska State Patrol. The candidate who has not passed a background investigation shall apply for the background investigation at least thirty days prior to the filing deadline for the candidate filing form; and

(b) Received a minimum combined score on the reading comprehension and English language portions of an adult basic education examination designated by the Nebraska Law Enforcement Training Center.

(2) Each sheriff shall attend the Nebraska Law Enforcement Training Center and receive a certificate attesting to satisfactory completion of the Sheriff's Certification Course within eight months after taking office unless such sheriff has already been awarded a certificate by the Nebraska Commission on Law Enforcement and Criminal Justice attesting to satisfactory completion of such course or unless such sheriff can demonstrate to the Nebraska Police Standards Advisory Council that his or her previous training and education is such that he or she will professionally discharge the duties of the office. Any sheriff in office prior to July 19, 1980, shall not be required to obtain a certificate attesting to satisfactory completion of the Sheriff's Certification Course but shall otherwise be subject to this section.

(3) Each sheriff shall attend continuing education as provided in section [81-1414.07](#) each year following the first year of such sheriff's term of office.

(4) Unless a sheriff is able to show good cause for not complying with subsection (2) or (3) of this section or obtains a waiver of the training requirements from the council, any sheriff who violates subsection (2) or (3) of this section shall be punished by a fine equal to such sheriff's monthly salary. Each month in which such violation occurs shall constitute a separate offense.

Source: Laws 1980, LB 628, § 1; Laws 1994, LB 971, § 2; [Laws 2004, LB 75, § 1](#); [Laws 2012, LB817, § 1](#); [Laws 2020, LB924, § 2](#); [Laws 2021, LB51, § 1](#).

23-1901. County surveyor; county engineer; qualifications; powers and duties.

(1) It shall be the duty of the county surveyor to make or cause to be made all surveys within his or her county that the county surveyor may be called upon to make and record the same.

(2) In all counties having a population of at least one hundred thousand inhabitants but less than one hundred fifty thousand inhabitants, the county surveyor shall be ex officio county engineer and shall be either a professional engineer as provided in the Engineers and Architects Regulation Act or a registered land surveyor as provided in the Land Surveyors Regulation Act or both. In such counties, the office of surveyor shall be full time.

In counties having a population of one hundred fifty thousand inhabitants or more, a county engineer shall be a professional engineer as provided in the act and shall be elected as provided in section [32-526](#).

(3) The county engineer or ex officio county engineer shall:

(a) Prepare all plans, specifications, and detail drawings for the use of the county in advertising and letting all contracts for the building and repair of bridges, culverts, and all public improvements upon the roads;

(b) Make estimates of the cost of all such contemplated public improvements, make estimates of all material required for such public improvements, inspect the material and have the same measured and ascertained, and report to the county board whether the same is in accordance with its requirements;

(c) Superintend the construction of all such public improvements and inspect and require that the same shall be done according to contract;

(d) Make estimates of the cost of all labor and material which shall be necessary for the construction of all bridges and improvements upon public highways, inspect all of the work and materials placed in any such public improvements, and make a report in writing to the county board with a statement in regard to whether the same comply with the plans, specifications, and detail drawings of the county board prepared for such work or improvements and under which the contract was let; and

(e) Have charge and general supervision of work or improvements authorized by the county board, inspect all materials, direct the work, and make a report of each piece of work to the county board.

The county engineer or surveyor shall also have such other and further powers as are necessarily incident to the general powers granted.

(4) The county surveyor shall prepare and file the required annual inventory statement of county personal property in his or her custody or possession as provided in sections [23-346](#) to [23-350](#).

(5) In counties having a population of one hundred fifty thousand inhabitants or more, the county engineer shall appoint a full-time county surveyor. The county surveyor shall perform all the duties prescribed in sections [23-1901](#) to [23-1913](#) and any other duties assigned to him or her by the county engineer. The county surveyor shall be a registered land surveyor as provided in the Land Surveyors Regulation Act.

Source: Laws 1879, § 127, p. 386; Laws 1905, c. 50, § 1, p. 295; R.S.1913, § 5685; Laws 1921, c. 141, § 1, p. 606; C.S.1922, § 5015; C.S.1929, § 26-1601; Laws 1939, c. 28, § 16, p. 154; C.S.Supp.,1941, § 26-1601; R.S.1943, § 23-1901; Laws 1969, c. 170, § 1, p. 747; Laws 1982, LB 127, § 2; Laws 1986, LB 512, § 1; Laws 1990, LB 821, § 14; Laws 1994, LB 76, § 543; Laws 1997, LB 622, § 58; [Laws 2015, LB138, § 1](#); [Laws 2017, LB200, § 1](#); [Laws 2022, LB791, § 1](#).

Cross References: **Engineers and Architects Regulation Act**, see section [81-3401](#); **Land Surveyors Regulation Act**, see section [81-8,108.01](#).

23-1901.01. County surveyor; residency; appointment; when; qualifications; term.

(1) A person need not be a resident of the county when he or she files for election as county surveyor, but if elected as county surveyor, such person shall reside in a county for which he or she holds office.

(2) In a county having a population of less than one hundred fifty thousand inhabitants in which the voters have voted against the election of a county surveyor pursuant to section [32-525](#) or in which no county surveyor has been elected and qualified, the county board of such county shall appoint a competent registered land surveyor who is registered pursuant to the Land Surveyors Regulation Act either on a full-time or part-time basis to such office. In making such appointment, the county board shall negotiate a contract with the surveyor, such contract shall specify the responsibility of the appointee to

carry out the statutory duties of the office of county surveyor and shall specify the compensation of the surveyor for the performance of such duties, which compensation shall not be subject to section [33-116](#). A county surveyor appointed under this subsection shall serve the same term as that of an elected surveyor.

(3) A person appointed to the office of county surveyor in any county shall not be required to reside in the county of appointment.

Source: Laws 1951, c. 45, § 1, p. 161; Laws 1979, LB 115, § 1; Laws 1982, LB 127, § 3; Laws 1986, LB 812, § 7; Laws 1996, LB 1085, § 35; [Laws 2014, LB946, § 2](#); [Laws 2021, LB224, § 1](#).

Cross References: **Land Surveyors Regulation Act**, see section [81-8,108.01](#).

23-1901.02. County surveyor; deputy; appointment; oath; duties.

The county surveyor may appoint a deputy for whose acts he or she will be responsible. The surveyor may not appoint the county treasurer, sheriff, register of deeds, or clerk as deputy.

In counties having a population of one hundred thousand but less than one hundred fifty thousand, if the county surveyor is a professional engineer, he or she shall appoint as deputy a registered land surveyor or, if the county surveyor is a registered land surveyor, he or she shall appoint as deputy a professional engineer. This requirement shall not apply if the county surveyor is both a professional engineer and a registered land surveyor.

The appointment shall be in writing and revocable in writing by the surveyor. Both the appointment and revocation shall be filed and kept in the office of the county clerk.

The deputy shall take the same oath as the surveyor which shall be endorsed upon and filed with the certificate of appointment. The surveyor may require a bond of the deputy.

In the absence or disability of the surveyor, the deputy shall perform the duties of the surveyor pertaining to the office, but when the surveyor is required to act in conjunction with or in place of another officer, the deputy cannot act in the surveyor's place.

Source: Laws 1990, LB 821, § 15; [Laws 2017, LB200, § 2](#); [Laws 2022, LB791, § 2](#).

23-3104. Terms, defined.

As used in the County Purchasing Act, unless the context otherwise requires:

(1) Mobile equipment means all vehicles propelled by any power other than muscular, including, but not limited to, motor vehicles, off-road designed vehicles, motorcycles, passenger cars, self-propelled mobile homes, truck-tractors, trucks, cabin trailers, semitrailers, trailers, utility trailers, and road and general-purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditchdigging apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, and crawler tractors;

(2) Personal property includes, but is not limited to, supplies, materials, mobile equipment, and equipment used by or furnished to any county officer, office, department, institution, board, or other agency of the county government. Personal property does not include election ballots;

(3) Services means any and all services except telephone, telegraph, postal, and electric light and power service, other similar services, and election contractual services; and

(4) Purchasing or purchase means the obtaining of personal property or services by sale, lease, or other contractual means. Purchase also includes contracting with sheltered workshops for products or services as provided in Chapter 48, article 15. Purchasing or purchase does not include any purchase or lease of personal property or services by a facility established under section [23-3501](#) or by or on behalf of a county coroner.

Source: Laws 1943, c. 57, § 5, p. 228; R.S.1943, § 23-324.03; R.S.1943, (1983), § 23-324.03; Laws 1985, LB 393, § 4; Laws 1988, LB 602, § 1; Laws 1988, LB 828, § 5; [Laws 2003, LB 41, § 1](#); [Laws 2011, LB628, § 1](#); [Laws 2012, LB995, § 1](#); [Laws 2017, LB458, § 1](#).

23-3106. Purchasing agent or county board; powers; election supplies.

The purchasing agent, under the supervision of the county board, or the county board, if there is no purchasing agent, shall purchase all personal property and services required by any office, officer, department, or agency of the county government in the county, subject to the County Purchasing Act. The purchasing agent or the county board, if there is no purchasing agent, shall draw up and enforce standard specifications which shall apply to all personal property purchased for the use of the county government, shall have charge of all central storerooms operated or established by the county board, and shall transfer personal property to or between the several county offices, officers, and departments. All purchases of election ballots and election contractual services shall be made by the election commissioner or by the county clerk in counties without an election commissioner.

Source: Laws 1943, c. 57, § 4, p. 228; R.S.1943, § 23-324.02; R.S.1943, (1983), § 23-324.02; Laws 1985, LB 393, § 6; Laws 1988, LB 602, § 3; Laws 1988, LB 828, § 6.

23-3201. County assessor; elected; when; duties; county assessor, defined; additional salary for county clerk.

Except as provided in section [22-417](#),

(1) each county having a population of more than three thousand five hundred inhabitants and having more than one thousand two hundred tax returns in any tax year shall have an elected county assessor and

(2) each other county shall have an elected county assessor or shall have the county clerk serve as county assessor as determined by the registered voters of the county in accordance with section [32-519](#).

The county assessor shall work full time and his or her office shall be separate from that of the county clerk except in counties which do not elect a full-time assessor.

For purposes of sections [23-3201](#) to [23-3210](#), county assessor shall mean a county assessor or a county clerk who is the ex officio county assessor. For the performance of the duties as county assessor, the county clerk shall receive such additional salary as may be fixed by the county board.

Source: Laws 1959, c. 85, § 1, p. 391; Laws 1961, c. 146, § 7, p. 428; R.S.1943, (1988), § 32-310.01; Laws 1990, LB 821, § 16; Laws 1992, LB 1063, § 19; Laws 1992, Second Spec. Sess., LB 1, § 19; Laws 1994, LB 76, § 544; Laws 1996, LB 1085, § 36.

Cross References: **Assessment duties**, performance by Property Tax Administrator, see section [77-1340](#).

23-3202. County assessor or deputy; county assessor certificate; required; exception.

No person shall be eligible to file for, be appointed to, or hold the office of county assessor or serve as deputy assessor in any county of this state unless he or she holds a county assessor certificate issued pursuant to section [77-422](#).

Source: Laws 1969, c. 623, § 3, p. 2521; Laws 1983, LB 245, § 2; R.S.1943, (1986), § 77-423; Laws 1990, LB 821, § 17; [Laws 1999, LB 194, § 3](#); [Laws 2000, LB 968, § 14](#); [Laws 2006, LB 808, § 22](#); [Laws 2009, LB121, § 3](#).

23-3203. County clerk acting as ex officio county assessor; county assessor certificate; required.

No person shall be eligible to file for, assume, or be appointed to the office of county clerk acting as ex officio county assessor unless he or she holds a county assessor certificate issued pursuant to section [77-422](#).

Source: Laws 1969, c. 622, § 13, p. 2517; R.S.1943, (1981), § 77-1337; Laws 1986, LB 817, § 10; Laws 1987, LB 508, § 13; R.S.Supp.,1988, § 77-429; Laws 1990, LB 821, § 18.

23-3204. County assessor; residence requirements.

A county assessor need not be a resident of the county when he or she files for election as county assessor, but a county assessor shall reside in a county for which he or she holds office.

Source: Laws 1969, c. 623, § 6, p. 2522; R.S.1943, (1986), § 77-426; Laws 1990, LB 821, § 19; Laws 1996, LB 1085, § 37.

23-3205. County assessor; oath; bond.

The county assessor, before entering upon the duties of the office, shall take and subscribe an oath to perform well, faithfully, and impartially such duties and shall execute a bond as required by Chapter 11, article 1.

Source: Laws 1903, c. 73, § 21, p. 393; R.S.1913, § 6307; Laws 1921, c. 133, art. IV, § 1, p. 551; C.S.1929, § 77-401; R.S.1943, § 77-401; Laws 1969, c. 52, § 2, p. 352; Laws 1987, LB 508, § 7; R.S.Supp.,1988, § 77-401; Laws 1990, LB 821, § 20.

Cross References: For form of oath, see section [11-101](#); For other provisions relating to bond, see Chapter 11, article 1.

23-3312. County superintendent; elimination of office; county clerk; duties.

The office of county superintendent of schools shall be eliminated on June 30, 2000. The records of the office of county superintendent of schools shall be transferred to and maintained by the county clerk in each county.

Source: Laws 1997, LB 806, § 63; [Laws 1999, LB 272, § 14](#).

23-3401. Public defender in certain counties; election; qualifications; prohibited practices; residency.

(1) There is hereby created the office of public defender in counties that have or that attain a population in excess of one hundred thousand inhabitants and in other counties upon approval by the county board. The public defender shall be elected as provided in the Election Act.

(2) The public defender shall be a lawyer licensed to practice law in this state. He or she shall take office after election and qualification at the same time that other county officers take office, except that upon the creation of such office in any county, a qualified person may be appointed by the county board to serve as public defender until such office can be filled by an election in accordance with section [32-523](#).

(3) In counties having a population of more than one hundred seventy thousand inhabitants, the public defender shall devote his or her full time to the legal work of the office of the public defender and shall not engage in the private practice of law. All assistant public defenders in such counties shall devote their full time to the legal work of such office of the public defender and shall not engage in the private practice of law so long as each assistant public defender receives the same annual salary as each deputy county attorney of comparable ability and experience receives in such counties.

(4) No public defender or assistant public defender shall solicit or accept any fee for representing a criminal defendant in a prosecution in which the public defender or assistant is already acting as the defendant's court-appointed counsel.

(5) A public defender elected after November 1986 need not be a resident of the county when he or she files for election as public defender, but a public defender shall reside in a county for which he or she holds office, except that in counties with a population of one hundred thousand or less inhabitants, the public defender shall not be required to reside in the county in which he or she holds office.

Source: Laws 1915, c. 165, § 1, p. 336; Laws 1917, c. 150, § 1, p. 335; Laws 1919, c. 58, § 1, p. 162; C.S.1922, § 10105; C.S.1929, § 29-1803; Laws 1931, c. 65, § 6, p. 179; C.S.Supp.,1941, § 29-1803; Laws 1943, c. 90, § 15, p. 303; R.S.1943, § 29-1804; Laws 1947, c. 62, § 10, p. 203; Laws 1957, c. 107, § 7, p. 382; Laws 1961, c. 134, § 1, p. 387; Laws 1965, c. 151, § 4, p. 495; Laws 1967, c. 605, § 5, p. 2050; Laws 1967, c. 178, § 1, p. 495; Laws 1969, c. 238, § 1, p. 878; Laws 1972, LB 1463, § 1; Laws 1984, LB 189, § 1; Laws 1986, LB 812, § 8; Laws 1989, LB 627, § 1; R.S.1943, (1989), § 29-1804; Laws 1990, LB 822, § 1; Laws 1991, LB 343, § 1; Laws 1994, LB 76, § 546; Laws 1996, LB 1085, § 38.

23-3508. County board; bonds; purpose; terms; levy; limitation; procedure to exceed.

(1) The county board in counties in this state in which a facility has been established as provided in section [23-3501](#) may, by a majority vote of the board, issue and sell bonds of the county in such sums as the county board may deem advisable to defray the cost of improvements or additions thereto, equipment, and other property deemed necessary for operation of the facility.

(2) Such bonds shall

(a) be payable in not to exceed thirty years after the date of issuance,

(b) bear interest payable annually or semiannually, and

(c) contain an option to the county to pay all or any part thereof at any time after five years after the date of issuance.

When such bonds have been issued under this section or section [23-3501](#), the county board shall cause to be levied and collected annually a tax upon all of the taxable property of such county sufficient to pay the interest and principal of the bonds as the interest and principal become due and payable. If the county board deems it appropriate, the county board may submit to the electors of such county at a general or special election the question of whether to exceed the tax limitation set forth in [Article VIII, section 5](#), of the Constitution of Nebraska or any other applicable statutory levy limitation.

(3) Any taxes levied to pay bonds issued under this section or section [23-3501](#) shall be kept in a separate fund in the county treasury. Any such bonds shall not be deemed to be payable from the general fund of the county.

(4) This section shall not apply to any bond or other indebtedness authorized by the board of trustees pursuant to section [23-3504](#).

Source: Laws 1945, c. 44, § 8, p. 210; Laws 1949, c. 38, § 2, p. 131; Laws 1963, c. 114, § 8, p. 451; Laws 1967, c. 121, § 8, p. 390; Laws 1969, c. 157, § 1, p. 729; Laws 1969, c. 51, § 83, p. 327; Laws 1978, LB 560, § 1; Laws 1991, LB 798, § 2; R.S.Supp., 1991, § 23-343.07; [Laws 2012, LB995, § 6](#).

23-3532. Hospital districts; hearing; changes in boundary; submission to electors.

After completion of the hearing required by section [23-3531](#), the county board shall order such changes in the boundaries of such proposed district or of the areas into which such proposed district is to be divided as it deems proper, but no such change shall reduce the total taxable valuation of all taxable property within such proposed district below eight million six hundred thousand dollars. The county board shall also order that the question of the formation of such district, as set forth in the petition and any changes therein ordered by the board, shall be submitted to the electors of such proposed district at a special election to be held for that purpose and shall set a date when such election shall be held at the usual voting place within each precinct. The county board shall certify such question to the county clerk or election commissioner who shall give notice of such election in the manner provided by law for the conduct of special elections.

Source: Laws 1959, c. 83, § 4, p. 376; Laws 1979, LB 187, § 109; R.S.1943, (1987), § 23-343.23; Laws 1992, LB 719A, § 116.

23-3533. Hospital district; election; canvass of votes; resolution; district, body corporate; presumption.

The votes cast for and against the formation of such district shall be counted and canvassed in the manner provided by law and the results shall be certified to the county board. If the county board finds that a majority of the votes cast in the area of the proposed district favor the formation of such proposed district, it shall so declare by resolution entered on its records and forward a copy of such resolution to the county board of each county containing land embraced within such proposed district, and the district shall thereupon be fully organized. The district shall be a body corporate and politic and may sue and be sued in its own name. Every such hospital district shall, in all cases, be conclusively presumed to have been legally organized six months after such resolution has been adopted by the county board unless an action attacking the validity of such organization is brought within such time.

Source: Laws 1959, c. 83, § 5, p. 376; Laws 1961, c. 88, § 3, p. 309; Laws 1963, c. 115, § 2, p. 458; Laws 1965, c. 103, § 2, p. 426; Laws 1967, c. 122, § 1, p. 396; R.S.1943, (1987), § 23-343.24.

23-3534. Board of directors; members; election; terms; vacancies.

The elective officers of a local hospital district shall be a board of directors consisting of five members. The members of the first board shall be appointed by the county board and shall be so appointed that two members shall serve terms ending on the first Tuesday in June following the first statewide primary election following the initial appointment, and three shall serve terms ending on the first Tuesday in June following the second statewide primary election following the initial appointment.

Members shall be elected as provided in section [32-550](#). All registered voters of this state who reside within the hospital district on or before the day of the election shall be entitled to vote in such hospital district election.

Any vacancy upon such board occurring other than by the expiration of a term shall be filled by appointment by the remaining members of the board of directors. Any person appointed to fill such vacancy shall serve for the remainder of the unexpired term. If there are vacancies in the offices of a majority of the members of the board, there shall be a special election conducted by the Secretary of State to fill such vacancies.

Source: Laws 1959, c. 83, § 6, p. 376; Laws 1963, c. 115, § 3, p. 458; Laws 1972, LB 661, § 15; Laws 1972, LB 1168, § 2; Laws 1973, LB 552, § 5; Laws 1989, LB 640, § 1; R.S.Supp., 1990, § 23-343.25; Laws 1994, LB 76, § 547.

23-3573. Hospital districts; merger; petition; election.

Any two or more hospital districts may merge into one district if a petition for merger is presented to the county board in the county which will include the greater portion of the proposed district by population and such merger is approved by a majority of the voters in the existing districts at an election as provided in section [23-3575](#). A petition for merger shall be sufficient if for each district affected by the proposed merger it has been either signed by a majority of the board of directors of each district or signed by the legal voters in each district equal to at least ten percent of the number of votes cast in such district for the Governor at the last general election. The petition shall be filed at least sixty days prior to any election.

Source: Laws 1978, LB 560, § 4; R.S.1943, (1987), § 23-343.123.

23-3574. Hospital districts; petition for merger; plan; contents.

The petition for merger shall include a plan for the proposed merger which plan shall contain:

- (1) A description of the proposed boundaries of the merged district;
- (2) A summary statement of the reasons for the proposed merger;
- (3) The amount of the outstanding bonded indebtedness of each district and the manner in which such outstanding bonded indebtedness is proposed to be allocated if the merger is approved;
- (4) The amount of outstanding indebtedness other than the bonded indebtedness of each district;
- (5) The name of the proposed district; and
- (6) Such other matters as the petitioner shall determine proper to be included.

Source: Laws 1978, LB 560, § 5; R.S.1943, (1987), § 23-343.124.

23-3575. Hospital districts; merger; election; procedure.

After determining the sufficiency of the petition presented under section [23-3573](#), the county board shall by resolution provide for the submission of the question of the merger of the districts at a general, primary, or special election. If a special election is called, the costs of such election shall be borne equally by the districts petitioning for the merger. If the question is submitted at a special election, the county clerk or election commissioner of each county having registered voters entitled to vote on the issue shall conduct the special election in such county and shall be responsible for designating the polling places and appointing the election officials, who need not be the regular election officials, and otherwise conducting the election within such county. The county board shall designate the form of ballot.

The county clerk or election commissioner for the county whose county board has received the petition and called the election shall be responsible for giving notice of the special election. Such notice shall be published at least twenty days prior to the election and shall be published, for each district, in a legal

newspaper of general circulation in such district. The notice of election shall state where ballots for early voting may be obtained pursuant to the Election Act.

In any such special election, the ballots shall be counted by the county clerks or election commissioners conducting the election and each such county clerk or election commissioner shall designate two disinterested persons to assist him or her with the counting of ballots. If the question is submitted at the statewide general election or primary election, the ballots shall be counted as provided in the Election Act. When all of the ballots have been counted in each county, the returns of such election shall be canvassed by the county canvassing board.

All elections conducted pursuant to this section shall be conducted as provided under the Election Act except as otherwise specifically provided for in this section.

Source: Laws 1978, LB 560, § 6; Laws 1984, LB 920, § 33; R.S.1943, (1987), § 23-343.125; Laws 1994, LB 76, § 549; [Laws 2005, LB 98, § 3](#).

23-3576. Hospital districts; merger; voter approval; order.

If after canvassing the returns for each county the county board determines that the merger has been approved by a majority of the voters in each district, the county board shall enter an order for the merger of the districts.

Source: Laws 1978, LB 560, § 7; R.S.1943, (1987), § 23-343.126.

23-3577. Hospital districts; merger; new officers; board of directors; elected; term.

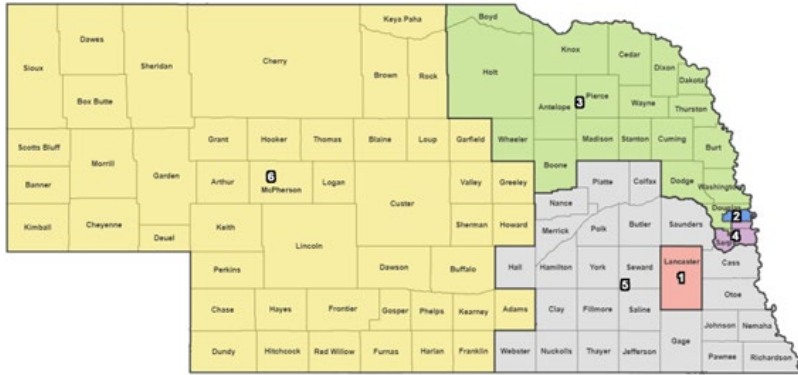
Immediately following the entry of the order of merger by the county board, the members of the board of directors of the former hospital districts which were merged by such order shall meet and elect from among themselves a chairperson, vice-chairperson, and secretary-treasurer. No more than two of such offices may be held by persons from one of such former hospital districts. The members of such boards shall adopt as rules for its proceeding the rules of one of such former districts with such changes and modifications as the members shall deem necessary. The members of the board of directors shall continue to serve as members of the board of directors of the merged district until the next statewide primary, at which time a board of directors, consisting of five members, shall be elected from the merged district for staggered terms of two for two years and three for four years in the manner prescribed for the election of an original board under section [23-3534](#).

Source: Laws 1978, LB 560, § 8; R.S.1943, (1987), § 23-343.127.

Chapter 24 – Courts (Judicial Retention)

24-201.02. Supreme Court judicial districts; numbers; boundaries; established by maps; Clerk of Legislature; Secretary of State; duties. (New)

(1) Based on the 2020 Census of Population by the United States Department of Commerce, Bureau of the Census, the State of Nebraska is hereby divided into six Supreme Court judicial districts. Each district shall be entitled to one Supreme Court judge.



(2) The numbers and boundaries of the districts are designated and established by maps identified and labeled as maps SUP21-39001, SUP21-39001-1, SUP21-39001-2, SUP21-39001-3, SUP21-39001-3A, SUP21-39001-4, SUP21-39001-5, and SUP21-39001-6, filed with the Clerk of the Legislature, and incorporated by reference as part of Laws 2021, LB6, One Hundred Seventh Legislature, First Special Session.

(3) (a) The Clerk of the Legislature shall transfer possession of the maps referred to in subsection (2) of this section to the Secretary of State on October 1, 2021.

(b) When questions of interpretation of district boundaries arise, the maps referred to in subsection (2) of this section in possession of the Secretary of State shall serve as the indication of the legislative intent in drawing the district boundaries.

(c) Each election commissioner or county clerk shall obtain copies of the maps referred to in subsection (2) of this section for the election commissioner's or clerk's county from the Secretary of State.

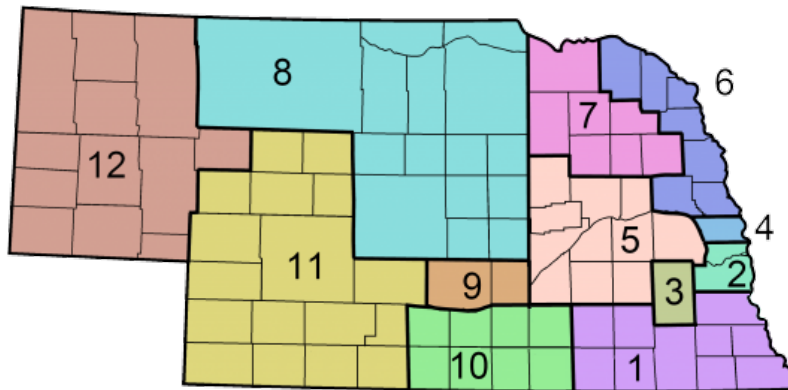
(d) The Secretary of State shall also have available for viewing on his or her website the maps referred to in subsection (2) of this section identifying the boundaries for the districts.

Source: [Laws 1971, LB 545, § 1](#); Laws 1981, LB 552, § 1; R.S.1943, (1987), § 5-109; [Laws 1990, LB 822, § 9](#); Laws 1991, LB 616, § 1; [Laws 2001, LB 853, § 1](#); [Laws 2011, LB699, § 1](#); [Laws 2021, First Spec. Sess., LB6, § 1](#).

Cross References: Constitutional provisions, see [Article V, section 5](#), Constitution of Nebraska.

24-301.02. District court judicial districts; described; number of judges.

The State of Nebraska shall be divided into the following twelve district court judicial districts:



District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, Richardson, and Otoe;

District No. 2 shall contain the counties of Sarpy and Cass;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Phelps, Kearney, Harlan, Franklin, Webster, Clay, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

In the fourth district there shall be eighteen judges of the district court. In the third district there shall be eight judges of the district court. In the second, fifth, ninth, eleventh, and twelfth districts there shall be four judges of the district court. In the first and sixth districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.

Source: Laws 1911, c. 5, § 1, p. 70; Laws 1913, c. 203, § 1, p. 623; R.S.1913, § 217; Laws 1915, c. 12, § 1, p. 64; Laws 1917, c. 3, § 1, p. 55; Laws 1919, c. 114, § 1, p. 278; Laws 1921, c. 146, § 1, p. 620;

C.S.1922, § 199; Laws 1923, c. 119, § 1, p. 283; C.S.1929, § 5-103; R.S.1943, § 5-105; Laws 1961, c. 11, § 1, p. 99; Laws 1963, c. 24, § 1, p. 125; Laws 1965, c. 23, § 1, p. 186; Laws 1965, c. 24, § 1, p. 189; Laws 1969, c. 27, § 1, p. 229; Laws 1972, LB 1301, § 1; Laws 1975, LB 1, § 1; Laws 1980, LB 618, § 1; Laws 1983, LB 121, § 1; Laws 1985, LB 287, § 1; Laws 1986, LB 516, § 1; R.S.1943, (1987), § 5-105; Laws 1990, LB 822, § 10; Laws 1991, LB 181, § 1; Laws 1992, LB 1059, § 3; Laws 1993, LB 306, § 1; Laws 1995, LB 19, § 1; Laws 1995, LB 189, § 2; Laws 1998, LB 404, § 1; [Laws 2001, LB 92, § 1](#); [Laws 2004, LB 1207, § 1](#); [Laws 2007, LB377, § 2](#); [Laws 2009, LB35, § 4](#); [Laws 2018, LB697, § 1](#); [Laws 2019, LB309, § 1](#); [Laws 2022, LB922, § 1](#).

Cross References: Constitutional provisions, see [Article V, sections 10](#) and [11](#), Constitution of Nebraska.

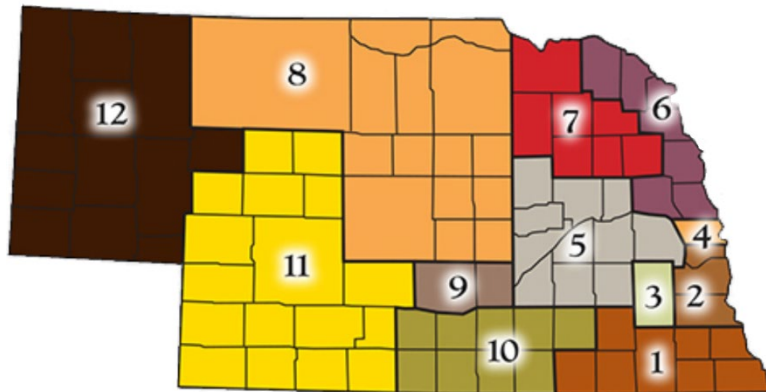
24-337.04. Clerk of district court; residency.

A clerk of the district court elected after 2008 need not be a resident of the county when he or she files for election as clerk of the district court, but a clerk of the district court shall reside in a county for which he or she holds office.

Source: [Laws 2009, LB7, § 1](#).

24-503. County judge districts; created; number of judges; ~~membership.~~ (2023 Update)

For the purpose of serving the county courts in each county, twelve county judge districts are hereby created:



District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Fillmore, Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

District 4 shall have twelve county judges. District 3 shall have seven county judges. Districts 5, 9, 11, and 12 shall have five county judges. Districts 2 and 6, ~~and 9~~ shall have four county judges. Districts 1, 7, 8, and 10 shall have three county judges.

Judge of the county court shall include any person appointed to the office of county judge or municipal judge prior to July 1, 1985, pursuant to Article V, section 21, of the Constitution of Nebraska.

Any person serving as a municipal judge in district 3 or 4 immediately prior to July 1, 1985, shall be a judge of the county court and shall be empowered to hear only those cases as provided in section [24-517](#) which the presiding judge of the county court for such district, with the concurrence of the Supreme Court, shall direct.

Source: Laws 1972, LB 1032, § 3; Laws 1974, LB 785, § 1; Laws 1980, LB 618, § 2; Laws 1984, LB 13, § 7; Laws 1985, LB 287, § 2; Laws 1986, LB 516, § 3; Laws 1987, LB 509, § 1; Laws 1990, LB 822, § 13; Laws 1991, LB 181, § 2; Laws 1992, LB 1059, § 4; Laws 1993, LB 306, § 2; Laws 1998, LB 404, § 2; [Laws 2007, LB377, § 3](#); [Laws 2012, LB790, § 1](#); ~~Laws 2023, LB799, § 5.~~

Operative Date: September 2, 2023

24-813. Judicial officeholders; subject to sections.

All judicial officeholders who are subject to the terms and provisions of [Article V, section 21](#), of the Constitution of Nebraska, as provided by the Constitution of Nebraska or by law, shall be subject to the terms and provisions of sections [24-813](#) to [24-818](#).

Source: Laws 1963, c. 125, § 1, p. 477.

24-814. Judicial officeholder; continuance in office; request in writing to be retained.

Any judicial officeholder, subject to the terms of sections [24-813](#) to [24-818](#), who desires to continue in office for an additional term, shall indicate his desire in this respect in writing filed with the Secretary of State, on or before August 1 immediately preceding the expiration of his term in office, and shall request in writing that the Secretary of State submit to the electorate of the appropriate district or area, the question of his right to be retained in office for an additional term.

Source: Laws 1963, c. 125, § 2, p. 477.

24-815. Judicial officeholder; request to be retained; Secretary of State; submit to electorate; form of ballot.

Upon receipt of such information and request within the time provided in section [24-814](#), the Secretary of State shall cause the question of said judicial officeholder's right to continue in office for an additional term to be submitted to the appropriate electorate at the next general election, on the nonpolitical ballot. Said question shall be submitted in substance as follows:

"Shall Judge be retained in office? Yes No".

Source: Laws 1963, c. 125, § 3, p. 478.

24-816. Judicial officeholder; retention election; how conducted.

Said election shall be conducted in the manner and form provided for elections generally with respect to the nonpolitical ballot and the results of said election shall be certified in like manner.

Source: Laws 1963, c. 125, § 4, p. 478.

24-817. Judicial officeholder; retention election; determination by vote of electorate.

If the majority of the electors voting with regard to said question at said election vote in the affirmative, said judge shall be retained in office for an additional term. If the majority of the voters voting on said question at said election vote in the negative, a vacancy in said office shall occur at the end of the term of office of said judge.

Source: Laws 1963, c. 125, § 5, p. 478.

24-818. Judicial officeholder; request to be retained; failure to file; vacancy.

Unless the judicial officeholder, who is subject to sections [24-813](#) to [24-818](#), files with the Secretary of State within the time and in the manner provided in section [24-814](#) an indication of his desire to continue in office for an additional term, a vacancy in said office shall occur at the end of the term of office of said judge.

Source: Laws 1963, c. 125, § 6, p. 478.

24-819. Judges; full term; commencement; end.

The full term of office of each judge shall commence:

(1) On the first Thursday after the first Tuesday in January next succeeding the election referred to in sections [24-813](#) to [24-818](#), or

(2) if appointed pursuant to Article V of the Constitution of Nebraska, on the date of his or her appointment, as the case may be.

For purposes of sections [24-817](#) and [24-818](#), the end of the term of office shall be the first Thursday after the first Tuesday in January next succeeding the retention election required by section [24-814](#).

Source: Laws 1969, c. 178, § 8, p. 768; [Laws 2009, LB343, § 1](#).

24-820. County judge; selection; retained in office; vacancy, how filled.

County judges shall be selected and retained in office in accordance with the provisions of [Article V, section 21](#), of the Constitution of Nebraska. Each judge shall

(1) be selected for a term of six years, and

(2) hold office until his successor is selected and qualified. Any vacancy in the office of county judge shall be filled in the same manner as vacancies are filled under the provisions of [Article V, section 21](#), of the Constitution.

Source: Laws 1974, LB 785, § 2.

Chapter 25 – Courts; Civil Procedure (Jury List)

25-1654. Combined list; master key list; how produced.

(1) Each December, the Department of Motor Vehicles shall make available to each jury commissioner a list in magnetic, optical, digital, or other electronic format mutually agreed to by the jury commissioner and the department containing the names, dates of birth, addresses, and motor vehicle operator license numbers or state identification card numbers of all licensed motor vehicle operators and state identification card holders nineteen years of age or older in the county. If a jury commissioner requests similar lists at other times from the department, the cost of processing such lists shall be paid by the county which the requesting jury commissioner serves. Upon request of the jury commissioner, the election commissioner or county clerk having charge of the election records shall furnish to the jury commissioner a complete list of the names, dates of birth, addresses, and motor vehicle operator license numbers or state identification card numbers of all registered voters nineteen years of age or older in the county.

(2) When required pursuant to subsection (3) of this section or when otherwise necessary or as directed by the judge or judges, the jury commissioner shall create a combined list by merging the separate lists described in subsection (1) of this section and reducing any duplication to the best of his or her ability.

(3) In counties having a population of seven thousand inhabitants or more, the jury commissioner shall produce a combined list at least once each calendar year. In counties having a population of three thousand inhabitants but less than seven thousand inhabitants, the jury commissioner shall produce a combined list at least once every two calendar years. In counties having a population of less than three thousand inhabitants, the jury commissioner shall produce a combined list at least once every five calendar years.

(4) The jury commissioner shall then create a master key list by selecting from the combined list the name of the person whose numerical order on such list corresponds with the key number and each successive tenth name thereafter. The jury commissioner shall certify that the master key list has been made in accordance with the Jury Selection Act.

(5) Any unintentional duplication of names on a combined list or master key list shall not be grounds for quashing any panel or jury list pursuant to section [25-1678](#) or for the disqualification of any juror.

Source: Laws 1915, c. 248, § 4, p. 569; C.S.1922, § 9098; C.S.1929, § 20-1628; R.S.1943, § 25-1628; Laws 1957, c. 88, § 1, p. 337; Laws 1971, LB 11, § 1; Laws 1985, LB 113, § 2; Laws 1988, LB 111, § 1; Laws 1989, LB 82, § 1; [Laws 2003, LB 19, § 5](#); [Laws 2005, LB 402, § 1](#); [Laws 2009, LB35, § 10](#); [Laws 2010, LB712, § 3](#); R.S.1943, (2016), § 25-1628; [Laws 2020, LB387, § 11](#).

Chapter 28 – Crimes and Punishments (Concealed Weapons at Polling Places)

28-1202.01. Carrying concealed handgun; Permitholder; locations; restrictions; posting of prohibition; violation; penalty; affirmative defense; applicability consumption of alcohol; prohibited. (2023 Update)

(1) Except as otherwise provided in this section, a person, other than a minor or a prohibited person, ~~(1)(a) A permitholder~~ may carry a concealed handgun anywhere in Nebraska, with or without a permit under the Concealed Handgun Permit Act.

(2) Except as provided in subsection (10) of this section, a person shall not carry a concealed handgun into or onto any place or premises where the person, persons, entity, or entities in control of the place or premises or employer in control of the place or premises has prohibited the carrying of concealed handguns into or onto the place or premises.

(3) Except as provided in subsection (10) of this section, a person shall not carry a concealed handgun into or onto ~~except~~ any: Police, sheriff, or Nebraska State Patrol station or office; detention facility, prison, or jail; courtroom or building which contains a courtroom; polling place during a bona fide election; meeting of the governing body of a county, public school district, municipality, or other political subdivision; meeting of the Legislature or a committee of the Legislature; financial institution; professional or semiprofessional athletic event; building, grounds, vehicle, or sponsored activity or athletic event of any public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in section [85-1603](#), a community college, or a public or private college, junior college, or university; place of worship; hospital, emergency room, or trauma center; political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; ~~a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permitholders from carrying concealed handguns into or onto the place or premises; or into or onto~~ any other place or premises where handguns are prohibited by state law.

(4) ~~(a) (b)~~ A financial institution may authorize its security personnel to carry concealed handguns in the financial institution while on duty so long as each member of the security personnel, as authorized, is not otherwise prohibited by state law from possessing or carrying a concealed handgun and is in compliance with sections 28-1202.02 to 28-1202.04.

~~(b) (c)~~ A place of worship may authorize its security personnel to carry concealed handguns on its property if:

(i) ~~Each so long as each~~ member of the security personnel, as authorized, is not otherwise prohibited by state law from possessing or carrying a concealed handgun and is in compliance with sections 28-1202.02 to 28-1202.04;

(ii) ~~Written the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act and written~~ notice is given to the congregation; and

(iii) ~~For leased property, if the property is leased,~~ the carrying of concealed handguns on the property does not violate the terms of any real property lease agreement between the place of worship and the lessor.

(5) ~~(2)~~ If a person, persons, entity, or entities in control of the ~~place or premises property~~ or an employer in control of the ~~place or premises property~~ prohibits ~~the a permitholder from carrying of a~~ concealed ~~handguns handgun~~ into or onto the place or premises and such place or premises are open to the public, a ~~person permitholder~~ does not violate this section unless the person, persons, entity, or entities in control of the ~~place or premises property~~ or employer in control of the ~~place or premises property~~ has posted conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or has made a request, directly or through an authorized representative or management personnel, that the ~~person permitholder~~ remove the concealed handgun from the place or premises.

~~(6) (3)~~ A ~~person~~ ~~permitholder~~ carrying a concealed handgun in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public, used by any location listed in ~~subsection (2) or (3) subdivision (1)(a)~~ of this section, does not violate this section if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, other than an autocycle, a hardened compartment securely attached to the motorcycle. This subsection does not apply to any parking area used by such location when the carrying of a concealed handgun into or onto such parking area is prohibited by federal law.

~~(7) (4)~~ An employer may prohibit employees or other persons ~~who are permitholders~~ from carrying concealed handguns in vehicles owned by the employer.

~~(8)~~ A violation of this section is a Class III misdemeanor for a first offense and a Class I misdemeanor for any second or subsequent offense.

~~(9) (a)~~ Except as provided in subdivision ~~(9)(b)~~ of this section, it is an affirmative defense to a violation of subsection (3) of this section that the defendant was engaged in any lawful business, calling, or employment at the time the defendant was carrying a concealed handgun and the circumstances in which the defendant was placed at the time were such as to justify a prudent person in carrying a concealed handgun for the defense of his or her person, property, or family.

~~(b)~~ The affirmative defense provided for in this subsection:

~~(i)~~ Does not prevent a prosecution for a violation of section 28-1204.04; and

~~(ii)~~ Is not available if the defendant refuses to remove the concealed handgun from the place or premises after a person in control of the place or premises has made a request, directly or through an authorized representative or management personnel, that the defendant remove the concealed handgun from the place or premises.

~~(10)~~ Subsections (2) and (3) of this section do not apply to a qualified law enforcement officer or qualified retired law enforcement officer carrying a concealed handgun pursuant to 18 U.S.C. 926B or 926C, respectively, as such sections existed on January 1, 2023.

~~(5)~~ A permitholder shall not carry a concealed handgun while he or she is consuming alcohol or while the permitholder has remaining in his or her blood, urine, or breath any previously consumed alcohol or any controlled substance as defined in section 28-401. A permitholder does not violate this subsection if the controlled substance in his or her blood, urine, or breath was lawfully obtained and was taken in therapeutically prescribed amounts.

Source: [Laws 2006, LB 454, § 15](#); [Laws 2007, LB97, § 1](#); [Laws 2009, LB430, § 12](#); [Laws 2018, LB909, § 120](#); R.S.1943, (2018), § 69-2441; [Laws 2023, LB77, § 9](#).

Effective Date: [September 2, 2023](#)

Cross References: [Concealed Handgun Permit Act, see section 69-2427](#); [Nebraska Liquor Control Act, see section 53-101](#).

Chapter 29 – Criminal Procedure (Felon Disqualification; Grand Jury by Petition)

29-112. Felon; disqualified as juror or officeholder; warrant of discharge; effect; right to vote.

Any person sentenced to be punished for any felony, when the sentence is not reversed or annulled, is incompetent to be a juror or to hold any office of honor, trust, or profit within this state, unless such person receives from the Board of Pardons of this state a warrant of discharge, in which case such person shall be restored to such civil rights and privileges as enumerated or limited by the Board of Pardons. The warrant of discharge shall not release such person from the costs of conviction unless otherwise ordered by the Board of Pardons.

Any person sentenced to be punished for any felony, when the sentence is not reversed or annulled, is not qualified to vote until two years after he or she has completed the sentence, including any parole term. The disqualification is automatically removed at such time.

Source: G.S.1873, c. 58, § 258, p. 783; R.S.1913, § 8912; Laws 1919, c. 56, § 1, p. 160; C.S.1922, § 9933; C.S.1929, § 29-112; R.S.1943, § 29-112; Laws 1951, c. 86, § 1, p. 249; Laws 1959, c. 117, § 1, p. 448; [Laws 2002, LB 1054, § 3](#); [Laws 2005, LB 53, § 1](#).

Cross References: Constitutional provisions: Board of Pardons, see [Article IV, section 13](#), Constitution of Nebraska; Disqualification from holding office, see [Article XV, sections 1 and 2](#), Constitution of Nebraska; Disqualification from voting, see [Article VI, section 2](#), Constitution of Nebraska; **Disqualification from voting**, see section [32-313](#); **Pardons and paroles**, see sections [29-2246](#) et seq., [83-188](#) et seq., and [83-1,126](#) et seq.

29-113. Felon of other states; disqualified as juror or officeholder; right to vote. (New)

Any person who has been convicted of a felony under the laws of any other state shall be deemed incompetent to be a juror or to hold any office of honor, trust, or profit within this state unless such person has been restored to civil rights under the laws of the state in which the felony was committed.

Any person who has been convicted of a felony under the laws of any other state is not qualified to vote until two years after such person has completed his or her sentence, including any parole term.

Source: G.S.1873, c. 58, § 259, p. 783; R.S.1913, § 8913; C.S.1922, § 9934; C.S.1929, § 29-113; R.S.1943, § 29-113; Laws 1951, c. 86, § 2, p. 249; Laws 1969, c. 236, § 1, p. 871; [Laws 1993, LB 31, § 4](#); [Laws 2002, LB 1054, § 5](#); [Laws 2005, LB 53, § 2](#).

29-1401.02. Grand jury by petition; procedure; failure to call; filing. (New)

The procedure for calling a grand jury by petition of the registered voters of the county shall be as follows:

- (1) The petitions shall be filed in the office of the clerk of the district court, comply with the requirements in section [29-1401](#), and be filed without a filing fee;
- (2) Upon receipt of such petitions, the clerk of the district court shall forthwith certify the petitions so filed to the county clerk or election commissioner in the county in which the signers of such petitions are registered to vote and shall request that the signatures on such petitions be validated according to the list of registered voters;
- (3) The county clerk or election commissioner shall, within thirty days after receipt of such petitions, determine the number of valid signatures appearing on such petitions and certify the findings along with the total vote cast for Governor at the most recent election for such office in such county to the presiding judge of the district court in which the petitions were filed;
- (4) The presiding judge of the district court shall, upon receipt of the certificate from the county clerk or election commissioner, examine the petitions and within fifteen days after the receipt thereof shall determine: (a) Whether the requisite number of valid signatures appear on such petitions; and (b) whether the formal requirements as to the form of the petition have been satisfied;
- (5) The determination of sufficiency of the petitions by the presiding judge shall be based solely upon the certification of valid signatures by the county clerk or election commissioner and upon the presiding judge's personal examination of the form of the petitions. No additional evidence shall be

considered by the presiding judge in making the determination of sufficiency and under no circumstances shall any petitioner be required to testify or otherwise present evidence relating to allegations contained in the petitions;

(6) Upon a determination that the requisite number of valid signatures appeared on the petitions and that the petitions otherwise were sufficient as to form, the presiding judge shall call a grand jury forthwith;

(7) If the presiding judge of the district court fails to make a determination as to the sufficiency of the petitions and fails to call a grand jury within fifteen days after the date of delivery of the petitions to the presiding judge, the clerk of the district court shall immediately call a grand jury pursuant to law, notwithstanding the fact that the presiding judge of the district court failed to determine sufficiency of the petitions and did not call the grand jury; and

(8) If the presiding judge or clerk of the district court fails to call a grand jury, the petitioners may file an immediate request with the Chief Justice of the Supreme Court, or in his or her absence, with any judge thereof, and request that the Chief Justice or judge review the petitions and certifications and call a grand jury. If the Chief Justice or judge of the Supreme Court determines sufficiency of the petitions according to law, the Chief Justice or judge shall order the clerk of the district court to call a grand jury.

Source: Laws 1969, c. 237, § 3, p. 876; [Laws 2002, LB 935, § 3](#).

29-2264. Probation; completion; conviction may be set aside; conditions; retroactive effect. (New)

(1) Whenever any person is placed on probation by a court and satisfactorily completes the conditions of his or her probation for the entire period or is discharged from probation prior to the termination of the period of probation, the sentencing court shall issue an order releasing the offender from probation. Such order in all felony cases shall provide notice that the person's voting rights are restored two years after completion of probation. The order shall include information on restoring other civil rights through the pardon process, including application to and hearing by the Board of Pardons.

(2) Whenever any person is convicted of an offense and is placed on probation by the court, is sentenced to a fine only, or is sentenced to community service, he or she may, after satisfactory fulfillment of the conditions of probation for the entire period or after discharge from probation prior to the termination of the period of probation and after payment of any fine and completion of any community service, petition the sentencing court to set aside the conviction.

(3) (a) Except as provided in subdivision (3)(b) of this section, whenever any person is convicted of an offense and is sentenced other than as provided in subsection (2) of this section, but is not sentenced to a term of imprisonment of more than one year, such person may, after completion of his or her sentence, petition the sentencing court to set aside the conviction.

(b) A petition under subdivision (3)(a) of this section shall be denied if filed:

(i) By any person with a criminal charge pending in any court in the United States or in any other country;

(ii) During any period in which the person is required to register under the Sex Offender Registration Act;

(iii) For any misdemeanor or felony motor vehicle offense under section [28-306](#) or the Nebraska Rules of the Road; or

(iv) Within two years after a denial of a petition to set aside a conviction under this subsection.

(4) In determining whether to set aside the conviction, the court shall consider:

(a) The behavior of the offender after sentencing;

(b) The likelihood that the offender will not engage in further criminal activity; and

(c) Any other information the court considers relevant.

(5) The court may grant the offender's petition and issue an order setting aside the conviction when in the opinion of the court the order will be in the best interest of the offender and consistent with the public welfare. The order shall:

(a) Nullify the conviction;

(b) Remove all civil disabilities and disqualifications imposed as a result of the conviction;

and

(c) Notify the offender that he or she should consult with an attorney regarding the effect of the order, if any, on the offender's ability to possess a firearm under state or federal law.

(6) The setting aside of a conviction in accordance with the Nebraska Probation Administration Act shall not:

- (a) Require the reinstatement of any office, employment, or position which was previously held and lost or forfeited as a result of the conviction;
- (b) Preclude proof of a plea of guilty whenever such plea is relevant to the determination of an issue involving the rights or liabilities of someone other than the offender;
- (c) Preclude proof of the conviction as evidence of the commission of the offense whenever the fact of its commission is relevant for the purpose of impeaching the offender as a witness, except that the order setting aside the conviction may be introduced in evidence;
- (d) Preclude use of the conviction for the purpose of determining sentence on any subsequent conviction of a criminal offense;
- (e) Preclude the proof of the conviction as evidence of the commission of the offense in the event an offender is charged with a subsequent offense and the penalty provided by law is increased if the prior conviction is proved;
- (f) Preclude the proof of the conviction to determine whether an offender is eligible to have a subsequent conviction set aside in accordance with the Nebraska Probation Administration Act;
- (g) Preclude use of the conviction as evidence of commission of the offense for purposes of determining whether an application filed or a license issued under sections [71-1901](#) to [71-1906.01](#), the Child Care Licensing Act, or the Children's Residential Facilities and Placing Licensure Act or a certificate issued under sections [79-806](#) to [79-815](#) should be denied, suspended, or revoked;
- (h) Preclude use of the conviction as evidence of serious misconduct or final conviction of or pleading guilty or nolo contendere to a felony or misdemeanor for purposes of determining whether an application filed or a certificate issued under sections [81-1401](#) to [81-1414.19](#) should be denied, suspended, or revoked;
- (i) Preclude proof of the conviction as evidence whenever the fact of the conviction is relevant to a determination of the registration period under section [29-4005](#);
- (j) Relieve a person who is convicted of an offense for which registration is required under the Sex Offender Registration Act of the duty to register and to comply with the terms of the act;
- (k) Preclude use of the conviction for purposes of section [28-1206](#);
- (l) Affect the right of a victim of a crime to prosecute or defend a civil action;
- (m) Affect the assessment or accumulation of points under section [60-4.182](#); or
- (n) Affect eligibility for, or obligations relating to, a commercial driver's license.

(7) For purposes of this section, offense means any violation of the criminal laws of this state or any political subdivision of this state including, but not limited to, any felony, misdemeanor, infraction, traffic infraction, violation of a city or village ordinance, or violation of a county resolution.

(8) Except as otherwise provided for the notice in subsection (1) of this section, changes made to this section by Laws 2005, LB 713, shall be retroactive in application and shall apply to all persons, otherwise eligible in accordance with the provisions of this section, whether convicted prior to, on, or subsequent to September 4, 2005.

(9) The changes made to this section by Laws 2018, LB146, and Laws 2020, LB881, shall apply to all persons otherwise eligible under this section, without regard to the date of the conviction sought to be set aside.

Source: [Laws 1971, LB 680, § 19](#); [Laws 1993, LB 564, § 1](#); [Laws 1994, LB 677, § 1](#); [Laws 1995, LB 401, § 1](#); [Laws 1997, LB 310, § 1](#); Laws 1998, Spec. Sess., LB 1, § 3; [Laws 2002, LB 1054, § 6](#); [Laws 2003, LB 685, § 2](#); [Laws 2004, LB 1005, § 3](#); [Laws 2005, LB 53, § 3](#); [Laws 2005, LB 713, § 3](#); [Laws 2009, LB285, § 2](#); [Laws 2012, LB817, § 2](#); [Laws 2013, LB265, § 30](#); [Laws 2018, LB146, § 1](#); [Laws 2020, LB881, § 24](#); [Laws 2021, LB51, § 3](#).

Cross References: **Child Care Licensing Act**, see section [71-1908](#); **Children's Residential Facilities and Placing Licensure Act**, see section [71-1924](#); **Nebraska Rules of the Road**, see section [60-601](#); **Sex Offender Registration Act**, see section [29-4001](#).

Chapter 39 – Highways & Bridges (Road Improvement Districts)

39-1601. Special improvement districts; petition for organization; dissolution; procedure; disposition of funds.

(1) Whenever a petition,

- (a) containing a definite description of the territory to be embraced,
- (b) designating the name of the proposed district, and
- (c) signed by ten percent of the landowners within the limits of a proposed road improvement district is presented and filed with the county board of the county in which the greater portion of the area of the proposed district is located, the county board of any such county shall cause the question to be submitted to the legal voters of such proposed road improvement district as provided in section [39-1605](#). If fifty-five percent of those voting on the question are in favor of the proposition, the district shall be organized. No lands included within any municipal corporation shall be included in any road improvement district.

(2) Any road improvement district can be dissolved, if there are no outstanding debts, by the board of trustees of any such district, on its own motion or on the request in writing of ten electors, submitting at a special election, after due notice by publication in the manner provided for in subsection (1) of section [39-1604](#), the question of dissolution of the road improvement district. The special election shall be conducted by mail as provided in sections [32-953](#) to [32-959](#). If fifty-one percent of the votes cast on the question at such election are in favor of such dissolution, the board of trustees shall cause a record of such election and the vote thereon to be made in the office of the county clerk in the county in which the election was held to create the district, and the district shall thereupon stand dissolved. An election shall not be required for the dissolution of the district if a petition requesting the district be dissolved, signed by fifty percent of the owners of property located within the district, is presented to the county board of the county. The county board shall determine the sufficiency of the petition and dissolve the district by an order of such board.

(3) In case a district is dissolved pursuant to this section, the funds on hand or to be collected shall be held by the county treasurer in a separate fund, and the trustees of the district shall petition the district court of the county in which the election to form the district was held, for an order approving the distribution of funds to the landowners or easement owners as a dividend on the same basis as collected.

Source: Laws 1957, c. 155, art. III, § 1, p. 523; [Laws 2007, LB248, § 1](#).

39-1602. Organization with temporary board of trustees; procedure; contracts of temporary board; duties of county board.

Whenever the petition mentioned in subsection (1) of section [39-1601](#) shall

- (1) be signed by twenty percent of the landowners within the proposed limits of any such district,
- (2) contain a list of five legal voters who are owners of property and reside in the proposed district,

- (3) contain a request that the county board appoint from this list a temporary board of three trustees, and

- (4) authorize the board to
 - (a) consult with and employ competent independent engineers as to the cost and feasibility of the construction of improvements,

- (b) consult with other firms or authorities on the feasibility of financing such improvements, and

- (c) enter into such contracts with attorneys and others which, in the judgment of the temporary board, are necessary in order to properly present the question of formation of the district to the voters therein, the county board shall give notice, by posting such notice in three conspicuous places in the district, that such a petition has been filed and that a temporary board will be appointed as requested. Such notice shall remain posted for ten days, contain the entire wording of the petition, and advise that if fifty percent of the property owners within the proposed district shall file written objections within ten days from the date the notice is first posted, objecting to the appointment of such a temporary board, no board shall be appointed; *Provided*, any such contract entered into by the temporary board shall be binding upon the board of trustees subsequently elected, in accordance with sections [39-1605](#) and [39-1606](#), but

shall not be binding on the county or counties wherein the district is located if the district is not created. On the date recommended by the temporary board of trustees, the county board of the county, where the petition was filed, shall call a special election as provided in section [39-1605](#).

Source: Laws 1957, c. 155, art. III, § 2, p. 525.

39-1605. Organization; special election; ballot form; first board of trustees.

After the determination by the county board, or a majority thereof, as provided by subsection (2) of section [39-1604](#), it shall call a special election and submit to the legal voters of the proposed road improvement district the question of the organization of such district and the election of a board of trustees who shall be resident taxpayers. Notice of such election shall be given as provided in subsection (1) of section [39-1604](#). At such election each legal voter resident within the proposed road improvement district shall have a right to cast a ballot with the words thereon, For road improvement district, or Against road improvement district. The special election shall be conducted by mail as provided in sections [32-953](#) to [32-959](#). The result of such election shall be entered of record. If fifty-five percent of the votes cast are in favor of the proposed district, such proposed district shall be deemed an organized road improvement district. At the same election there shall be elected three members of a board of trustees. Such members so elected shall be the first board of trustees of such district if the formation of the district is so approved at such election. Such board of trustees shall hold office until their successors are elected and qualified under the provisions of section [39-1606](#). It shall elect a president and clerk substantially as is provided for in sections [39-1606](#) and [39-1609](#).

Source: Laws 1957, c. 155, art. III, § 5, p. 526; [Laws 2007, LB248, § 2](#).

39-1606. Board of trustees; members; election; filing fee; term; compensation; district; name.

(1) Any resident property owner desiring to file for the office of trustee of a road improvement district may file for such office with the county clerk or election commissioner of the county in which the greater proportion in area of the district is located, not later than forty-five days before the election, by paying a filing fee of five dollars.

(2) (a) The term of office of every member of a board of trustees of a road improvement district existing on January 1, 2008, shall be extended to the first Monday in October following the expiration of the original term. Their successors shall be elected for terms of six years at elections held on the first Tuesday after the second Monday in September of odd-numbered years. The term of office shall begin on the first Monday in October after the election.

(b) The successors to the initial board of trustees of a road improvement district shall be elected on the first Tuesday after the second Monday in September of the first odd-numbered year which is at least fifteen months after the organization of the district pursuant to section [39-1605](#). One trustee shall be elected for a term of two years, one trustee for a term of four years, and one trustee for a term of six years, and thereafter their respective successors shall be elected for terms of six years at succeeding elections held on the first Tuesday after the second Monday in September of odd-numbered years. The term of office shall begin on the first Monday in October after the election.

(c) Elections under this subsection shall be conducted by mail as provided in sections [32-953](#) to [32-959](#).

(3) At the first meeting of the trustees of such district after the election of one or more members, the board shall elect one of their number president. Such district shall be a body corporate and politic by name of Road Improvement District No. of County or Counties, as the case may be, with power to sue, be sued, contract, acquire and hold property, and adopt a common seal. Each trustee shall receive as his or her salary the sum of five dollars for each meeting.

Source: Laws 1957, c. 155, art. III, § 6, p. 527; Laws 1994, LB 76, § 552; [Laws 2007, LB248, § 3](#).

39-1607. Trustees; failure to qualify; vacancy; how filled.

If any trustee fails to qualify within sixty days after receipt of the certificate of election, the office to which he or she was elected shall be declared vacant. Any vacancy in the board of trustees from any cause may be filled by the remaining trustees until the next election pursuant to section [39-1606](#). At such election a trustee shall be elected by the voters of the district for the balance of the unexpired term of such trustee, if any.

Source: Laws 1957, c. 155, art. III, § 7, p. 528; [Laws 2007, LB248, § 4](#).

Chapter 42 – Households & Families (Address Confidentiality Act)

42-1204. Substitute address; application to Secretary of State; approval; certification; renewal; prohibited acts; violation; penalty.

(1) An adult, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person as defined in section [30-2601](#) may apply to the Secretary of State to have an address designated by the Secretary of State serve as the substitute address of such adult, minor, or incapacitated person. The Secretary of State shall approve an application if it is filed in the manner and on the form prescribed by the Secretary of State and if it contains:

- (a) A sworn statement by the applicant that the applicant has good reason to believe
 - (i) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of abuse, sexual assault, kidnapping, stalking, or trafficking and
 - (ii) that the applicant fears for his or her safety, his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made;
- (b) A designation of the Secretary of State as agent for purposes of service of process and receipt of mail;
- (c) The mailing address and the telephone number or numbers where the applicant can be contacted by the Secretary of State;
- (d) The new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of abuse, sexual assault, kidnapping, stalking, or trafficking; and
- (e) The signature of the applicant and of any individual or representative of any office designated in writing under section [42-1209](#) who assisted in the preparation of the application and the date on which the applicant signed the application.

(2) Applications shall be filed in the office of the Secretary of State.

(3) Upon filing a properly completed application, the Secretary of State shall certify the applicant as a program participant. Such certification shall be valid for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The Secretary of State may by rule and regulation establish a renewal procedure.

(4) A person who falsely attests in an application that disclosure of the applicant's address would endanger the applicant, the applicant's children, or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application, is guilty of a Class II misdemeanor.

Source: [Laws 2003, LB 228, § 4](#); [Laws 2017, LB280, § 2](#); [Laws 2022, LB691, § 3](#).

42-1205. Certification; forfeiture or cancellation; when.

(1) If a program participant obtains a name change, he or she shall forfeit his or her certification as a program participant unless the program participant applies to the Secretary of State for recertification and provides documentation of the legal name change.

(2) The Secretary of State may cancel a program participant's certification if there is a change in the mailing address from the one listed on the application under section [42-1204](#), unless the program participant provides the Secretary of State with notice of the change of address in such manner as is provided by rules and regulations adopted and promulgated by the Secretary of State.

(3) The Secretary of State may cancel certification of a program participant if mail forwarded to the program participant's address is returned as undeliverable.

(4) The Secretary of State shall cancel certification of a program participant who applies using false information.

Source: [Laws 2003, LB 228, § 5](#).

42-1206. Address or substitute address; use; when.

(1) A program participant may request that state and local agencies use the address designated by the Secretary of State as the program participant's substitute address. When creating a new public record, a state or local agency which has a bona fide statutory, tax situs, or administrative requirement for

the participant's residence address may request that the participant verbally provide the agency with such residence address if the agency has the capability to use such address for such bona fide purpose without permanently entering it into the agency's records. If the agency does not have such capability, it shall accept the address designated by the Secretary of State as a program participant's substitute address, unless the Secretary of State determines that:

(a) The state or local agency has a bona fide statutory, tax situs, or administrative requirement for the use of the address which would otherwise be confidential under the Address Confidentiality Act; and

(b) The address will be used only for such bona fide statutory, tax situs, or administrative requirement.

(2) The Secretary of State shall forward all first-class mail to each program participant's substitute address.

Source: [Laws 2003, LB 228, § 6.](#)

42-1207. Early voting; authorized.

(1) A program participant who is otherwise qualified to vote may apply to vote early under sections [32-938](#) to [32-951](#). The county clerk or election commissioner shall transmit the ballot for early voting to the program participant at the address designated by the program participant in his or her application as an early voter. Neither the name nor the address of a program participant or a registered voter with a court order issued as described under section [32-331](#) shall be included in any list of registered voters available to the public.

(2) The county clerk or election commissioner shall not make a program participant's address contained in voter registration records available for public inspection or copying except under the following circumstances:

(a) If requested by a law enforcement agency, to the law enforcement agency; or

(b) If directed by a court order, to a person identified in the order.

Source: [Laws 2003, LB 228, § 7;](#) [Laws 2005, LB 98, § 33;](#) [Laws 2022, LB843, § 50.](#)

Chapter 43 – Infants & Juveniles (Separate Juvenile Court) (New)

43-2,114. Judge; nomination; appointment; retention; vacancy. (New)

All judges of separate juvenile courts shall be nominated, appointed, and retained in office in accordance with the provisions of Article V, section 21, of the Constitution of Nebraska. Each of such judges shall hold office until his or her successor is selected and qualified. Any vacancy in the office of judge of the separate juvenile courts shall be filled by nomination and appointment as provided by Article V, section 21, of the Constitution of Nebraska.

Source: Laws 1963, c. 244, § 1, p. 737; R.S.1943, (1978), § 43-230.01; Laws 1981, LB 346, § 71.

Cross References: **Judges**, retirement, discipline, and general powers, see Chapter 24, article 7.

43-2,115. Judge; retention in office; how determined. (New)

After May 6, 1963, the right of any judge of any separate juvenile court to continue in office for another term shall be determined by the electorate in the manner provided by Article V, section 21, of the Constitution of Nebraska and the laws of this state.

Source: Laws 1963, c. 244, § 3, p. 738; R.S.1943, (1978), § 43-230.03; Laws 1981, LB 346, § 72.

Cross References: **For provisions for retention in office**, see sections [24-813](#) to [24-818](#).

43-2,116. Judge; term of office. (New)

The term of office of judges of any separate juvenile court, who are approved by the electorate, shall be for six years beginning on the first Thursday after the first Tuesday in January following his or her approval by the electorate. Any judge of any separate juvenile court appointed to office after the expiration of the term of incumbent judges shall serve for three full years after his or her appointment and thereafter, if he or she desires to continue in office, shall cause his or her right to continue in office to be submitted to the electorate in the manner provided by law at the first general election held after he or she has served three full years as such judge, and the term of office for which he or she was appointed shall expire on the first Thursday after the first Tuesday of January following the general election at which his or her right to continue in office was subject to approval of the electorate.

Source: Laws 1963, c. 244, § 4, p. 738; R.S.1943, (1978), § 43-230.04; Laws 1981, LB 346, § 73.

Chapter 48 – Labor (Workers’ Compensation Court)

48-153. Judges; number; term; ~~qualifications~~; continuance in office; prohibition on holding other office or pursuing other occupation. (2023 Update)

~~(1) The Nebraska Workers’ Compensation Court shall consist of six seven judges. ~~Judges holding office on August 30, 1981, shall continue in office until expiration of their respective terms of office and thereafter for an additional term which shall expire on the first Thursday after the first Tuesday in January immediately following the first general election at which they are retained in office after August 30, 1981. Judge of the Nebraska Workers’ Compensation Court shall include any person appointed to the office of judge of the Nebraska Workmen’s Compensation Court prior to July 17, 1986, pursuant to Article V, section 21, of the Nebraska Constitution. Any person serving as a judge of the Nebraska Workmen’s Compensation Court immediately prior to July 17, 1986, shall be a judge of the Nebraska Workers’ Compensation Court.~~~~

(2) The right of judges of the compensation court to continue in office shall be determined in the manner provided in sections [24-813](#) to [24-818](#), and the terms of office thereafter shall be for six years beginning on the first Thursday after the first Tuesday in January immediately following their retention at such election.

(3) In case of a vacancy occurring in the Nebraska Workers’ Compensation Court, the same shall be filled in accordance with the provisions of [Article V, section 21](#), of the Nebraska Constitution and the right of any judge so appointed to continue in office shall be determined in the manner provided in sections [24-813](#) to [24-818](#). All such judges shall hold office until their successors are appointed and qualified, or until death, voluntary resignation, or removal for cause.

(4) No judge of the compensation court shall, during his or her tenure in office as judge, hold any other office or position of profit, pursue any other business or avocation inconsistent or which interferes with his or her duties as such judge, or serve on or under any committee of any political party.

Source: Laws 1935, c. 57, § 2, p. 188; C.S.Supp., 1941, § 48-163; R.S. 1943, § 48-153; Laws 1945, c. 113, § 1, p. 363; Laws 1963, c. 288, § 1, p. 865; Laws 1965, c. 280, § 2, p. 806; Laws 1967, c. 292, § 2, p. 798; Laws 1975, LB 187, § 10; Laws 1978, LB 649, § 4; Laws 1979, LB 237, § 5; Laws 1981, LB 111, § 4; Laws 1983, LB 18, § 3; Laws 1986, LB 811, § 81; Laws 1988, LB 868, § 2; [Laws 2011, LB151, § 3](#); [Laws 2023, LB799, § 8](#).

Operative Date: June 1, 2023

48-153.01. Nebraska Workers’ Compensation Court judge; eligibility.

No person shall be eligible for the office of judge of the Nebraska Workers’ Compensation Court unless he or she:

- (1) Is at least thirty years of age;
- (2) Is a citizen of the United States;
- (3) Has been engaged in the practice of law in the State of Nebraska for at least five years, which may include prior service as a judge;
- (4) Is currently admitted to practice before the Nebraska Supreme Court; and
- (5) Is a resident of the State of Nebraska, and remains a resident of such state during the period of service.

This section shall not apply to a person serving as a judge of the Nebraska Workmen’s Compensation Court on August 24, 1979, who continues to serve as a judge of the Nebraska Workmen’s Compensation Court after August 24, 1979, and prior to July 17, 1986, and who continues to serve as a judge of the Nebraska Workers’ Compensation Court on and after July 17, 1986.

Source: Laws 1979, LB 237, § 6; Laws 1986, LB 811, § 82.

Chapter 49 – Law (Constitutional Amendments; Statutes; Statements of Financial Interest)

49-201. Constitutional amendments; proposal by Legislature; resolution.

Amendments to the Constitution may be proposed by resolution of the Legislature, and if the same shall be voted for by three-fifths of the members thereof, in the manner provided by [Article XVI, section 1](#), of the Constitution, the amendment or amendments proposed shall be submitted to the electors of this state for approval or rejection in the manner hereinafter provided.

Source: Laws 1877, § 1, p. 114; R.S.1913, § 3698; C.S.1922, § 3086; Laws 1925, c. 112, § 1, p. 303; C.S.1929, § 49-201; R.S.1943, § 49-201.

49-202. Amendments proposed by Legislature; publication.

Such proposed amendment or amendments shall be published by the Secretary of State once each week for three weeks, in at least one newspaper to be designated by the Governor, in each county where a newspaper is published, immediately preceding the next election of members of the Legislature, with notice prefixed thereto that at such election such proposed amendment or amendments will be submitted to the electors of this state for approval or rejection.

Source: Laws 1877, § 2, p. 114; Laws 1895, c. 3, § 1, p. 67; Laws 1909, c. 2, § 1, p. 54; R.S.1913, § 3699; C.S.1922, § 3087; Laws 1925, c. 112, § 2, p. 303; C.S.1929, § 49-202; R.S.1943, § 49-202; Laws 1953, c. 170, § 1, p. 545.

Cross References: For required publication, see [Article XVI, section 1](#), Constitution of Nebraska.

49-202.01. Amendments proposed by Legislature; explanatory statement; requirements.

(1) When any proposal submitted by the Legislature is placed on the ballot for a vote of the electorate of the entire state, a statement in clear, concise language explaining the effect of a vote for and a vote against the proposal shall be printed immediately preceding the ballot title. Such statement shall be prepared by the Executive Board of the Legislative Council and submitted to the Secretary of State at least four months prior to the general election for certification to the election commissioners and county clerks along with the ballot titles. Such statement shall be printed in italics and shall be so worded as to not be intentionally an argument or likely to create prejudice either for or against the proposal. The statement shall also be published in italics preceding the ballot title on each proposal published pursuant to section [49-202](#).

(2) The four-month requirement prescribed in subsection (1) of this section shall not apply to any legislative proposal submitted to the electorate at a special election as provided in [Article XVI, section 1](#), of the Constitution of Nebraska.

Source: Laws 1994, LB 76, § 559.

49-203. Amendments proposed by Legislature; manner of submission.

At such election on the ballot of each elector voting shall be written or printed the words For proposed amendment to the Constitution, and Against proposed amendment to the Constitution, unless the Legislature in the resolution providing for the submission of a proposed amendment or amendments shall otherwise provide.

Source: Laws 1877, § 3, p. 114; R.S.1913, § 3700; C.S.1922, § 3088; Laws 1925, c. 112, § 3, p. 304; C.S.1929, § 49-203; R.S.1943, § 49-203.

49-204. Amendments proposed by Legislature; election; returns; canvass.

Public notice that the proposed amendment or amendments to the Constitution of Nebraska are to be voted upon shall be given as provided in the Constitution. The judges and clerks of election shall make return to the county clerk or election commissioner of their respective counties of

- (1) the number of electors voting at such election at which such amendments are voted upon,
- (2) the number of electors who voted for such amendment or amendments, and

(3) the number of electors who voted against such amendment or amendments.

The several county clerks or election commissioners in the different counties shall make return to the board of state canvassers provided for in section [32-1037](#) in the same manner and within the same time that they are required to make return of votes cast for officers described in such section. All such returns shall be directed to the Secretary of State and transmitted to him or her in a separate abstract from the abstract and return of votes cast for the officers named in such section.

The returns from the election officers shall be canvassed by the county canvassing board which canvasses the other election returns in the county. The county canvassing board shall determine, from the returns made by the judges and clerks of election, the number of electors voting at the election, the number of electors voting at such election for the amendment or amendments, and the number of electors who voted against the amendment or amendments. The county canvassing board shall enter its findings in the book in which the canvass of other election returns is made, and from the findings so made, the county clerk or election commissioner shall make the returns to the board of state canvassers as provided in this section.

Source: Laws 1877, § 4, p. 115; Laws 1895, c. 4, § 1, p. 69; Laws 1897, c. 5, § 1, p. 45; Laws 1907, c. 1, § 1, p. 49; R.S.1913, § 3701; C.S.1922, § 3089; C.S.1929, § 49-204; R.S.1943, § 49-204; Laws 1959, c. 232, § 1, p. 812; Laws 1973, LB 554, § 1; Laws 1994, LB 76, § 558.

49-205. Amendments proposed by Legislature; election; vote required for adoption; proclamation by Governor.

If a majority of the electors voting on any such amendment adopt the same, provided the votes cast in favor of such amendment shall not be less than thirty-five percent of the total votes cast at such election, the Governor, within ten days after the result is ascertained, shall make proclamation declaring the proposed amendment or amendments to be a part of the Constitution of the state.

Source: Laws 1877, § 5, p. 115; R.S.1913, § 3702; C.S.1922, § 3090; Laws 1925, c. 112, § 4, p. 304; C.S.1929, § 49-205; R.S.1943, § 49-205.

49-206. Amendments; how enrolled and numbered; duties of Secretary of State.

Whenever any amendments to the Constitution shall have been proposed to and adopted by the electors of this state, as provided in sections [49-201](#) to [49-205](#), the same shall be enrolled and numbered in the order of time in which they may be adopted, and preserved by the Secretary of State among the public records of his office.

Source: Laws 1877, § 6, p. 115; R.S.1913, § 3703; C.S.1922, § 3091; C.S.1929, § 49-206; R.S.1943, § 49-206.

49-207. Amendments; more than one submitted; order of submission; form of ballot; duty of Secretary of State.

Whenever at a session of the Legislature more than one amendment to the Constitution or proposition is submitted to a vote of the people, it shall be the duty of the Secretary of State to provide the form of the ballots containing such propositions or proposed amendments, which are to be submitted to a vote of the people. The Secretary of State shall number the amendments consecutively in the order they are received from the Governor. If more than one amendment to the Constitution or proposition is received at the same time, they shall be submitted in the order they were approved by the Legislature.

Source: Laws 1895, c. 5, § 1, p. 69; R.S.1913, § 3704; C.S.1922, § 3092; C.S.1929, § 49-207; R.S.1943, § 49-207; Laws 1955, c. 191, § 1, p. 552.

49-208. Amendments; official and sample ballots; printing.

The ballots shall be printed, both official and sample, in conformity with the provisions of the Election Act regulating ballots at a general election.

Source: Laws 1895, c. 5, § 2, p. 70; R.S.1913, § 3705; C.S.1922, § 3093; C.S.1929, § 49-208; R.S.1943, § 49-208; Laws 1953, c. 171, § 1, p. 546; Laws 1972, LB 661, § 77; Laws 1994, LB 76, § 560.

49-209. Amendments; form of ballots; when transmitted.

The form of the ballots prepared in conformity with sections [49-202.01](#), [49-207](#), and [49-208](#) shall be transmitted to the county clerks and election commissioners of the several counties of this state at least fifty days before the election at which such proposition or amendments are to be voted upon.

Source: Laws 1895, c. 5, § 3, p. 70; R.S.1913, § 3706; C.S.1922, § 3094; C.S.1929, § 49-209; R.S.1943, § 49-209; Laws 1961, c. 242, § 1, p. 722; Laws 1973, LB 554, § 2; Laws 1994, LB 76, § 561; Laws 1997, LB 764, § 109.

49-210. Amendments; election; duties of county clerk or election commissioner.

The county clerk or election commissioner of each county shall see that the list of voters book and the official summary of votes cast furnished each voting precinct are suitably printed and ruled so as to enable the election officers to make returns of the votes cast on the various propositions or amendments submitted and to enable the election officers to make full and complete returns of the facts required of them to be made to the county clerk or election commissioner.

Source: Laws 1895, c. 5, § 6, p. 71; Laws 1897, c. 5, § 1, p. 46; R.S.1913, § 3707; C.S.1922, § 3095; C.S.1929, § 49-210; R.S.1943, § 49-210; Laws 1973, LB 554, § 3; Laws 1994, LB 76, § 562.

49-211. Failure of election officers to make returns; penalty.

Should the officers of election of any election precinct refuse or fail to make return of the votes cast for and against any proposition or proposed amendment to the Constitution, they shall be guilty of a Class V misdemeanor.

Source: Laws 1895, c. 5, § 7, p. 71; R.S.1913, § 3708; C.S.1922, § 3096; C.S.1929, § 49-211; R.S.1943, § 49-211; Laws 1977, LB 40, § 305.

49-212. Constitutional convention; special election; delegates; number.

When the question of calling a constitutional convention to revise, amend, or change the Constitution of Nebraska is submitted to the electors of the state, and a majority of the electors voting for or against the same vote for a convention, the Legislature shall at its next session provide by law for calling the same and for holding a special election on the first Tuesday after the first Monday in November in the year following the year the electors voted to call a constitutional convention. At such special election, the electors of each legislative district of the state shall elect two delegates to such convention, hereinafter referred to as members of the constitutional convention, who shall have the qualifications of electors.

Source: Laws 1953, c. 173, § 1, p. 548.

49-213. Constitutional convention; proclamation; notice; how conducted; returns.

The election shall be proclaimed and notice thereof given by the same persons, and in the same manner, as in general elections, and the election shall in all respects be conducted, the returns thereof made, and the results certified as is provided by law in the election of members to the Legislature, except as otherwise provided by sections [49-212](#) to [49-234](#).

Source: Laws 1953, c. 173, § 2, p. 548.

49-801. Statutes; terms, defined.

Unless the context is shown to intend otherwise, words and phrases in the statutes of Nebraska hereafter enacted are used in the following sense:

- (1) Acquire when used in connection with a grant of power or property right to any person shall include the purchase, grant, gift, devise, bequest, and obtaining by eminent domain;
- (2) Action shall include any proceeding in any court of this state;
- (3) Attorney shall mean attorney at law;
- (4) Company shall include any corporation, partnership, limited liability company, joint-stock company, joint venture, or association;

- (5) Domestic when applied to corporations shall mean all those created by authority of this state;
- (6) Federal shall refer to the United States;
- (7) Foreign when applied to corporations shall include all those created by authority other than that of this state;
- (8) Grantee shall include every person to whom any estate or interest passes in or by any conveyance;
- (9) Grantor shall include every person from or by whom any estate or interest passes in or by any conveyance;
- (10) Inhabitant shall be construed to mean a resident in the particular locality in reference to which that word is used;
- (11) Land or real estate shall include lands, tenements, and hereditaments and all rights thereto and interest therein other than a chattel interest;
- (12) Magistrate shall include judge of the county court and clerk magistrate;
- (13) Month shall mean calendar month;
- (14) Oath shall include affirmation in all cases in which an affirmation may be substituted for an oath;
- (15) Peace officer shall include sheriffs, coroners, jailers, marshals, police officers, state highway patrol officers, members of the National Guard on active service by direction of the Governor during periods of emergency, and all other persons with similar authority to make arrests;
- (16) Person shall include bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, limited liability companies, joint-stock companies, and associations;
- (17) Personal estate shall include money, goods, chattels, claims, and evidences of debt;
- (18) Process shall mean a summons, subpoena, or notice to appear issued out of a court in the course of judicial proceedings;
- (19) Service animal shall have the same meaning as in 28 C.F.R. 36.104, as such regulation existed on January 1, 2008;
- (20) State when applied to different states of the United States shall be construed to extend to and include the District of Columbia and the several territories organized by Congress;
- (21) Sworn shall include affirmed in all cases in which an affirmation may be substituted for an oath;
- (22) The United States shall include territories, outlying possessions, and the District of Columbia;
- (23) Violate shall include failure to comply with;
- (24) Writ shall signify an order or citation in writing issued in the name of the state out of a court or by a judicial officer; and
- (25) Year shall mean calendar year.

Source: Laws 1947, c. 182, § 1, p. 601; Laws 1967, c. 175, § 2, p. 490; Laws 1972, LB 1032, § 255; Laws 1975, LB 481, § 30; Laws 1984, LB 13, § 83; Laws 1988, LB 1030, § 43; Laws 1993, LB 121, § 303; [Laws 2008, LB806, § 12.](#)

49-802. Statutes; general rules of construction.

Unless such construction would be inconsistent with the manifest intent of the Legislature, rules for construction of the statutes of Nebraska hereafter enacted shall be as follows:

- (1) When the word may appears, permissive or discretionary action is presumed. When the word shall appears, mandatory or ministerial action is presumed.
- (2) The present tense of any verb includes the future, when applicable.
- (3) The phrase shall have been includes past and future cases.
- (4) Gender when referring to masculine also includes feminine and neuter.
- (5) Words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- (6) Singular words may extend and be applied to several persons or things as well as to one person or thing.
- (7) Plural words may extend and be applied to one person or thing as well as to several persons or things.

(8) Title heads, chapter heads, section and subsection heads or titles, and explanatory notes and cross references, in the statutes of Nebraska, supplied in compilation, do not constitute any part of the law.

(9) Whenever, in the statute laws of this state, a reference is made to two or more sections and the section numbers given in the reference are connected by the word to, the reference includes both the sections whose numbers are given and all intervening sections.

(10) No law repealed by subsequent act of the Legislature is revived or affected by the repeal of such repealing act.

(11) The repeal of a curative or validating law does not impair or affect any cure or validation previously perfected thereunder.

The enumeration of the rules of construction set out in this section is not intended to be exclusive, but is intended to set forth the common situations which arise in the preparation of legislative bills where a general statement by the Legislature of its purpose may aid and assist in ascertaining the legislative intent.

Source: Laws 1947, c. 182, § 2, p. 603.

49-1493. Individuals required to file a statement of financial interests.

The individuals listed in subdivisions (1) through (13) of this section shall file with the commission a statement of financial interests as provided in sections [49-1496](#) and [49-1497](#) for the preceding calendar year on or before March 1 of each year in which such individual holds such a position. An individual who leaves office shall, within thirty days after leaving office, file a statement covering the period since the previous statement was filed. Disclosure of the interest named in sections [49-1496](#) to [49-1498](#) shall be made by:

(1) An individual holding a state executive office as provided in Article IV of the Constitution of Nebraska, including the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, Tax Commissioner, and heads of such other executive departments as set forth in the Constitution or as may be established by law;

(2) An individual holding the office of Commissioner of Education, member of the State Board of Education, member of the Board of Regents of the University of Nebraska with the exception of student members, or member of the Coordinating Commission for Postsecondary Education;

(3) A member of the Board of Parole;

(4) A member of the Public Service Commission;

(5) A member of the Legislature;

(6) A member of the board of directors or an officer of a district organized under the provisions of Chapter 70;

(7) A member of any board or commission of the state or any county which examines or licenses a business or which determines rates for or otherwise regulates a business;

(8) A member of a land-use planning commission, zoning commission, or authority of the state or any county with a population of more than one hundred thousand inhabitants;

(9) An elected official of a city of the primary or metropolitan class;

(10) An elected county official;

(11) A member of the Nebraska Environmental Trust Board;

(12) An individual employed at the University of Nebraska-Lincoln in the position of Head Football Coach, Men's Basketball Coach, or Women's Basketball Coach; and

(13) An official or employee of the state designated by rules and regulations of the commission who is responsible for taking or recommending official action of a nonministerial nature with regard to:

(a) Contracting or procurement;

(b) Administering or monitoring grants or subsidies;

(c) Land-use planning or zoning;

(d) Inspecting, licensing, regulating, or auditing any person; or

(e) Any similar action.

Source: Laws 1976, LB 987, § 93; Laws 1983, LB 214, § 2; Laws 1991, LB 663, § 35; [Laws 1999, LB 417, § 1](#); [Laws 2001, LB 242, § 9](#); [Laws 2002, LB 1003, § 35](#); [Laws 2016, LB400, § 1](#).

49-1494. Candidates for elective office; statement of financial interest; filing; time.

(1) An individual who files to appear on the ballot for election to an elective office specified in section [49-1493](#) shall file a statement of financial interests for the preceding calendar year with the commission as provided in this section.

(2) Candidates for the elective offices specified in section [49-1493](#) who qualify other than by filing shall file a statement for the preceding calendar year with the commission within five days after becoming a candidate or being appointed to that elective office.

(3) If the candidate for an elective office specified in section [49-1493](#) files to appear on the ballot for election during the calendar year in which the election is held, the candidate shall file a statement of financial interests for the preceding calendar year with the commission on or before March 1 of the year in which the election is held or, if the filing deadline for the elective office is after March 1 of the year in which the election is held, the candidate shall file such statement on or before the filing deadline for the elective office.

(4) A candidate for an elective office specified in section [49-1493](#) who fails to file a statement of financial interests as required in subsection (1) or (2) of this section within five days after the deadline in subsection (3) of this section and section [49-1493](#) shall not appear on the ballot.

(5) A statement of financial interests shall be preserved for a period of not less than five years by the commission.

Source: Laws 1976, LB 987, § 94; Laws 1983, LB 479, § 3; [Laws 2001, LB 242, § 10](#); [Laws 2005, LB 242, § 36](#); [Laws 2016, LB400, § 2](#); [Laws 2017, LB451, § 15](#); [Laws 2022, LB843, § 54](#).

49-1495. Individuals appointed to office; statement of financial interests; filing; time; where; public information.

An individual appointed to an office specified in section [49-1493](#) shall, before assuming duties, file a statement for the preceding calendar year with the commission. When confirmation is required, the individual shall file a statement of financial interests for the preceding calendar year with the commission prior to the confirmation hearing or prior to assuming his or her duties, whichever comes first.

Source: Laws 1976, LB 987, § 95; Laws 1989, LB 815, § 2; Laws 1990, LB 534, § 1; [Laws 2001, LB 242, § 11](#); [Laws 2003, LB 349, § 2](#).

49-14,142. Payment of civil penalty.

No person shall be appointed to any elective or appointive office specified in section [49-1493](#) until he or she has first paid any outstanding civil penalties and interest imposed pursuant to the Nebraska Political Accountability and Disclosure Act.

Source: [Laws 2017, LB85, § 4](#).

Chapter 50 – Legislature (Legislative Districts; Legislative Qualifications and Election Contests Act) (New)

50-1153. Legislative districts; division; population figures and maps; basis; numbers; boundaries; established by maps; Clerk of Legislature; Secretary of State; duties. (New)

(1) The State of Nebraska is hereby divided into forty-nine legislative districts. Each district shall be entitled to one member in the Legislature. The Legislature adopts the official population figures and maps from the 2020 Census Redistricting (Public Law 94-171) TIGER/Line Shapefiles published by the United States Department of Commerce, Bureau of the Census.

(2) The numbers and boundaries of the legislative districts are designated and established by maps identified and labeled as maps [LEG21-39006](#), [LEG21-39006-1](#), [LEG21-39006-2](#), [LEG21-39006-2A](#), [LEG21-39006-3](#), [LEG21-39006-4](#), [LEG21-39006-5](#), [LEG21-39006-6](#), [LEG21-39006-7](#), [LEG21-39006-8](#), [LEG21-39006-9](#), [LEG21-39006-10](#), [LEG21-39006-11](#), [LEG21-39006-12](#), [LEG21-39006-13](#), [LEG21-39006-14](#), [LEG21-39006-15](#), [LEG21-39006-15A](#), [LEG21-39006-16](#), [LEG21-39006-16A](#), [LEG21-39006-17](#), [LEG21-39006-18](#), [LEG21-39006-19](#), [LEG21-39006-19A](#), [LEG21-39006-20](#), [LEG21-39006-21](#), [LEG21-39006-22](#), [LEG21-39006-22A](#), [LEG21-39006-23](#), [LEG21-39006-24](#), [LEG21-39006-25](#), [LEG21-39006-26](#), [LEG21-39006-27](#), [LEG21-39006-28](#), [LEG21-39006-29](#), [LEG21-39006-30](#), [LEG21-39006-30A](#), [LEG21-39006-31](#), [LEG21-39006-32](#), [LEG21-39006-32A](#), [LEG21-39006-33](#), [LEG21-39006-33A](#), [LEG21-39006-34](#), [LEG21-39006-34A](#), [LEG21-39006-35](#), [LEG21-39006-36](#), [LEG21-39006-37](#), [LEG21-39006-38](#), [LEG21-39006-38A](#), [LEG21-39006-39](#), [LEG21-39006-40](#), [LEG21-39006-40A](#), [LEG21-39006-40B](#), [LEG21-39006-41](#), [LEG21-39006-41A](#), [LEG21-39006-41B](#), [LEG21-39006-42](#), [LEG21-39006-42A](#), [LEG21-39006-43](#), [LEG21-39006-44](#), [LEG21-39006-44A](#), [LEG21-39006-45](#), [LEG21-39006-46](#), [LEG21-39006-47](#), [LEG21-39006-48](#), and [LEG21-39006-49](#), filed with the Clerk of the Legislature, and incorporated by reference as part of Laws 2021, LB3, One Hundred Seventh Legislature, First Special Session.

(3) (a) The Clerk of the Legislature shall transfer possession of the maps referred to in subsection (2) of this section to the Secretary of State on October 1, 2021.

(b) When questions of interpretation of legislative district boundaries arise, the maps referred to in subsection (2) of this section in possession of the Secretary of State shall serve as the indication of the legislative intent in drawing the legislative district boundaries.

(c) Each election commissioner or county clerk shall obtain copies of the maps referred to in subsection (2) of this section for the election commissioner's or clerk's county from the Secretary of State.

(d) The Secretary of State shall also have available for viewing on his or her website the maps referred to in subsection (2) of this section identifying the boundaries for the legislative districts.

Source: Laws 1981, LB 406, § 1; R.S.1943, (1987), § 5-201; Laws 1991, LB 614, § 1; [Laws 1992, Second Spec. Sess., LB 7, § 1](#); [Laws 2001, LB 852, § 1](#); R.S.1943, (2010), § 50-1101; [Laws 2011, LB703, § 2](#); [Laws 2021, First Spec. Sess., LB3, § 1](#).

50-1154. Legislative districts; change; when operative. (New)

The changes made to this section and section [50-1153](#) by Laws 2021, LB3, One Hundred Seventh Legislature, First Special Session, shall become operative on October 1, 2021. The members of the Legislature from the even-numbered districts shall be nominated at the primary election in 2022 and elected at the general election in November 2022 for the term commencing January 4, 2023. The members of the Legislature elected or appointed prior to October 1, 2021, shall represent the newly established districts for the balance of their terms, with each member representing the same numbered district as prior to October 1, 2021.

Source: Laws 1981, LB 406, § 52; R.S.1943, (1987), § 5-252; Laws 1991, LB 614, § 52; Laws 1992, LB 946, § 1; [Laws 1992, Second Spec. Sess., LB 7, § 7](#); [Laws 1992, Second Spec. Sess., LB 15, § 3](#); [Laws 2001, LB 852, § 51](#); R.S.1943, (2010), § 50-1152; [Laws 2011, LB703, § 3](#); [Laws 2021, First Spec. Sess., LB3, § 2](#).

50-1501. Act, how cited. (New)

Sections [50-1501](#) to [50-1520](#) shall be known and may be cited as the Legislative Qualifications and Election Contests Act.

Source: [Laws 2018, LB744, § 8.](#)

50-1502. Terms, defined. (New)

For purposes of the Legislative Qualifications and Election Contests Act:

(1) Committee means the committee of the Legislature designated by the Legislature to conduct proceedings regarding a petition filed under the act;

(2) Petitioner means a candidate whose name appeared on the ballot at a general election to represent a legislative district as a member of the Legislature who files a petition under the act; and

(3) Respondent member means a candidate proclaimed duly elected to represent the legislative district for which the petitioner was seeking election.

Source: [Laws 2018, LB744, § 9.](#)

50-1503. Applicability of act. (New)

The Legislative Qualifications and Election Contests Act applies to any contest of the election of a member of the Legislature and any challenge of the qualifications of a member of the Legislature.

Source: [Laws 2018, LB744, § 10.](#)

50-1504. Election contest; qualifications challenge. (New)

(1) An election contest pursuant to the Legislative Qualifications and Election Contests Act shall only determine which candidate was properly elected to the Legislature and is entitled to be seated. The election contest shall place in issue only the validity of the results of the election.

(2) A qualifications challenge pursuant to the act shall only determine whether a person elected to the Legislature is qualified to hold or retain the seat for which elected. The qualifications challenge shall place in issue only the qualifications of the person elected as a member of the Legislature under the Constitution of Nebraska.

Source: [Laws 2018, LB744, § 11.](#)

50-1505. Unsuccessful candidate; rights. (New)

Only an unsuccessful candidate whose name appeared on the ballot in the general election to represent a legislative district as a member of the Legislature may contest the election or challenge the qualifications of the person elected as a member of the Legislature to represent that legislative district.

Source: [Laws 2018, LB744, § 12.](#)

50-1506. Election contest; qualifications challenge; when considered; provisions applicable. (New)

(1) The contest of an election or challenge of the qualifications of a person elected as a member of the Legislature by an unsuccessful candidate shall be considered at the next regular session of the Legislature following the general election.

(2) The election contest or qualifications challenge shall be heard and determined in accordance with the Legislative Qualifications and Election Contests Act and the Rules of the Nebraska Unicameral Legislature.

Source: [Laws 2018, LB744, § 13.](#)

50-1507. Election contest; qualifications challenge; respondent's rights; decision against member; effect. (New)

When an election contest or qualifications challenge is pending pursuant to the Legislative Qualifications and Election Contests Act, the respondent member may qualify and take office at the time specified by law and exercise the duties of the office until the election contest or qualifications challenge is decided. If the election contest or qualifications challenge is decided against such member, the Legislature shall order him or her to give up the office to the petitioner in the election contest or qualifications challenge and deliver to the petitioner all books, records, papers, property, and effects pertaining to the office. The Legislature may enforce such order by attachment or other proper legal process.

Source: [Laws 2018, LB744, § 14.](#)

50-1508. Burden of proof. (New)

The petitioner shall have the burden of proving that the respondent member was not properly elected or qualified to hold office at the time of the election by clear and convincing evidence.

Source: [Laws 2018, LB744, § 15.](#)

50-1509. Computation of time. (New)

If the date for filing or completion of an act under the Legislative Qualifications and Election Contests Act falls on a Saturday, Sunday, or legal holiday, the next business day shall be the deadline for filing or completing the act.

Source: [Laws 2018, LB744, § 16.](#)

50-1510. Filings; service upon parties. (New)

All filings with the Clerk of the Legislature pursuant to the Legislative Qualifications and Election Contests Act, including pleadings, responses, and motions, shall be served upon each of the parties and shall contain a complete certificate of service.

Source: [Laws 2018, LB744, § 17.](#)

50-1511. Petition; personal service; contents. (New)

(1) A petition to contest the election or challenge the qualifications of a person elected as a member of the Legislature shall be filed with the Clerk of the Legislature within forty calendar days after the general election at which the respondent member was elected, and a copy of the petition shall be personally served on the respondent member. The petition shall be verified by affidavit swearing to the truth of the allegations or based on information and belief. The petitioner shall include with the petition filed with the Clerk of the Legislature proof of personal service upon the respondent member.

(2) (a) A petition to contest the election shall contain the names of the voters whose votes are contested, the grounds upon which such votes are illegal, a full statement of any other grounds upon which the election is contested, and the standing of the petitioner to contest the election.

(b) A petition to challenge qualifications shall contain the constitutional grounds on which the respondent member is alleged to be unqualified and the standing of the petitioner to challenge the respondent member's qualifications.

Source: [Laws 2018, LB744, § 18.](#)

50-1512. Petition; amendment; personal service. (New)

(1) A petition to contest the election or challenge the qualifications of a member shall only be amended once within the time period for filing the initial petition under section [50-1511](#). An amended petition shall be filed with the Clerk of the Legislature and personally served on the respondent member and shall meet all the elements required for an initial petition.

(2) A petition which is filed or amended after the filing deadline in section [50-1511](#) or which fails to meet any of the requirements of the Legislative Qualifications and Election Contests Act shall be void, and any rights related thereto shall expire by operation of law.

Source: [Laws 2018, LB744, § 19.](#)

50-1513. Bond. (New)

The petitioner shall file with the Clerk of the Legislature, within five calendar days after filing the petition pursuant to section [50-1511](#), a bond with security approved by the Clerk of the Legislature conditioned to pay all costs incurred by the Legislature if the election is confirmed or the qualifications of the respondent member are confirmed. The bond shall be in an amount of at least ten thousand dollars as determined by the Clerk of the Legislature. If the Clerk of the Legislature determines that the bond is inadequate, he or she may order an increase in the amount of the bond at any stage of the proceedings.

Source: [Laws 2018, LB744, § 20.](#)

50-1514. Respondent member; file response. (New)

The respondent member may file a response to the petition filed pursuant to section [50-1511](#) with the Clerk of the Legislature within ten calendar days after receipt of service of the petition. If the respondent member files a response, he or she shall also serve a copy of the response on the petitioner within such ten-day period.

Source: [Laws 2018, LB744, § 21.](#)

50-1515. Attorney's fees and costs. (New)

The prevailing party may request from the opposing party or the state the recovery of attorney's fees and costs incurred in bringing or defending a petition to contest an election or challenge qualifications under the Legislative Qualifications and Election Contests Act. The request shall be filed with the Clerk of the Legislature within fifteen calendar days after the filing of the final report regarding the petition. The request shall include a detailed report of attorney's fees and costs incurred by the prevailing party. The committee may decide that the prevailing party should receive attorney's fees and costs. Any sum awarded shall be reasonable, just, and proper.

Source: [Laws 2018, LB744, § 22.](#)

50-1516. Election contest; grounds. (New)

(1) The election of a person to represent a legislative district as a member of the Legislature may be contested for any or all of the following grounds:

(a) For misconduct, fraud, or corruption on the part of an election commissioner, a county clerk, an inspector, a judge or clerk of election, a member of a counting or canvassing board, or an employee of the election commissioner or county clerk sufficient to change the result;

(b) If the respondent member has given or offered to any voter or an election commissioner, a county clerk, an inspector, a judge or clerk of election, a member of a counting or canvassing board, or an employee of the election commissioner or county clerk any bribe or reward in money, property, or thing of value for the purpose of procuring his or her election;

(c) If illegal votes have been received or legal votes rejected at the polls sufficient to change the results;

(d) For any error of any board of canvassers in counting the votes or in declaring the result of the election if the error would change the result;

(e) If the respondent member is in default as a collector and custodian of public money or property; or

(f) For any other cause which shows that another person was legally elected.

(2) When the misconduct is on the part of an election commissioner, a county clerk, an inspector, a judge or clerk of election, a member of a counting or canvassing board, or an employee of the election commissioner or county clerk, it shall be insufficient to set aside the election unless the vote of the county or precinct would change the result as to that office.

Source: [Laws 2018, LB744, § 23.](#)

50-1517. Examination of ballots; procedure; certification. (New)

The Legislature or the committee before which a contested election is pending may issue a writ to the election commissioner or county clerk of the county in which the contested election was held commanding him or her to open, count, compare with the list of voters, and examine in his or her office the ballots which were cast at the election in contest and to certify the result of such count, comparison, and examination to the Legislature.

Source: [Laws 2018, LB744, § 24.](#)

50-1518. Writ; service; notice. (New)

Any writ issued pursuant to section [50-1517](#) shall be served without delay on the election commissioner or county clerk by the sheriff of his or her county. The election commissioner or county clerk shall at once fix a day, not more than thirty calendar days after the date of the receipt of such writ, on which he or she will proceed to open such ballots and shall cause notice in writing of the day so fixed to be served on the petitioner or his or her attorney and the respondent member or his or her attorney at least five calendar days before such day. Such notice may be served in the manner provided in section [25-505.01](#).

Source: [Laws 2018, LB744, § 25.](#)

50-1519. Rules and procedures; examination of ballots; certificate; prima facie evidence. (New)

(1) The Legislature may establish rules and procedures for the recount of ballots. Such rules and procedures may provide for delivery by the election commissioner or county clerk, to the Legislature or the committee, of the ballots or notarized copies of the ballots which were cast at the election in contest. The Legislature shall return such ballots or notarized copies of such ballots to the election commissioner or county clerk at the conclusion of the election contest.

(2) The election commissioner or county clerk shall permit the petitioner, the respondent member, and the attorneys for the parties to fully examine the ballots. The election commissioner or county clerk shall make return to the writ, under his or her hand and official seal, of all the facts which either of the parties may desire and which appear from the ballots to affect or relate to the contested election. After the examination of the ballots is completed, the election commissioner or county clerk shall again securely seal the ballots as they were and preserve and destroy them as provided by law in the same manner as if they had not been opened. The certificate of the election commissioner or county clerk certifying the total number of votes received by a candidate shall be prima facie evidence of the facts stated in the certificate, but the persons present at the examination of the ballots may be heard as witnesses to contradict the certificate.

Source: [Laws 2018, LB744, § 26.](#)

50-1520. Jurisdiction to hear challenge. (New)

Pursuant to Article III, section 10, of the Constitution of Nebraska, the Legislature is vested with the jurisdiction to hear any challenge to the qualifications of a member of the Legislature and is the judge of the elections, returns, and qualifications of its members.

Source: [Laws 2018, LB744, § 27.](#)

Chapter 60 – Motor Vehicles (Free State IDs for Voting Purposes; Driver’s License & State ID Receipts) (New)

60-4,115. Fees; allocation; identity security surcharge; state identification card for voting purposes; no fee, when. (New) (2023 Update)

(1) Fees for operators’ licenses and state identification cards shall be collected by department personnel or the county treasurer and distributed according to the table in subsection (2) of this section, except for the ignition interlock permit and associated fees as outlined in subsection (4) of this section and the 24/7 sobriety program permit and associated fees as outlined in subsection (5) of this section. County officials shall remit the county portion of the fees collected to the county treasurer for placement in the county general fund. All other fees collected shall be remitted to the State Treasurer for credit to the appropriate fund.

(2) Except as otherwise provided in subsection (7) of this section, the ~~The~~ fees provided in this subsection in the following dollar amounts apply for operators’ licenses and state identification cards.

Document	Total Fee	County General Fund	Department of Motor Vehicles Cash Fund	State General Fund
State identification card:				
<u>Valid for 1 year or less</u>	5.00	2.75	2.25	
Valid for 1 year or less	5.00	2.75	1.25	1.00
<u>Valid for more than 1 year but not more than 2 years</u>	10.00	2.75	7.25	
Valid for more than 1 year but not more than 2 years	10.00	2.75	4.00	3.25
<u>Valid for more than 2 years but not more than 3 years</u>	14.00	2.75	11.25	
Valid for more than 2 years but not more than 3 years	14.00	2.75	5.25	6.00
<u>Valid for more than 3 years but not more than 4 years</u>	19.00	2.75	16.25	
Valid for more than 3 years but not more than 4 years	19.00	2.75	8.00	8.25
<u>Valid for more than 4 years for person under 21</u>	24.00	2.75	21.25	
Valid for more than 4 years for person under 21	24.00	2.75	10.25	11.00
<u>Valid for 5 years</u>	24.00	3.50	20.50	
Valid for 5 years	24.00	3.50	13.25	7.25
<u>Replacement</u>	11.00	2.75	8.25	
Replacement	11.00	2.75	6.00	2.25
Class O or M operator’s license:				
<u>Valid for 1 year or less</u>	5.00	2.75	2.25	
Valid for 1 year or less	5.00	2.75	1.25	1.00
<u>Valid for more than 1 year but not more than 2 years</u>	10.00	2.75	7.25	
Valid for more than 1 year but not more than 2 years	10.00	2.75	4.00	3.25
<u>Valid for more than 2 years but not more than 3 years</u>	14.00	2.75	11.25	
Valid for more than 2 years but not more than 3 years	14.00	2.75	5.25	6.00
<u>Valid for more than 3 years but not more than 4 years</u>	19.00	2.75	16.25	
Valid for more than 3 years but not more than 4 years	19.00	2.75	8.00	8.25
<u>Valid for 5 years</u>	24.00	3.50	20.50	
Valid for 5 years	24.00	3.50	13.25	7.25
Bioptic or telescopic lens restriction:				

Valid for 1 year or less	5.00	0	5.00	0
Valid for more than 1 year but not more than 2 years	10.00	2.75	7.25	
but not more than 2 years	10.00	2.75	4.00	3.25
Replacement	11.00	2.75	8.25	
Replacement	11.00	2.75	6.00	2.25
Add, change, or remove class, endorsement, or restriction	5.00	0	5.00	0
Provisional operator's permit: Original	15.00	2.75	12.25	0
Bioptic or telescopic lens restriction: Valid for 1 year or less	5.00	0	5.00	0
Valid for more than 1 year but not more than 2 years	15.00	2.75	12.25	0
Replacement	11.00	2.75	8.25	
Replacement	11.00	2.75	6.00	2.25
Add, change, or remove class, endorsement, or restriction	5.00	0	5.00	0
LPD-learner's permit:				
Original	8.00	.25	7.75	
Original	8.00	-.25	5.00	2.75
Replacement	11.00	2.75	8.25	
Replacement	11.00	2.75	6.00	2.25
Add, change, or remove class, endorsement, or restriction	5.00	0	5.00	0
LPE-learner's permit:				
Original	8.00	.25	7.75	
Original	8.00	-.25	5.00	2.75
Replacement	11.00	2.75	8.25	
Replacement	11.00	2.75	6.00	2.25
Add, change, or remove class, endorsement, or restriction	5.00	0	5.00	0
School permit:				
Original	8.00	.25	7.75	
Original	8.00	-.25	5.00	2.75
Replacement	11.00	2.75	8.25	
Replacement	11.00	2.75	6.00	2.25
Add, change, or remove class, endorsement, or restriction	5.00	0	5.00	0
Farm permit:				
Original or renewal	5.00	.25	4.75	
Original or renewal	5.00	-.25	0	4.75
Replacement	5.00	.25	4.75	
Replacement	5.00	-.25	0	4.75
Add, change, or remove class, endorsement, or restriction	5.00	0	5.00	0
Driving permits:				
Employment	45.00	0	45.00	
Employment	45.00	0	5.00	40.00
Medical hardship	45.00	0	45.00	
Medical hardship	45.00	0	5.00	40.00
Replacement	10.00	.25	9.75	
Replacement	10.00	-.25	5.00	4.75
Add, change, or remove class,				

endorsement, or restriction	5.00	0	5.00	0
Commercial driver's license:				
<u>Valid for 1 year or less</u>	<u>11.00</u>	<u>1.75</u>	<u>9.25</u>	
Valid for 1 year or less	11.00	1.75	5.00	4.25
Valid for more than 1 year <u>but not more than 2 years</u>	<u>22.00</u>	<u>1.75</u>	<u>20.25</u>	
but not more than 2 years	22.00	1.75	5.00	15.25
Valid for more than 2 years <u>but not more than 3 years</u>	<u>33.00</u>	<u>1.75</u>	<u>31.25</u>	
but not more than 3 years	33.00	1.75	5.00	26.25
Valid for more than 3 years <u>but not more than 4 years</u>	<u>44.00</u>	<u>1.75</u>	<u>42.25</u>	
but not more than 4 years	44.00	1.75	5.00	37.25
<u>Valid for 5 years</u>	<u>55.00</u>	<u>1.75</u>	<u>53.25</u>	
Valid for 5 years	55.00	1.75	5.00	48.25
Bioptic or telescopic lens restriction:				
<u>Valid for one year or less</u>	<u>11.00</u>	<u>1.75</u>	<u>9.25</u>	
Valid for one year or less	11.00	1.75	5.00	4.25
Valid for more than 1 year <u>but not more than 2 years</u>	<u>22.00</u>	<u>1.75</u>	<u>20.25</u>	
but not more than 2 years	22.00	1.75	5.00	15.25
<u>Replacement</u>	<u>11.00</u>	<u>2.75</u>	<u>8.25</u>	
Replacement	11.00	2.75	6.00	2.25
Add, change, or remove class, <u>endorsement, or restriction</u>	<u>10.00</u>	<u>1.75</u>	<u>8.25</u>	
endorsement, or restriction	10.00	1.75	5.00	3.25
CLP-commercial learner's permit:				
<u>Original or renewal</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
Original or renewal	10.00	.25	5.00	4.75
<u>Replacement</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
Replacement	10.00	.25	5.00	4.75
Add, change, or remove class, <u>endorsement, or restriction</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
endorsement, or restriction	10.00	.25	5.00	4.75
Seasonal permit:				
<u>Original or renewal</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
Original or renewal	10.00	.25	5.00	4.75
<u>Replacement</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
Replacement	10.00	.25	5.00	4.75
Add, change, or remove class, <u>endorsement, or restriction</u>	<u>10.00</u>	<u>.25</u>	<u>9.75</u>	
endorsement, or restriction	10.00	.25	5.00	4.75

(3) If the department issues an operator's license or a state identification card and collects the fees, the department shall remit the county portion of the fees to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(4) (a) The fee for an ignition interlock permit shall be forty-five dollars. Five dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Forty dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Ignition Interlock Fund.

(b) The fee for a replacement ignition interlock permit shall be eleven dollars. Two dollars and seventy-five cents of the fee shall be remitted to the county treasurer for credit to the county general fund. Eight Six dollars and twenty-five cents of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. ~~Two dollars and twenty-five cents of the fee shall be remitted to the State Treasurer for credit to the General Fund.~~

(c) The fee for adding, changing, or removing a class, endorsement, or restriction on an ignition interlock permit shall be five dollars. The fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(5) (a) The fee for a 24/7 sobriety program permit shall be forty-five dollars. ~~Forty-Twenty-five~~ dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. ~~Fifteen dollars of the fee shall be remitted to the State Treasurer for credit to the General Fund.~~ Five dollars of the fee shall be remitted to the county treasurer for credit to the county general fund.

(b) The fee for a replacement 24/7 sobriety program permit shall be eleven dollars. Two dollars and seventy-five cents of the fee shall be remitted to the county treasurer for credit to the county general fund. ~~Eight Six~~ dollars ~~and twenty-five cents~~ of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. ~~Two dollars and twenty-five cents of the fee shall be remitted to the State Treasurer for credit to the General Fund.~~

(c) The fee for adding, changing, or removing a class, endorsement, or restriction on a 24/7 sobriety program permit shall be five dollars. The fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(6) The department and its agents may collect an identity security surcharge to cover the cost of security and technology practices used to protect the identity of applicants for and holders of operators' licenses and state identification cards and to reduce identity theft, fraud, and forgery and counterfeiting of such licenses and cards to the maximum extent possible. The surcharge shall be in addition to all other required fees for operators' licenses and state identification cards. The amount of the surcharge shall be determined by the department. The surcharge shall not exceed eight dollars. The surcharge shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(7) No fee shall be charged for issuance of an original, renewal, or duplicate state identification card to a resident of Nebraska who

(a) does not have a valid Nebraska driver's license,

(b) is requesting issuance of such card for voting purposes, and

(c) is at least eighteen years of age or is seventeen years of age and will attain the age of eighteen years on or before the first Tuesday after the first Monday in November of the then-current calendar year.

Source: Laws 1929, c. 148, § 7, p. 515; C.S.1929, § 60-407; Laws 1931, c. 101, § 2, p. 272; Laws 1937, c. 148, § 17, p. 515; Laws 1941, c. 128, § 1, p. 483; Laws 1941, c. 176, § 1, p. 687; C.S.Supp., 1941, § 60-407; R.S.1943, § 60-409; Laws 1945, c. 141, § 6, p. 452; Laws 1947, c. 207, § 3, p. 677; Laws 1949, c. 181, § 3, p. 525; Laws 1951, c. 195, § 12, p. 742; Laws 1955, c. 242, § 1, p. 757; Laws 1957, c. 366, § 39, p. 1273; Laws 1961, c. 315, § 7, p. 1004; Laws 1961, c. 316, § 7, p. 1014; Laws 1963, c. 359, § 2, p. 1151; Laws 1967, c. 234, § 3, p. 624; Laws 1976, LB 329, § 2; [Laws 1977, LB 90, § 5](#); [Laws 1981, LB 207, § 1](#); [Laws 1985, Second Spec. Sess., LB 5, § 1](#); R.S.1943, (1988), § 60-409; [Laws 1989, LB 285, § 65](#); [Laws 1992, LB 319, § 4](#); [Laws 1993, LB 491, § 12](#); [Laws 1995, LB 467, § 11](#); [Laws 1998, LB 309, § 5](#); [Laws 1998, LB 320, § 5](#); [Laws 1999, LB 704, § 17](#); [Laws 2001, LB 574, § 11](#); [Laws 2005, LB 1, § 5](#); [Laws 2006, LB 1008, § 2](#); [Laws 2008, LB736, § 4](#); [Laws 2008, LB911, § 12](#); [Laws 2009, LB497, § 3](#); [Laws 2011, LB170, § 2](#); [Laws 2011, LB215, § 13](#); [Laws 2011, LB667, § 28](#); [Laws 2014, LB777, § 4](#); [Laws 2014, LB983, § 17](#); [Laws 2016, LB311, § 10](#); [Laws 2018, LB347, § 1](#); [Laws 2021, LB113, § 27](#); [Laws 2021, LB271, § 10](#); [Laws 2022, LB750, § 53](#); ~~Laws 2023, LB138, § 22~~; [Laws 2023, LB514, § 20](#).

Operative Date: June 2, 2023 (LB514); July 1, 2023 (LB138)

60-4,119. Operators' licenses; state identification cards; digital image and digital signature; issuance; exception; procedure. (New) (2023 Update)

(1) All state identification cards and operators' licenses, except farm permits, shall include a digital image and a digital signature of the cardholder or licensee as provided in section [60-484.02](#). Receipts for state identification cards and operators' licenses shall include a digital image of the cardholder or licensee and shall be issued by the county treasurer or the Department of Motor Vehicles. The director shall negotiate and enter into a contract to provide the necessary equipment, supplies, and forms for the issuance of the licenses and cards. All costs incurred by the Department of Motor Vehicles under this section shall be paid by the state out of appropriations made to the department. All costs of capturing the digital images and digital signatures shall be paid by the issuer from the fees provided to the issuer pursuant to section [60-4,115](#).

(2) A person who is out of the state at the time of renewal of his or her operator's license may apply for a license upon payment of a fee as provided in section [60-4,115](#). The license may be issued at any time within one year after the expiration of the original license. Such application shall be made to the department, and the department shall issue the license.

(3) Any operator's license and any state identification card issued to a minor as defined in section [53-103.23](#), as such definition may be amended from time to time by the Legislature, shall be of a distinct designation, of a type prescribed by the director, from the operator's license or state identification card of a person who is not a minor.

Source: [Laws 1977, LB 90, § 1](#); [Laws 1978, LB 574, § 3](#); [Laws 1981, LB 46, § 1](#); [Laws 1982, LB 877, § 1](#); [Laws 1984, LB 811, § 3](#); [Laws 1986, LB 575, § 1](#); [Laws 1989, LB 284, § 4](#); R.S.1943, (1988), § 60-406.04; [Laws 1989, LB 285, § 69](#); [Laws 1990, LB 980, § 9](#); [Laws 1993, LB 201, § 1](#); [Laws 1995, LB 467, § 13](#); [Laws 1999, LB 704, § 19](#); [Laws 2001, LB 574, § 13](#); [Laws 2005, LB 1, § 6](#); [Laws 2010, LB861, § 80](#); [Laws 2014, LB777, § 6](#); [Laws 2023, LB514, § 21](#); [Laws 2023, LB514, § 21](#).

Operative Date: June 2, 2023

60-4,120. Operator's license; state identification card; replacement. (New) (2023 Update)

(1) Any person duly licensed or holding a valid state identification card issued under the Motor Vehicle Operator's License Act who loses his or her operator's license or card may make application to the department for a replacement license or card.

(2) If any person changes his or her name because of marriage or divorce or by court order or a common-law name change, he or she shall apply to the department for a replacement operator's license or state identification card and furnish proof of identification in accordance with section [60-484](#). If any person changes his or her address, the person shall apply to the department for a replacement operator's license or state identification card and furnish satisfactory evidence of such change. The application shall be made within sixty days after the change of name or address.

(3) In the event a mutilated or unreadable operator's license is held by any person duly licensed under the act or a mutilated or unreadable state identification card which was issued under the act is held by a person, such person may obtain a replacement license or card. Upon report of the mutilated or unreadable license or card and application for a replacement license or card, a replacement license or card may be issued if the department is satisfied that the original license or card is mutilated or unreadable.

(4) If any person duly licensed under the act loses his or her operator's license or if any holder of a state identification card loses his or her card while temporarily out of the state, he or she may make application to the department for a replacement operator's license or card by applying to the department and reporting such loss. Upon receipt of a correctly completed application, the department shall cause to be issued a replacement operator's license or card.

(5) Any person who holds a valid operator's license or state identification card without a digital image shall surrender such license or card to the department within thirty days after resuming residency in this state. After the thirty-day period, such license or card shall be considered invalid and no license or card shall be issued until the individual has made application for replacement or renewal.

(6) Application for a replacement operator's license or state identification card shall include the information required under sections [60-484](#) and [60-484.04](#), and [60-484.07](#).

(7) An applicant may obtain a replacement operator's license or state identification card pursuant to subsection (1) or (3) of this section by electronic means in a manner prescribed by the department. No replacement license or card shall be issued unless the applicant has a digital image and digital signature preserved in the digital system.

(8) Each replacement operator's license or state identification card shall be issued with the same expiration date as the license or card for which the replacement is issued. The replacement license or card shall also state the new issuance date. Upon issuance of any replacement license or card, the license or card for which the replacement is issued shall be void.

(9) A replacement operator's license or state identification card issued under this section shall be delivered to the applicant as provided in section [60-4,113](#) after the county treasurer or department collects the fee and surcharge prescribed in section [60-4,115](#) and issues the applicant a receipt with driving privileges which is valid for up to thirty days. [The receipt shall contain the digital image of the applicant.](#)

Source: Laws 1929, c. 148, § 9, p. 517; C.S.1929, § 60-409; Laws 1937, c. 141, § 19, p. 517; Laws 1941, c. 176, § 2, p. 689; C.S.Supp.,1941, § 60-409; R.S.1943, § 60-415; Laws 1945, c. 141, § 8, p. 453; Laws 1947, c. 207, § 4, p. 678; Laws 1961, c. 315, § 10, p. 1005; Laws 1961, c. 316, § 10, p. 1015; Laws 1967, c. 234, § 7, p. 626; Laws 1969, c. 506, § 2, p. 2083; [Laws 1971, LB 134, § 1](#); [Laws 1971, LB 371, § 1](#); [Laws 1972, LB 1296, § 2](#); [Laws 1977, LB 90, § 6](#); [Laws 1978, LB 606, § 1](#); [Laws 1981, LB 46, § 3](#); [Laws 1984, LB 811, § 6](#); [Laws 1986, LB 575, § 2](#); [Laws 1989, LB 284, § 9](#); R.S.1943, (1988), § 60-415; [Laws 1989, LB 285, § 70](#); [Laws 1993, LB 126, § 1](#); [Laws 1993, LB 201, § 2](#); [Laws 1994, LB 76, § 572](#); [Laws 1998, LB 309, § 7](#); [Laws 2001, LB 574, § 14](#); [Laws 2005, LB 1, § 7](#); [Laws 2011, LB215, § 15](#); [Laws 2012, LB751, § 26](#); [Laws 2014, LB777, § 7](#); [Laws 2023, LB138, § 23](#); [Laws 2023, LB514, § 22](#).
Operative Date: June 2, 2023 (LB514); September 2, 2023 (LB138)

Chapter 64 – Notaries Public (New)

64-201. Notarial acts, defined; performed; effect. (New)

For the purposes of sections 64-201 to 64-210, unless the context otherwise requires: Notarial acts means acts which the laws and regulations of this state authorize notaries public of this state to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents. Notarial acts may be performed outside this state for use in this state with the same effect as if performed by a notary public of this state by the following persons authorized pursuant to the laws and regulations of other governments in addition to any other person authorized by the laws and regulations of this state:

- (1) A notary public authorized to perform notarial acts in the place in which the act is performed;
- (2) A judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed;
- (3) An officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States Department of State to perform notarial acts in the place in which the act is performed;
- (4) A commissioned officer in active service with the armed forces of the United States and any other person authorized by regulation of the armed forces to perform notarial acts if the notarial act is performed for one of the following or his dependents: A merchant seaman of the United States, a member of the armed forces of the United States, or any other person serving with or accompanying the armed forces of the United States; or
- (5) Any other person authorized to perform notarial acts in the place in which the act is performed.

Source: Laws 1969, c. 523, § 1, p. 2139.

Chapter 69 – Personal Property (Concealed Weapons at Polling Places)

69-2441. Transferred to section [28-1202.01](#).

Chapter 70 – Power Districts & Corporations (Public Power Districts)

70-504. Sale, lease, or transfer; election and voter approval required; exceptions; procedure.

In the following cases, a sale, lease, or transfer of any electric light or power plant, distribution system, or transmission line shall not be valid unless the sale, lease, or transfer is authorized at any state or municipal election, including a primary or special election, except as otherwise provided in this section, and approved by sixty percent of the electors voting on the proposed matter, except that an election and such approval shall not be required when the sale, lease, or transfer is part of a merger or consolidation of a public power district:

(1) By any city or village to any private person, firm, association, corporation, or public power district, except that any city or village may by resolution of the city council or board of trustees sell, lease, or transfer all or part of its electric light or power plant, distribution system, or transmission lines to any public power district or an electric cooperative, which cooperative has an approved retail service area adjoining such city or village, but such transaction shall not be consummated nor become effective until thirty days' notice of the transaction has been given by the governing body by publication once each week for three successive weeks in such city or village or, if no newspaper is published therein, then by posting in five or more public places therein. If within thirty days after the last publication of such notice or posting thereof a referendum petition signed by qualified electors of such city or village equal in number to at least twenty percent of the vote cast at the last general municipal election held therein is filed with the municipal clerk, such transaction shall not become effective until it has been approved by a vote of the electors of such municipality at any general or special municipal election. If a majority of the voters voting on the issue vote against such transaction, the transaction shall not become effective. If no such petitions are filed, the transaction shall become effective at the expiration of such thirty-day period. The power district shall charge fair, reasonable, and nondiscriminatory rates so adjusted as, in a fair and equitable manner, to confer upon and distribute among its customers the benefits of a successful and efficient operation and conduct of the business of the district; or

(2) By any public power district operating lines, owning lines, or operating and owning lines in less than thirteen counties in this state to any other public power district, except

(a) where transmission or distribution lines extend into another power district and the board of directors of the selling power district, by resolution entered on its records, determines that such transmission or distribution lines would serve customers more advantageously in the purchasing power district and that the sale thereof should be made or

(b) sales of any surplus equipment which the selling district, by resolution adopted by its board of directors and entered on its records, determines that it does not then need and is needed by the purchasing district, which sales are hereby expressly authorized to be made.

Except for the referendum election provided for in subdivision (1) of this section, notice of the submission of the proposition shall be given by publication thereof three consecutive weeks in a legal newspaper published and of general circulation in such city, village, or public power district or, if no newspaper is published therein, by posting in five or more public places therein. Any elections herein required in public power districts or public power and irrigation districts shall be held at the same time and in connection with the next regular primary or general election in the state thereafter at which directors of the public power district are to be nominated or elected. Any proposals for the sale of lines or other property required to be submitted to an election under the provisions of this section shall be certified by the board of directors of the district selling or disposing of the property to the county clerk of the respective county or counties wherein such election of directors is to be held in the form of a question to be submitted upon the ballot not less than thirty days before the election. The county clerks to whom such certificates are submitted shall cause the same question submitted by the board of directors to be placed upon the same ballot and in proximity to the names of the directors to be nominated or elected in the same district at the next primary or general election. The results of the election with relation to the proposal shall be counted, canvassed, and certified in the same manner as the other results of the election.

Source: Initiative Law 1930, No. 324, § 4; Laws 1931, c. 116, § 4, p. 338; C.S.Supp., 1941, § 70-604; Laws 1943, c. 144, § 1, p. 505; R.S. 1943, § 70-504; Laws 1945, c. 156, § 1, p. 513; Laws 1947, c. 225, § 1, p. 718; Laws 1965, c. 58, § 5, p. 269; Laws 1969, c. 83, § 5, p. 421; Laws 1990, LB 907, § 1.

Cross References: For provisions relating to public power districts, see sections [70-601](#) to [70-682](#).

70-604.03. Operating area; boundary lines; establish; precinct division; request by retail customer to vote or hold office; certification procedure.

(1) To establish boundary lines of an operating area coincident with voting precinct or county boundary lines, it shall be permissible to eliminate area from or add area to the operating area so that retail distribution areas are identified by reference to whole voting precincts and wholesale distribution areas are identified by reference to whole counties.

(2) Voting or election precincts may be divided for the purposes of establishing chartered territory and district elections. The description of such divided precincts may be given by section, township, and range and shall be subject to the approval of the Secretary of State.

(3) Any retail customer whose principal residence is being served by a public power district and whose principal residence is not in the chartered territory of such district may request the district in writing at least fifteen days prior to the certification date for such district, as such date is provided in section [70-611](#), for the right for each registered voter residing at such residence to vote for, and be eligible to hold office as a member of, the board of directors of such district. The secretary of the district shall cause notice to be given to each such retail customer which reasonably prescribes the manner in which the retail customer may request such right to vote. The notice shall be given by first-class mail and may be included as part of the regular billing statement mailed to a customer if such billing statement is sent by first-class mail to such retail customer and the mail is conspicuously marked as to its importance. Such notice shall be given at least sixty days prior to the time the election certification and publication information is transmitted to the Secretary of State pursuant to section [70-611](#). The district shall certify to the Secretary of State the names of all such retail customers for whom such request to vote has been made along with identification of the voting or election precincts in which such retail customers reside, and each such retail customer shall be a registered voter and qualified to hold office as a member of the board of directors, if otherwise qualified to vote.

(4) Any district dividing a precinct pursuant to subsection (2) of this section or certifying retail customers pursuant to subsection (3) of this section shall transmit all necessary information relevant to such division or certification along with the election certification and publication provided for in section [70-611](#). All additional election costs caused by such division or certification shall be due and payable by the district within thirty days after the receipt of a statement from the county.

Source: Laws 1967, c. 418, § 9, p. 1290; Laws 1982, LB 198, § 1; Laws 1985, LB 96, § 1; Laws 1986, LB 949, § 8; Laws 1994, LB 76, § 577.

70-610. Board of directors; candidate qualifications; election; expenses.

(1) After the selection of the original board of directors of a district as provided for in sections [70-604](#) and [70-609](#), successors shall be nominated and elected as provided in section [32-512](#). Elections shall be conducted as provided in the Election Act.

(2) A candidate for director shall be a registered voter residing within the chartered territory or subdivision as defined in the charter of the district or a retail customer duly certified in accordance with subsection (3) of section [70-604.03](#).

(3) Each public power district shall pay for the election expenses of nominating and electing its directors as provided in this section. Except as otherwise provided in this section, the district shall pay to each county in which the name of one or more candidates appears upon the ballot as follows: Counties having a population of less than three thousand inhabitants, one hundred dollars; counties having a population of at least three thousand but less than nine thousand inhabitants, one hundred fifty dollars; counties having a population of at least nine thousand but less than fourteen thousand inhabitants, two hundred dollars; counties having a population of at least fourteen thousand but less than twenty thousand inhabitants, two hundred fifty dollars; counties having a population of at least twenty thousand but less than sixty thousand inhabitants, three hundred dollars; counties having a population of at least sixty thousand but less than one hundred thousand inhabitants, fifteen hundred dollars; counties having a population of at least one hundred thousand but less than two hundred thousand inhabitants, three thousand dollars; and counties having a population of two hundred thousand inhabitants or more, fifty-five hundred dollars. The population of a county for purposes of this section shall be the population as determined by the most recent federal decennial census.

When the name of one or more candidates of a district appears on ballots in less than one-half of the precincts in a county, the cost to the district shall be reduced fifty percent. Election expenses shall be due and payable by each public power district within thirty days after receipt of a statement from the county.

(4) In lieu of the payment of election expenses pursuant to subsection (3) of this section, a district shall pay for the election expenses of nominating and electing its board of directors pursuant to subsection (2) of section [32-1203](#) upon request of a county. The election expenses shall be due and payable by the district within thirty days after receipt from the county of an itemized statement of election expenses owed by the district. This subsection shall not be construed to authorize reimbursement for expenses not directly attributable to nominating and electing members of the board of directors.

Source: Laws 1933, c. 86, § 4, p. 344; Laws 1937, c. 152, § 4, p. 581; Laws 1941, c. 137, § 1, p. 542; C.S.Supp., 1941, § 70-704; Laws 1943, c. 145, § 2(1), (11), pp. 510, 515; Laws 1943, c. 146, § 1, p. 516; R.S. 1943, § 70-610; Laws 1949, c. 198, § 1, p. 587; Laws 1957, c. 124, § 21, p. 431; Laws 1959, c. 135, § 29, p. 525; Laws 1963, c. 395, § 1, p. 1253; Laws 1967, c. 418, § 2, p. 1286; Laws 1969, c. 547, § 1, p. 2202; Laws 1972, LB 661, § 79; Laws 1972, LB 1401, § 1; Laws 1973, LB 364, § 1; Laws 1975, LB 453, § 57; Laws 1981, LB 181, § 13; Laws 1982, LB 198, § 2; Laws 1986, LB 949, § 11; Laws 1993, LB 90, § 1; Laws 1994, LB 76, § 582; [Laws 2008, LB1067, § 2](#).

Cross References: **Eligibility**, additional requirements, see section [70-619](#).

70-611. Board of directors; election; certified notice; publication.

(1) Not later than January 5 in each even-numbered year, the secretary of the district in districts grossing forty million dollars or more annually shall certify to the Secretary of State on forms prescribed by the Secretary of State the names of the counties in which all registered voters are eligible to vote for public power district candidates and for other counties the names of the election precincts within each county excluding the municipalities in which voters are not eligible to vote on public power district candidates. The secretary shall also certify the number of directors to be elected and the length of terms for which each is to be elected.

(2) Districts grossing less than forty million dollars annually shall prepare the same type of certification as districts grossing over forty million dollars annually and file such certification with the Secretary of State not later than June 15 of each even-numbered year.

(3) The secretary of each district shall, at the time of filing the certification, cause to be published once in a newspaper or newspapers of general circulation within the district a list of the incumbent directors and naming the counties or election precincts excluding those municipalities in which voters are not eligible to vote for public power district candidates in the same general form as the certification filed with the Secretary of State. A certified copy of the published notice shall be filed with the Secretary of State within ten days after such publication.

Source: Laws 1933, c. 86, § 4, p. 344; Laws 1937, c. 152, § 4, p. 581; Laws 1941, c. 137, § 1, p. 542; C.S.Supp., 1941, § 70-704; Laws 1943, c. 145, § 1(2), p. 511; Laws 1943, c. 146, § 1, p. 516; R.S. 1943, § 70-611; Laws 1959, c. 135, § 30, p. 526; Laws 1972, LB 1401, § 2; Laws 1973, LB 364, § 2; Laws 1975, LB 453, § 58; Laws 1994, LB 76, § 583; Laws 1997, LB 764, § 110; [Laws 2021, LB285, § 17](#).

70-612. Board of directors; election; subdivisions; procedure.

(1) (a) Subject to the provisions of Chapter 70, article 6, and subject to the approval of the Nebraska Power Review Board, the board of directors of a district, other than a district with a service area containing a city of the metropolitan class, may amend the petition for its creation to provide for the division of the territory of such district into two or more subdivisions for the nomination and election of some or all of the directors. Each subdivision shall be composed of one or more voting precincts, or divided voting precincts, and the total population of each such subdivision shall be approximately the same. Except in districts which contain a city of the metropolitan class, two or more subdivisions may be combined for election purposes, and members of the board of directors to be elected from such combined subdivisions may be nominated and elected at large when not less than seventy-five percent of the population of the combined subdivisions is within the corporate limits of any city.

(b) In the event a district formed includes all or part of two or more counties and is

(i) engaged in furnishing electric light and power and more than fifty percent of its customers are rural customers or

(ii) engaged in furnishing electric light and power and in the business of owning and operating irrigation works, then and in that event such subdivisions may be formed by following precinct or county boundary lines without regard to population if in the judgment of the Nebraska Power Review Board the interests of the rural users of electricity or of users of irrigation water service in such district will not be prejudiced thereby.

(2) (a) The board of directors of a district with a service area containing a city of the metropolitan class may amend its charter to provide for the division of the territory of the district into election subdivisions composed of substantially equal population and compact and contiguous territory and number the subdivisions consecutively and submit the maps to the Nebraska Power Review Board.

(b) If the board of directors provides for eight election subdivisions prior to January 1, 2014, the board of directors shall assign each position on the board of directors to represent a numbered election subdivision for the remainder of the term of office for which the member is elected, regardless of whether the member resides in the subdivision, and shall make such assignments so that the terms of members representing election subdivisions numbered one, two, and three expire in January 2015, the terms of members representing election subdivisions numbered four and five expire in January 2017, and the terms of members representing election subdivisions six, seven, and eight expire in January 2019. If possible, each member shall be assigned to represent an election subdivision that corresponds to the end of the term he or she is serving.

(c) A successor who resides in the numbered election subdivision shall be nominated and elected at the statewide primary and general elections held in the calendar year prior to the expiration of the term of the member who represents such numbered election subdivision.

(3) After each federal decennial census, the board of directors of a district with a service area containing a city of the metropolitan class shall create new boundaries for the election subdivisions. In establishing the boundaries of the election subdivisions, the board of directors shall follow county lines wherever practicable, shall provide for the subdivisions to be composed of substantially equal population and compact and contiguous territory, and shall, as nearly as possible, follow the precinct lines created by the election commissioner or county clerk after each federal decennial census.

(4) Any public power district or public power and irrigation district owning and operating irrigation works may, with approval of the Nebraska Power Review Board, add representation on its board of directors from any county which is outside its chartered territory but in which is located some or all of such irrigation works.

Source: Laws 1937, c. 152, § 4, p. 581; Laws 1941, c. 137, § 1, p. 542; C.S.Supp., 1941, § 70-704; Laws 1943, c. 145, § 1(3), p. 511; Laws 1943, c. 146, § 1, p. 516; R.S. 1943, § 70-612; Laws 1967, c. 418, § 3, p. 1287; Laws 1981, LB 181, § 14; Laws 1982, LB 198, § 3; Laws 1986, LB 949, § 12; Laws 1992, LB 424, § 18; Laws 1992, LB 573, § 9; [Laws 2013, LB646, § 2](#).

70-615. Board of directors; vacancy; how filled.

(1) In addition to the events listed in section [32-560](#), a vacancy on the board of directors shall exist in the event of the

- (a) removal from the chartered area of any director,
- (b) removal from the subdivision from which such director was elected except as otherwise provided in subsection (2) or (3) of section [70-612](#),
- (c) elimination or detachment from the chartered area of the territory in which a director or directors reside, or
- (d) expiration of the term of office of a director and failure to elect a director to fill such office at the preceding general election.

After notice and hearing, a vacancy shall also exist in the event of the absence of any director from more than two consecutive regular meetings of the board, unless such absences are excused by a majority of the remaining board members.

(2) In the event of a vacancy from any of such causes, or otherwise, such vacancy or vacancies shall, except in districts having within their chartered area twenty-five or more cities and villages, be filled by the board of directors. In districts having within their chartered area twenty-five or more cities and villages, vacancies shall be filled by the Governor.

(3) If a vacancy occurs during the term of any director prior to the deadline for filing and the unexpired term extends beyond the first Thursday after the first Tuesday in January following the next general election, an appointment shall be until the first Thursday after the first Tuesday in January following the next general election, and candidates may file nomination papers as provided by law for the placing of their names upon the ballot for election to the unexpired term. If a vacancy occurs during the term of any director after the deadline for filing for election, an appointment shall be until the first Thursday after the first Tuesday in January following the next general election for which candidates may file nomination papers as provided by law.

(4) At any time a vacancy is to be filled by election, the secretary of the district shall give notice to the public by publishing the notice of vacancy, length of term, and the deadline for filing, once in a newspaper or newspapers of general circulation within the district.

(5) Any appointment shall be filed with the Secretary of State by certified mail.

Source: Laws 1933, c. 86, § 4, p. 344; Laws 1937, c. 152, § 4, p. 581; Laws 1941, c. 137, § 1, p. 542; C.S.Supp., 1941, § 70-704; Laws 1943, c. 145, § 1(7), p. 514; Laws 1943, c. 146, § 1, p. 516; R.S. 1943, § 70-615; Laws 1945, c. 157, § 3, p. 518; Laws 1953, c. 106, § 31, p. 338; Laws 1957, c. 124, § 23, p. 436; Laws 1967, c. 418, § 5, p. 1268; Laws 1973, LB 364, § 3; Laws 1975, LB 453, § 59; Laws 1985, LB 569, § 2; Laws 1994, LB 76, § 584; [Laws 2013, LB646, § 3](#).

70-619. Board of directors; qualifications; eligibility to serve. (2023 Update)

(1) The corporate powers of the district shall be vested in and exercised by the board of directors of the district. No person shall be qualified to hold office as a member of the board of directors unless

(a) he or she is a registered voter

(i) of such chartered territory,

(ii) of the subdivision from which a director is to be elected if such chartered territory is subdivided for election purposes as provided in subsection (1), (2), or (3) of section [70-612](#), or

(iii) of one of the combined subdivisions from which directors are to be elected at

large as provided in section [70-612](#) or

(b) he or she is a retail customer duly certified in accordance with subsection (3) of section [70-604.03](#).

~~(2)(2)(a) No person who is a full-time or part-time employee of the district shall be eligible to serve as a member of the board of directors of that district and no high-level manager employed by a district may serve as a member of the board of directors of any district unless such person~~

~~(i) resigns or~~

~~(ii) assumes an unpaid leave of absence for the term as a member. The employing district shall grant such leave of absence when requested by any employee for the purpose of the employee serving as a member of such board.~~

A member of a governing body of any one of the municipalities within the areas of the district may not serve on the original board of directors under sections [70-603](#) to [70-609](#).

~~(b) For purposes of this subsection, high-level manager means a person employed by a district who serves in a high-level managerial position, including chief executive officer, president, vice president, chief financial officer, chief operations officer, general manager, or assistant general manager.~~

Source: Laws 1933, c. 86, § 5, p. 345; C.S.Supp., 1941, § 70-705; Laws 1943, c. 146, § 2(1), p. 518; R.S. 1943, § 70-619; Laws 1944, Spec. Sess., c. 5, § 1(1), p. 106; Laws 1957, c. 127, § 2, p. 440; Laws 1963, c. 396, § 1, p. 1258; Laws 1967, c. 418, § 6, p. 1288; Laws 1973, LB 364, § 4; Laws 1982, LB 198, § 4; Laws 1983, LB 15, § 1; Laws 1985, LB 2, § 5; Laws 1986, LB 949, § 13; Laws 1991, LB 3, § 1; Laws 1994, LB 76, § 585; [Laws 2013, LB646, § 4](#); [Laws 2015, LB177, § 1](#); ~~Laws 2023, LB565, § 42.~~

Operative Date: September 2, 2023

Cross References: Eligibility, additional requirements, see section [70-610](#).

70-650.01. Electric distribution system; city or village; conveyed on request; when; notice required; referendum.

Except as provided in sections [70-1101](#) to [70-1106](#), whenever any public power district or public power and irrigation district shall have acquired, by purchase, lease or otherwise, any electric distribution

system, or any part or parts thereof, situated within or partly within any city or village, and such district shall have fully paid and redeemed, or have accumulated reserves sufficient for the redemption of, all of the bonds or other obligations of the district evidencing the indebtedness incurred as the cost of construction or the purchase price of its lines, works and system, then and in that event, whenever any such city or village shall so request, the said district shall convey without cost all of its right, title and interest in and to its electric distribution system, as distinguished from its generating plants and transmission lines, to the said city or village within the territorial limits of which such system is located. The request of such city or village shall be exercised by a resolution duly adopted by its governing body. Such resolution shall not become effective until thirty days' notice of the adoption thereof shall have been given by the governing body by publication once each week for three successive weeks in some legal newspaper published and of general circulation in such city or village, or if no such newspaper is published therein, then by posting in five or more public places therein. If, within thirty days after the last publication of such notice or posting thereof, a referendum petition signed by qualified electors of such city or village equal in number to at least twenty percent of the vote cast at the last general municipal election held therein shall be filed with the municipal clerk, such resolution shall not become effective until it has been approved by a vote of the electors of such municipality at any general or special municipal election. If a majority of the voters voting on the issue vote against such resolution, the resolution shall not become effective. If no such petitions are filed, the resolution shall become effective at the expiration of such thirty-day period. In the absence of an agreement between any city or village and the public power district, the city or village may at any time determine what shall be included in the term distribution system by a declaratory judgment in which the public power district or public power and irrigation district owning the distribution system shall be joined.

This section shall not:

- (1) Prevent the refinancing or changing of the form of the outstanding indebtedness of the district existing on May 4, 1945, where the amount of the outstanding bonds or other evidences of indebtedness representing the cost of existing facilities shall not be increased nor the time of payment extended by any obligations for which the revenue received through the said electric distribution systems is pledged, or
- (2) prevent the issuance of other and different series of bonds of the district representing the cost of acquisition or construction of additional electric facilities, or the pledging of the revenue of such additional facilities for the payment of such other or further series of bonds, or to prevent the board of directors of the said district, by a duly adopted resolution, from making reasonable determinations of the amount of the revenue of the district attributable to such additional facilities.

Source: Laws 1945, c. 161, § 2, p. 525; Laws 1963, c. 398, § 1, p. 1269; Laws 1963, c. 393, § 1, p. 1247.

Cross References: **Retail electric service**, city or village, see sections [70-1101](#) to [70-1106](#).

70-663. Amendment; approval procedure.

(1) This subsection applies to charter amendments submitted after December 31, 2021. Upon such authorization occurring, the proposed amendment shall thereupon be submitted to the Nebraska Power Review Board, together with a petition setting forth the reasons for the adoption of such amendment, and requesting that the same be approved. The Nebraska Power Review Board shall then cause notice to be given by publication for three consecutive weeks in two legal newspapers of general circulation within such district. Such notice shall set forth in full the proposed amendment and set a date, not sooner than three weeks after the last date of publication of the notice, for protests, complaints, or objections to be filed with the Nebraska Power Review Board in opposition to the adoption of such amendment. The cost of such publication shall be paid by such district. If any person residing in such district, or affected by the proposed amendment, shall, within the time provided, file a protest, complaint, or objection, the Nebraska Power Review Board shall schedule a hearing and give due notice thereof to the district, the district's representative, and the person who filed such protest, complaint, or objection. Any person filing a protest, complaint, or objection may appear at such hearing and contest the approval by the Nebraska Power Review Board of such proposed amendment. After all protests, complaints, or objections have been heard, the Nebraska Power Review Board shall act upon the petition and either approve or disapprove the amendment. If no protests, complaints, or objections are properly filed, the board shall either approve the amendment without a hearing or schedule a hearing to determine whether

or not the amendment should be approved. If a hearing is scheduled, due notice shall be provided to the district and the district representative.

(2) This subsection applies to charter amendments submitted before December 31, 2021. Following the release of the 2020 Census of Population data by the United States Department of Commerce, Bureau of the Census, as required by Public Law [94-171](#), any public power district seeking an amendment to its charter shall submit the proposed amendment to the Nebraska Power Review Board on or before December 17, 2021. If the proposed amendment is in proper form, the Nebraska Power Review Board shall give conditional approval of the amendment on or before December 30, 2021. The approval process provided in subsection (1) of this section shall occur concurrent with the conditional approval process. If a protest, complaint, or objection is filed and a hearing is set, any decision from the Nebraska Power Review Board rejecting the amendment shall be decided and notification provided to the Secretary of State by March 1, 2022. Immediately upon receiving such notification, the Secretary of State shall notify all election commissioners and county clerks responsible for such elections within the public power district that the conditionally approved boundaries were rejected and that the previous boundaries shall be used for the primary and general elections.

Source: Laws 1937, c. 152, § 9, p. 589; C.S.Supp., 1941, § 70-717; R.S. 1943, § 70-663; Laws 1981, LB 181, § 28; Laws 1983, LB 366, § 1; [Laws 2021, LB285, § 18](#).

Chapter 71 – Public Health and Welfare (Free Birth Certificate Certified Copies) (New)

71-612. Department; certificates; copies; fees; waiver of fees, when; search of death certificates; fee; access; petty cash fund; authorized. (New) (2023 Update)

(1) The department, as the State Registrar, shall preserve permanently and index all certificates received. The department shall supply to any applicant for any proper purpose, as defined by rules and regulations of the department, a certified copy of the record of any birth, death, marriage, annulment, or dissolution of marriage or an abstract of marriage. The department shall supply a copy of a public vital record for viewing purposes at its office upon an application signed by the applicant and upon proof of the identity of the applicant. The application may include the name, address, and telephone number of the applicant, purpose for viewing each record, and other information as may be prescribed by the department by rules and regulations to protect the integrity of vital records and prevent their fraudulent use. Except as provided in subsections (2), (3), (5), (6), and (7) of this section, the department shall be entitled to charge and collect in advance a fee of sixteen dollars to be paid by the applicant for each certified copy or abstract of marriage supplied to the applicant or for any search made at the applicant's request for access to or a certified copy of any record or abstract of marriage, whether or not the record or abstract is found on file with the department.

(2) The department shall, free of charge, search for and furnish a certified copy of any record or abstract of marriage on file with the department upon the request of (a) the United States Department of Veterans Affairs or any lawful service organization empowered to represent veterans if the copy of the record or abstract of marriage is to be issued, for the welfare of any member or veteran of the armed forces of the United States or in the interests of any member of his or her family, in connection with a claim growing out of service in the armed forces of the nation or (b) the Military Department.

(3) The department may, free of charge, search for and furnish a certified copy of any record or abstract of marriage on file with the department when in the opinion of the department it would be a hardship for the claimant of old age, survivors, or disability benefits under the federal Social Security Act to pay the fee provided in this section.

(4) A strict account shall be kept of all funds received by the department. Funds received pursuant to subsections (1), (5), (6), and (8) of this section shall be remitted to the State Treasurer for credit to the Health and Human Services Cash Fund. Money credited to the fund pursuant to this section shall be used for the purpose of administering the laws relating to vital statistics and may be used to create a petty cash fund administered by the department to facilitate the payment of refunds to individuals who apply for copies or abstracts of records. The petty cash fund shall be subject to section [81-104.01](#), except that the amount in the petty cash fund shall not be less than twenty-five dollars nor more than one thousand dollars.

(5) The department shall, upon request, conduct a search of death certificates for stated individuals for the Nebraska Medical Association or any of its allied medical societies or any in-hospital staff committee pursuant to sections [71-3401](#) to [71-3403](#). If such death certificate is found, the department shall provide a noncertified copy. The department shall charge a fee for each search or copy sufficient to cover its actual direct costs, except that the fee shall not exceed three dollars per individual search or copy requested.

(6) The department may permit use of data from vital records for statistical or research purposes under section [71-602](#) or disclose data from certificates or records to federal, state, county, or municipal agencies of government for use in administration of their official duties and charge and collect a fee that will recover the department's cost of production of the data. The department may provide access to public vital records for viewing purposes by electronic means, if available, under security provisions which shall assure the integrity and security of the records and database and shall charge and collect a fee that shall recover the department's costs.

(7) In addition to the fees charged under subsection (1) of this section, the department shall charge and collect an additional fee of one dollar for any certified copy of the record of any birth or for any search made at the applicant's request for access to or a certified copy of any such record, whether or not the record is found on file with the department. Any county containing a city of the metropolitan class which has an established city-county or county health department pursuant to sections [71-1626](#) to [71-1636](#) which has an established system of registering births and deaths shall charge and collect in

advance a fee of one dollar for any certified copy of the record of any birth or for any search made at the applicant's request for such record, whether or not the record is found on file with the county. All fees collected under this subsection shall be remitted to the State Treasurer for credit to the Nebraska Child Abuse Prevention Fund.

(8) The department shall not charge other state agencies the fees authorized under subsections (1) and (7) of this section for automated review of any certificates or abstracts of marriage. The department shall charge and collect a fee from other state agencies for such automated review that will recover the department's cost.

(9) The department shall not charge any fee for a certified copy of a birth record if the applicant does not have a current Nebraska driver's license or state identification card and indicates in the application that the applicant needs a certified copy of the birth record to apply for a state identification card for voting purposes.

Source: Laws 1919, c. 190, tit. VI, art. II, div. IX, § 14, p. 784; Laws 1921, c. 73, § 1, p. 272; C.S.1922, § 8244; Laws 1927, c. 166, § 9, p. 451; C.S.1929, § 71-2416; Laws 1941, c. 140, § 10, p. 554; C.S.Supp.,1941, § 71-2416; Laws 1943, c. 147, § 1, p. 532; R.S.1943, § 71-612; Laws 1951, c. 229, § 1, p. 830; Laws 1959, c. 323, § 1, p. 1180; Laws 1963, c. 410, § 1, p. 1330; Laws 1965, c. 418, § 6, p. 1338; Laws 1965, c. 419, § 2, p. 1342; [Laws 1973, LB 583, § 8](#); [Laws 1983, LB 617, § 14](#); [Laws 1985, LB 42, § 7](#); [Laws 1986, LB 333, § 9](#); [Laws 1989, LB 344, § 12](#); Laws 1991, LB 703, § 30; Laws 1992, LB 1019, § 50; [Laws 1993, LB 536, § 63](#); [Laws 1995, LB 406, § 32](#); [Laws 1996, LB 1044, § 524](#); [Laws 1997, LB 307, § 140](#); [Laws 2002, Second Spec. Sess., LB 48, § 3](#); [Laws 2004, LB 1005, § 56](#); [Laws 2006, LB 994, § 86](#); [Laws 2006, LB 1115, § 39](#); [Laws 2007, LB296, § 413](#); [Laws 2014, LB994, § 1](#); [Laws 2023, LB514, § 23](#).

Operative Date: June 2, 2023

Chapter 75 – Public Service Commission

75-101. Public Service Commission; members; qualifications; terms, defined.

(1) The members of the Public Service Commission shall be resident citizens of this state, registered voters, and, if members of or practitioners in any profession, in good standing according to the established standards of such profession. The members of the Public Service Commission shall be elected as provided in section [32-509](#). A candidate for the office of public service commissioner shall be a resident of the district from which he or she seeks election. Each public service commissioner shall be a resident of the district from which he or she is elected. Removal from the district shall cause a vacancy in the office of public service commissioner for the unexpired term.

(2) No person shall be eligible to the office of public service commissioner who is directly or indirectly interested in any common carrier or jurisdictional utility in the state or out of it or who is in any way or manner pecuniarily interested in any common carrier subject to Chapter 75 or 86. If any commissioner becomes so interested after election or appointment, his or her office shall become vacant, except that if any commissioner becomes so interested otherwise than voluntarily, he or she shall, within a reasonable time, divest himself or herself of such interest, and failing to do so, his or her office shall become vacant.

(3) A commissioner shall not hold any other office under the government of the United States, of this state, or of any other state and shall not, while such commissioner, engage in any other occupation. For purposes of Chapter 75:

(a) Commission, when referring to a state agency, means the Public Service Commission; and

(b) Commissioner means a member of the commission.

Source: Laws 1963, c. 425, art. I, § 1, p. 1354; Laws 1967, c. 476, § 1, p. 1472; Laws 1984, LB 623, § 14; Laws 1994, LB 76, § 587; Laws 1994, LB 414, § 26; [Laws 2002, LB 1105, § 481](#); [Laws 2003, LB 790, § 60](#).

75-101.01. Public Service Commission; districts; numbers; boundaries; established by maps; Clerk of Legislature; Secretary of State; duties.

(1) Based on the 2020 Census of Population by the United States Department of Commerce, Bureau of the Census, the State of Nebraska is hereby divided into five public service commissioner districts, and each public service commissioner district shall be entitled to one member.

(2) The numbers and boundaries of the districts are designated and established by maps identified and labeled as maps [PSC21-39001](#), PSC21-39001-1, PSC21-39001-2, PSC21-39001-3, PSC21-39001-4, and PSC21-39001-5, filed with the Clerk of the Legislature, and incorporated by reference as part of Laws 2021, LB5, One Hundred Seventh Legislature, First Special Session.

(3) (a) The Clerk of the Legislature shall transfer possession of the maps referred to in subsection (2) of this section to the Secretary of State on October 1, 2021.

(b) When questions of interpretation of district boundaries arise, the maps referred to in subsection (2) of this section in possession of the Secretary of State shall serve as the indication of the legislative intent in drawing the district boundaries.

(c) Each election commissioner or county clerk shall obtain copies of the maps referred to in subsection (2) of this section for the election commissioner's or clerk's county from the Secretary of State.

(d) The Secretary of State shall also have available for viewing on his or her website the maps referred to in subsection (2) of this section identifying the boundaries for the districts.

Source: Laws 1963, c. 174, § 1, p. 596; Laws 1971, LB 955, § 1; Laws 1981, LB 551, § 1; R.S.1943, (1987), § 5-107; Laws 1991, LB 618, § 1; [Laws 2001, LB 855, § 2](#); [Laws 2011, LB700, § 1](#); [Laws 2021, First Spec. Sess., LB5, § 1](#).

75-101.02. Public Service Commission; districts; population figures and maps; basis.

For purposes of section [75-101.01](#), the Legislature adopts the official population figures and maps from the 2020 Census Redistricting (Public Law 94-171) TIGER/Line Shapefiles published by the United States Department of Commerce, Bureau of the Census.

Source: Laws 1971, LB 955, § 2; Laws 1981, LB 551, § 2; R.S.1943, (1987), § 5-107.01; Laws 1991, LB 618, § 2; [Laws 2001, LB 855, § 3](#); [Laws 2011, LB700, § 2](#); [Laws 2021, First Spec. Sess., LB5, § 2](#).

Chapter 77 – Revenue & Taxation (Sales Tax & Levy Override Elections)

77-27,142. Incorporated municipalities; sales and use tax; authorized; election.

(1) Any incorporated municipality other than a city of the metropolitan class by ordinance of its governing body is hereby authorized to impose a sales and use tax of one-half percent, one percent, one and one-half percent, one and three-quarters percent, or two percent upon the same transactions that are sourced under the provisions of sections [77-2703.01](#) to [77-2703.04](#) within such incorporated municipality on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time. Any city of the metropolitan class by ordinance of its governing body is hereby authorized to impose a sales and use tax of one-half percent, one percent, or one and one-half percent upon the same transactions that are sourced under the provisions of sections [77-2703.01](#) to [77-2703.04](#) within such city of the metropolitan class on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time. No sales and use tax shall be imposed pursuant to this section until an election has been held and a majority of the qualified electors have approved such tax pursuant to sections [77-27,142.01](#) and [77-27,142.02](#).

(2) (a) Any incorporated municipality that proposes to impose a municipal sales and use tax at a rate greater than one and one-half percent or increase a municipal sales and use tax to a rate greater than one and one-half percent shall submit the question of such tax or increase at a primary or general election held within the incorporated municipality. The question shall be submitted upon an affirmative vote by at least seventy percent of all of the members of the governing body of the incorporated municipality.

(b) Any rate greater than one and one-half percent shall be used as follows:

(i) In a city of the primary class, up to fifteen percent of the proceeds from the rate in excess of one and one-half percent may be used for non-public infrastructure projects of an interlocal agreement or joint public agency agreement with another political subdivision within the municipality or the county in which the municipality is located, and the remaining proceeds shall be used for public infrastructure projects or voter-approved infrastructure related to an economic development program as defined in section [18-2705](#); and

(ii) In any incorporated municipality other than a city of the primary class, the proceeds from the rate in excess of one and one-half percent shall be used for public infrastructure projects or voter-approved infrastructure related to an economic development program as defined in section [18-2705](#).

For purposes of this section, public infrastructure project means and includes, but is not limited to, any of the following projects, or any combination thereof: Public highways and bridges and municipal roads, streets, bridges, and sidewalks; solid waste management facilities; wastewater, storm water, and water treatment works and systems, water distribution facilities, and water resources projects, including, but not limited to, pumping stations, transmission lines, and mains and their appurtenances; hazardous waste disposal systems; resource recovery systems; airports; port facilities; buildings and capital equipment used in the operation of municipal government; convention and tourism facilities; redevelopment projects as defined in section [18-2103](#); mass transit and other transportation systems, including parking facilities; and equipment necessary for the provision of municipal services.

(c) Any rate greater than one and one-half percent shall terminate no more than ten years after its effective date or, if bonds are issued and the local option sales and use tax revenue is pledged for payment of such bonds, upon payment of such bonds and any refunding bonds, whichever date is later, except as provided in subdivision (2)(d) of this section.

(d) If a portion of the rate greater than one and one-half percent is stated in the ballot question as being imposed for the purpose of the interlocal agreement or joint public agency agreement described in subdivision (2)(b)(i) or subsection (3) of this section, and such portion is at least one-eighth percent, there shall be no termination date for the rate representing such portion rounded to the next higher one-quarter or one-half percent.

(e) Sections [13-518](#) to [13-522](#) apply to the revenue from any such tax or increase.

(3) (a) No municipal sales and use tax shall be imposed at a rate greater than one and one-half percent or increased to a rate greater than one and one-half percent unless the municipality is a party

to an interlocal agreement pursuant to the Interlocal Cooperation Act or a joint public agency agreement pursuant to the Joint Public Agency Act with a political subdivision within the municipality or the county in which the municipality is located creating a separate legal or administrative entity relating to a public infrastructure project.

(b) Except as provided in subdivision (2)(b)(i) of this section, such interlocal agreement or joint public agency agreement shall contain provisions, including benchmarks, relating to the long-term development of unified governance of public infrastructure projects with respect to the parties. The Legislature may provide additional requirements for such agreements, including benchmarks, but such additional requirements shall not apply to any debt outstanding at the time the Legislature enacts such additional requirements. The separate legal or administrative entity created shall not be one that was in existence for one calendar year preceding the submission of the question of such tax or increase at a primary or general election held within the incorporated municipality.

(c) Any other public agency as defined in section [13-803](#) may be a party to such interlocal cooperation agreement or joint public agency agreement.

(d) A municipality is not required to use all of the additional revenue generated by a sales and use tax imposed at a rate greater than one and one-half percent or increased to a rate greater than one and one-half percent under this subsection for the purposes of the interlocal cooperation agreement or joint public agency agreement set forth in this subsection.

(4) The provisions of subsections (2) and (3) of this section do not apply to the first one and one-half percent of a sales and use tax imposed by a municipality.

(5) Notwithstanding any provision of any municipal charter, any incorporated municipality or interlocal agency or joint public agency pursuant to an agreement as provided in subsection (3) of this section may issue bonds in one or more series for any municipal purpose and pay the principal of and interest on any such bonds by pledging receipts from the increase in the municipal sales and use taxes authorized by such municipality. Any municipality which has or may issue bonds under this section may dedicate a portion of its property tax levy authority as provided in section [77-3442](#) to meet debt service obligations under the bonds. For purposes of this subsection, bond means any evidence of indebtedness, including, but not limited to, bonds, notes including notes issued pending long-term financing arrangements, warrants, debentures, obligations under a loan agreement or a lease-purchase agreement, or any similar instrument or obligation.

Source: Laws 1969, c. 629, § 1, p. 2530; Laws 1978, LB 394, § 1; Laws 1978, LB 902, § 1; Laws 1979, LB 365, § 1; Laws 1981, LB 40, § 1; Laws 1985, LB 116, § 1; Laws 1986, LB 890, § 1; [Laws 2003, LB 282, § 80](#); [Laws 2012, LB357, § 1](#); [Laws 2013, LB104, § 1](#).

Cross References: **Interlocal Cooperation Act**, see section [13-801](#); **Joint Public Agency Act**, see section [13-2501](#); **Nebraska Revenue Act of 1967**, see section [77-2701](#).

77-27,142.01. Incorporated municipalities; sales and use tax; modification; election required, when.

(1) The governing body of any incorporated municipality may submit the question of changing any terms and conditions of a sales and use tax previously authorized under section [77-27,142](#). Except as otherwise provided by section [77-27,142](#), the question of modification shall be submitted to the voters at any primary or general election or at a special election if the governing body submits a certified copy of the resolution proposing modification to the election commissioner or county clerk within the time prior to the primary, general, or special election prescribed in section [77-27,142.02](#).

(2) If the change imposes a sales and use tax at a rate greater than one and one-half percent or increases the sales and use tax to a rate greater than one and one-half percent, the question shall include, but not be limited to:

(a) The percentage increase of one-quarter percent or one-half percent in the sales and use tax rate;

(b) A list of reductions or elimination of other taxes or fees, if any;

(c) A description of the projects to be funded, in whole or in part, from the revenue collected, along with any savings or efficiencies resulting from the projects;

(d) The year or years within which the revenue will be collected and, if bonds will be issued with some or all of the revenue pledged for payment of such bonds, a statement that the revenue will be collected until the payment in full of such bonds and any refunding bonds; and

- (e) (i) The percentage of revenue collected to be used for the purposes of the interlocal agreement or joint public agency agreement as provided in subdivision (2)(b)(i) or subsection (3) of section [77-27,142](#);
- (ii) a statement of the overall purpose of the agreement which is the long-term development of unified governance of public infrastructure projects, if applicable; and
- (iii) the name of any other political subdivision which is a party to the agreement.

This subsection does not apply to the first one and one-half percent of a sales and use tax imposed by a municipality.

Source: Laws 1978, LB 394, § 2; Laws 1997, LB 182A, § 7; [Laws 2009, LB501, § 4](#); [Laws 2012, LB357, § 2](#); [Laws 2013, LB104, § 2](#).

77-27,142.02. Incorporated municipalities; sales and use tax; election; question; effect.

Except as otherwise provided by subsection (2) of section [77-27,142](#), the power granted by section [77-27,142](#) shall not be exercised unless and until the question has been submitted at a primary, general, or special election held within the incorporated municipality and in which all qualified electors shall be entitled to vote on such question. The officials of the incorporated municipality shall order the submission of the question by submitting a certified copy of the resolution proposing the tax to the election commissioner or county clerk by March 1 for a primary election, by September 1 for a general election, or at least fifty days before a special election. Except as otherwise provided by subsection (2) of section [77-27,142.01](#), the question may include any terms and conditions set forth in the resolution proposing the tax, such as a termination date or the specific project or program for which the revenue received from such tax will be allocated, and shall include the following language:

Shall the governing body of the incorporated municipality impose a sales and use tax upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax?

If a majority of the votes cast upon such question shall be in favor of such tax, then the governing body of such incorporated municipality shall be empowered as provided by section [77-27,142](#) and shall forthwith proceed to impose a tax pursuant to the Local Option Revenue Act. If a majority of those voting on the question shall be opposed to such tax, then the governing body of the incorporated municipality shall not impose such a tax.

Source: Laws 1978, LB 394, § 3; Laws 1985, LB 116, § 2; Laws 1986, LB 890, § 2; [Laws 2009, LB501, § 5](#); [Laws 2012, LB357, § 3](#).

77-27,142.03. Incorporated municipality; sales and use tax; petition to submit question.

(1) If the qualified electors of any municipality, equal in number to at least ten percent of the votes cast at the last preceding municipal election, petition the governing body to submit the question at least seventy-five days before the next primary, general, or special election, the governing body shall submit the question at the next primary, general, or special election.

(2) The question of imposing a sales and use tax which has been submitted to the electors and failed shall not be submitted to the electors of an incorporated municipality again until twenty-three months after such failure.

Source: Laws 1978, LB 394, § 4; Laws 1986, LB 890, § 3; Laws 1994, LB 1175, § 3; [Laws 2009, LB501, § 6](#).

77-27,142.04. Incorporated municipality; sales and use tax; election; notice.

The governing body shall give notice of the submission of the question of imposing the sales and use tax upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax, not more than thirty days nor less than ten days previous to the election, by publication one time in one or more newspapers published in or of general circulation in the municipality in which such

question is to be submitted. Such notice shall be in addition to any other notice required under the general election laws of this state.

Source: Laws 1978, LB 394, § 5.

77-27,142.05. Incorporated municipality; sales and use tax; previously authorized; continuation without election.

Any incorporated municipality which had, prior to January 1, 1978, authorized a sales and use tax pursuant to section [77-27,142](#) may continue the tax without submitting the question of continuing such tax to a vote of the qualified electors.

Source: Laws 1978, LB 394, § 6.

77-27,223. County; license or occupation tax; authorized; election. (2023 Update)

A county may raise revenue by levying and collecting a license or occupation tax on any person, partnership, limited liability company, corporation, or business engaged in the sale of admissions to recreational, cultural, entertainment, or concert events that are subject to sales tax under sections [77-2701.04](#) to [77-2713](#) that occur outside any incorporated municipality, but within the boundary limits of the county. The tax shall be uniform in respect to the class upon which it is imposed. The tax shall be based upon a certain percentage of gross receipts from sales in the county of the person, partnership, limited liability company, corporation, or business, and may include sales of other goods and services at such locations and events, not to exceed one and one-half percent. A county may not impose the tax on sales that are within an incorporated city or village. No county shall levy and collect a license or occupation tax under this section unless approved by a majority of those voting on the question at a special, primary, or general election.

Source: [Laws 2002, LB 259, § 1](#); [Laws 2003, LB 282, § 83](#); [Laws 2021, LB26, § 7](#); [Laws 2021, LB595, § 11](#); [Laws 2022, LB984, § 10](#); [Laws 2023, LB727, § 76](#).

Operative Date: June 7, 2023

77-27,224. County board; election; question; effect.

The county board shall submit the question of imposing a license or occupation tax under section [77-27,223](#) to the registered voters at any primary or general election or at a special election if the county submits a certified copy of the resolution proposing the tax to the election commissioner or county clerk within a reasonable time prior to the primary, general, or special election. The question may include any terms and conditions set forth in the resolution proposing the tax, such as a termination date or the specific project or program for which the revenue will be allocated, and shall include the following language:

Shall the county board impose a license or occupation tax upon any person, partnership, limited liability company, corporation, or business engaged in the sale of admissions to recreational, cultural, entertainment, or concert events within the county on which the State of Nebraska is authorized to impose a sales tax?

If a majority of those voting on the question are in favor of the tax, then the county board shall be empowered to impose the tax and shall forthwith proceed to impose the tax. If a majority of those voting on the question are opposed to the tax, then the county board shall not impose the tax.

Source: [Laws 2002, LB 259, § 2](#).

77-27,225. Election; notice.

The county board shall give notice of the submission of the question of imposing a license or occupation tax under section [77-27,223](#) not more than thirty days nor less than ten days prior to the election, by publication one time in one or more newspapers published in or of general circulation in the county in which such question is to be submitted. The notice shall be in addition to any other notice required under the general election laws of this state.

Source: [Laws 2002, LB 259, § 3](#).

77-27,226. Petition to submit question.

Whenever, at least forty-five days prior to any county or state election, the registered voters of the county, equal in number to ten percent of the votes cast at the last preceding county election, petition the county board to submit the question of imposing a license or occupation tax under section [77-27,223](#), the county board shall submit the question at the next primary, general, or special election.

Source: [Laws 2002, LB 259, § 4.](#)

77-27,227. Submission of question; limitation.

The question of imposing a license or occupation tax under section [77-27,223](#) which has been submitted to the registered voters and failed shall not be submitted to the registered voters of the county again until twenty-three months after such failure.

Source: [Laws 2002, LB 259, § 5.](#)

77-3443. Other political subdivisions; levy limit; levy request; governing body; duties; allocation of levy.

(1) All political subdivisions, other than

- (a) school districts, community colleges, natural resources districts, educational service units, cities, villages, counties, municipal counties, rural and suburban fire protection districts that have levy authority pursuant to subsection (10) of section [77-3442](#), and sanitary and improvement districts and
- (b) political subdivisions subject to municipal allocation under subsection (2) of this section,

may levy taxes as authorized by law which are authorized by the county board of the county or the council of a municipal county in which the greatest portion of the valuation is located, which are counted in the county or municipal county levy limit provided in section [77-3442](#), and which do not collectively total more than fifteen cents per one hundred dollars of taxable valuation on any parcel or item of taxable property for all governments for which allocations are made by the municipality, county, or municipal county, except that such limitation shall not apply to property tax levies for preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and for payments by a public airport to retire interest-free loans from the Division of Aeronautics of the Department of Transportation in lieu of bonded indebtedness at a lower cost to the public airport. The county board or council shall review and approve or disapprove the levy request of all political subdivisions subject to this subsection. The county board or council may approve all or a portion of the levy request and may approve a levy request that would allow the requesting political subdivision to levy a tax at a levy greater than that permitted by law. Unless a transit authority elects to convert to a regional metropolitan transit authority in accordance with the Regional Metropolitan Transit Authority Act, and for each fiscal year of such a transit authority until the first fiscal year commencing after the effective date of such conversion, the county board of a county or the council of a municipal county which contains a transit authority established pursuant to the Transit Authority Law shall allocate no less than three cents per one hundred dollars of taxable property within the city or municipal county subject to the levy to the transit authority if requested by such authority. For any political subdivision subject to this subsection that receives taxes from more than one county or municipal county, the levy shall be allocated only by the county or municipal county in which the greatest portion of the valuation is located. The county board of equalization shall certify all levies by October 20 to insure that the taxes levied by political subdivisions subject to this subsection do not exceed the allowable limit for any parcel or item of taxable property. The levy allocated by the county or municipal county may be exceeded as provided in section [77-3444](#).

(2) All city airport authorities established under the Cities Airport Authorities Act, community redevelopment authorities established under the Community Development Law, transit authorities established under the Transit Authority Law unless and until the first fiscal year commencing after the effective date of any conversion by such a transit authority into a regional metropolitan transit authority pursuant to the Regional Metropolitan Transit Authority Act, and offstreet parking districts established under the Offstreet Parking District Act may be allocated property taxes as authorized by law which are authorized by the city, village, or municipal county and are counted in the city or village levy limit or municipal county levy limit provided by section [77-3442](#), except that such limitation shall not apply to

property tax levies for preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and for payments by a public airport to retire interest-free loans from the Division of Aeronautics of the Department of Transportation in lieu of bonded indebtedness at a lower cost to the public airport. For offstreet parking districts established under the Offstreet Parking District Act, the tax shall be counted in the allocation by the city proportionately, by dividing the total taxable valuation of the taxable property within the district by the total taxable valuation of the taxable property within the city multiplied by the levy of the district. Unless a transit authority elects to convert into a regional metropolitan transit authority pursuant to the Regional Metropolitan Transit Authority Act, and for each fiscal year of such a transit authority until the first fiscal year commencing after the effective date of such conversion, the city council of a city which has established a transit authority pursuant to the Transit Authority Law or the council of a municipal county which contains a transit authority shall allocate no less than three cents per one hundred dollars of taxable property subject to the levy to the transit authority if requested by such authority. The city council, village board, or council shall review and approve or disapprove the levy request of the political subdivisions subject to this subsection. The city council, village board, or council may approve all or a portion of the levy request and may approve a levy request that would allow a levy greater than that permitted by law. The levy allocated by the municipality or municipal county may be exceeded as provided in section [77-3444](#).

(3) On or before August 1, all political subdivisions subject to county, municipal, or municipal county levy authority under this section shall submit a preliminary request for levy allocation to the county board, city council, village board, or council that is responsible for levying such taxes. The preliminary request of the political subdivision shall be in the form of a resolution adopted by a majority vote of members present of the political subdivision's governing body. The failure of a political subdivision to make a preliminary request shall preclude such political subdivision from using procedures set forth in section [77-3444](#) to exceed the final levy allocation as determined in subsection (4) of this section.

(4) Each county board, city council, village board, or council shall

(a) adopt a resolution by a majority vote of members present which determines a final allocation of levy authority to its political subdivisions and

(b) forward a copy of such resolution to the chairperson of the governing body of each of its political subdivisions.

No final levy allocation shall be changed after September 1 except by agreement between both the county board, city council, village board, or council which determined the amount of the final levy allocation and the governing body of the political subdivision whose final levy allocation is at issue.

Source: Laws 1996, LB 1114, § 2; Laws 1997, LB 269, § 57; Laws 1998, LB 306, § 37; [Laws 1999, LB 141, § 12](#); [Laws 2001, LB 142, § 58](#); [Laws 2002, LB 994, § 26](#); [Laws 2015, LB325, § 8](#); [Laws 2017, LB339, § 270](#); [Laws 2019, LB492, § 43](#); [Laws 2021, LB644, § 22](#).

Cross References: **Cities Airport Authorities Act**, see section [3-514](#); **Community Development Law**, see section [18-2101](#); **Offstreet Parking District Act**, see section [19-3301](#); **Regional Metropolitan Transit Authority Act**, see section [18-801](#); **Transit Authority Law**, see section [14-1826](#).

77-3444. Authority to exceed maximum levy; procedure.

(1) A political subdivision may exceed the limits provided in section [77-3442](#) or a final levy allocation determination as provided in section [77-3443](#) by an amount not to exceed a maximum levy approved by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to exceed the limits provided in section [77-3442](#) or a final levy allocation as provided in section [77-3443](#) must be approved prior to October 10 of the fiscal year which is to be the first to exceed the limits or final levy allocation. The governing body of the political subdivision may call for the submission of the issue to the voters

(a) by passing a resolution calling for exceeding the limits or final levy allocation by a vote of at least two-thirds of the members of the governing body and delivering a copy of the resolution to the county clerk or election commissioner of every county which contains all or part of the political subdivision or

(b) upon receipt of a petition by the county clerk or election commissioner of every county containing all or part of the political subdivision requesting an election signed by at least five percent of the registered voters residing in the political subdivision.

The resolution or petition shall include the amount of levy which would be imposed in excess of the limits provided in section [77-3442](#) or the final levy allocation as provided in section [77-3443](#) and the duration of the excess levy authority. The excess levy authority shall not have a duration greater than five years. Any resolution or petition calling for a special election shall be filed with the county clerk or election commissioner on or before the fifth Friday prior to the election, and the time of publication and providing a copy of the notice of election required in section [32-802](#) shall be no later than twenty days prior to the election. The county clerk or election commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least thirty-one days after receipt of the resolution or petition. The election shall be held pursuant to the Election Act. For petitions filed with the county clerk or election commissioner on or after May 1, 1998, the petition shall be in the form as provided in sections [32-628](#) to [32-631](#). Any excess levy authority approved under this section shall terminate pursuant to its terms, on a vote of the governing body of the political subdivision to terminate the authority to levy more than the limits, at the end of the fourth fiscal year following the first year in which the levy exceeded the limit or the final levy allocation, or as provided in subsection (4) of this section, whichever is earliest. A governing body may pass no more than one resolution calling for an election pursuant to this section during any one calendar year. Only one election may be held in any one calendar year pursuant to a petition initiated under this section.

(2) The ballot question may include any terms and conditions set forth in the resolution or petition and shall include the following:

"Shall (name of political subdivision) be allowed to levy a property tax not to exceed cents per one hundred dollars of taxable valuation in excess of the limits prescribed by law until fiscal year for the purposes of (general operations; building construction, remodeling, or site acquisition; or both general operations and building construction, remodeling, or site acquisition)?".

If a majority of the votes cast upon the ballot question are in favor of such tax, the county board shall authorize a tax in excess of the limits in section [77-3442](#) or the final levy allocation in section [77-3443](#) but such tax shall not exceed the amount stated in the ballot question. If a majority of those voting on the ballot question are opposed to such tax, the governing body of the political subdivision shall not impose such tax.

(3) In lieu of the election procedures in subsection (1) of this section, any political subdivision subject to section [77-3443](#) and villages may approve a levy in excess of the limits in section [77-3442](#) or the final levy allocation provided in section [77-3443](#) for a period of one year at a meeting of the residents of the political subdivision or village, called after notice is published in a newspaper of general circulation in the political subdivision or village at least twenty days prior to the meeting. At least ten percent of the registered voters residing in the political subdivision or village shall constitute a quorum for purposes of taking action to exceed the limits or final levy allocation. A record shall be made of the registered voters residing in the political subdivision or village who are present at the meeting. The method of voting at the meeting shall protect the secrecy of the ballot. If a majority of the registered voters present at the meeting vote in favor of exceeding the limits or final levy allocation, a copy of the record of that action shall be forwarded to the county board prior to October 10 and the county board shall authorize a levy as approved by the residents for the year. If a majority of the registered voters present at the meeting vote against exceeding the limits or final allocation, the limit or allocation shall not be exceeded and the political subdivision shall have no power to call for an election under subsection (1) of this section.

(4) A political subdivision may rescind or modify a previously approved excess levy authority prior to its expiration by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to rescind or modify must be approved prior to October 10 of the fiscal year for which it is to be effective. The governing body of the political subdivision may call for the submission of the issue to the voters

(a) by passing a resolution calling for the rescission or modification by a vote of at least two-thirds of the members of the governing body and delivering a copy of the resolution to the county clerk or election commissioner of every county which contains all or part of the political subdivision or

(b) upon receipt of a petition by the county clerk or election commissioner of every county containing all or part of the political subdivision requesting an election signed by at least five percent of the registered voters residing in the political subdivision.

The resolution or petition shall include the amount and the duration of the previously approved excess levy authority and a statement that either such excess levy authority will be rescinded or such excess levy authority will be modified. If the excess levy authority will be modified, the amount and duration of such modification shall be stated. The modification shall not have a duration greater than five years. The county clerk or election commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least thirty-one days after receipt of the resolution or petition, and the time of publication and providing a copy of the notice of election required in section [32-802](#) shall be no later than twenty days prior to the election. The election shall be held pursuant to the Election Act.

(5) For purposes of this section, when the political subdivision is a sanitary and improvement district, registered voter means a person qualified to vote as provided in section [31-735](#). Any election conducted under this section for a sanitary and improvement district shall be conducted and counted as provided in sections [31-735](#) to [31-735.06](#).

(6) For purposes of this section, when the political subdivision is a school district or a multiple-district school system, registered voter includes persons qualified to vote for the members of the school board of the school district which is voting to exceed the maximum levy limits pursuant to this section.

Source: Laws 1996, LB 1114, § 3; Laws 1997, LB 269, § 58; Laws 1997, LB 343, § 1; Laws 1997, LB 806, § 4; Laws 1998, LB 306, § 38; Laws 1998, LB 1104, § 18; [Laws 1999, LB 141, § 13](#); [Laws 2007, LB289, § 1](#); [Laws 2018, LB377, § 8](#); [Laws 2022, LB843, § 55](#).

Chapter 79 – Schools (School Boards; Educational Service Units; State Board of Education)

79-102. School districts; classification.

School districts in this state are classified as follows:

(1) Class III includes any school district embracing territory having a population of less than one hundred fifty thousand inhabitants that maintains both elementary and high school grades under the direction of a single school board;

(2) Class IV includes any school district embracing territory having a population of one hundred thousand or more inhabitants with a city of the primary class within the territory of the district that maintains both elementary and high school grades under the direction of a single school board; and

(3) Class V includes any school district whose employees participate in a retirement system established pursuant to the Class V School Employees Retirement Act and which embraces territory having a city of the metropolitan class within the territory of the district that maintains both elementary grades and high school grades under the direction of a single school board and any school district with territory in a city of the metropolitan class created pursuant to the Learning Community Reorganization Act and designated as a Class V school district in the reorganization plan.

Source: Laws 1949, c. 256, § 2, p. 691; Laws 1959, c. 379, § 1, p. 1320; Laws 1981, LB 16, § 1; R.S.1943, (1994), § 79-102; Laws 1996, LB 900, § 2; Laws 1997, LB 345, § 6; Laws 1998, LB 629, § 1; [Laws 2003, LB 394, § 1](#); [Laws 2005, LB 126, § 8](#); [Laws 2006, LB 1024, § 15](#); Referendum 2006, No. 422; [Laws 2018, LB377, § 10](#).

Cross References: **City of the metropolitan class**, population, see section [14-101](#); **City of the primary class**, population, see section [15-101](#); **Class V School Employees Retirement Act**, see section [79-978.01](#); **Commissioner of Education**, assign number to each district, see section [79-307](#); **Learning Community Reorganization Act**, see section [79-4,117](#).

79-310. State Board of Education; members; election.

The State Board of Education shall be composed of eight members who shall be elected as provided in section [32-511](#). The Commissioner of Education shall not be a member of the State Board of Education.

Source: Laws 1953, c. 320, § 2, p. 1054; Laws 1967, c. 527, § 1, p. 1750; Laws 1991, LB 619, § 1; Laws 1994, LB 76, § 589; R.S.1943, (1994), § 79-322; Laws 1996, LB 900, § 138; [Laws 2009, LB549, § 15](#).

Cross References: Constitutional provisions: Creation, [Article VII, section 3](#), Constitution of Nebraska; Membership, requirements, [Article VII, section 3](#), Constitution of Nebraska; **Filing fees**, see section [32-608](#); **Nomination**, nonpolitical, see section [32-609](#).

79-311. State Board of Education; districts; numbers; boundaries; established by maps; Clerk of Legislature; Secretary of State; duties.

(1) For the purpose of section [79-310](#), the state is divided into eight districts. Each district shall be entitled to one member on the board.

(2) The numbers and boundaries of the districts are designated and established by maps identified and labeled as maps [ED21-39003](#), ED21-39003-1, ED21-39003-2, ED21-39003-3, ED21-39003-4, ED21-39003-5, ED21-39003-6, ED21-39003-7, and ED21-39003-8, filed with the Clerk of the Legislature, and incorporated by reference as part of Laws 2021, LB7, One Hundred Seventh Legislature, First Special Session.

(3) (a) The Clerk of the Legislature shall transfer possession of the maps referred to in subsection (2) of this section to the Secretary of State on October 1, 2021.

(b) When questions of interpretation of district boundaries arise, the maps referred to in subsection (2) of this section in possession of the Secretary of State shall serve as the indication of the legislative intent in drawing the district boundaries.

(c) Each election commissioner or county clerk shall obtain copies of the maps referred to in subsection (2) of this section for the election commissioner's or clerk's county from the Secretary of State.

(d) The Secretary of State shall also have available for viewing on his or her website the maps referred to in subsection (2) of this section identifying the boundaries for the districts.

Source: Laws 1967, c. 527, § 2, p. 1751; Laws 1971, LB 735, § 1; Laws 1981, LB 554, § 1; Laws 1991, LB 619, § 2; R.S.1943, (1994), § 79-322.01; Laws 1996, LB 900, § 139; [Laws 2001, LB 856, § 2](#); [Laws 2011, LB702, § 1](#); [Laws 2021, First Spec. Sess., LB7, § 1](#).

79-312. State Board of Education districts; population figures and maps; basis.

For purposes of section [79-311](#), the Legislature adopts the official population figures and maps from the 2020 Census Redistricting (Public Law 94-171) TIGER/Line Shapefiles published by the United States Department of Commerce, Bureau of the Census.

Source: Laws 1971, LB 735, § 2; Laws 1981, LB 554, § 2; Laws 1991, LB 619, § 3; R.S.1943, (1994), § 79-322.02; Laws 1996, LB 900, § 140; [Laws 2001, LB 856, § 3](#); [Laws 2011, LB702, § 2](#); [Laws 2021, First Spec. Sess., LB7, § 2](#).

79-313. State Board of Education; members; qualifications.

No person shall be eligible to membership on the State Board of Education

- (1) who is actively engaged in the teaching profession,
- (2) who is a holder of any state office or a member of a state board or commission unless the board or commission is limited to an advisory capacity, or
- (3) unless he or she is a citizen of the United States, a resident of the state for a period of at least six months, and a resident of the district from which he or she is elected for a period of at least six months immediately preceding his or her election.

Source: Laws 1953, c. 320, § 3, p. 1054; Laws 1994, LB 76, § 590; R.S.1943, (1994), § 79-323; Laws 1996, LB 900, § 141; [Laws 2001, LB 797, § 8](#); [Laws 2009, LB549, § 16](#).

79-314. State Board of Education; members; vacancies; how filled.

Vacancies occurring on the State Board of Education between one general election and another shall be filled by appointment by the Governor from among qualified persons residing in the district in which the vacancy occurs. Such appointments shall be in writing and continue for the unexpired term and until a successor is elected and qualified. The written appointment shall be filed with the Secretary of State.

Source: Laws 1953, c. 320, § 4, p. 1054; Laws 1957, c. 124, § 24, p. 436; R.S.1943, (1994), § 79-324; Laws 1996, LB 900, § 142.

79-447. Plan of reorganization; special election; notice; contents; approval of plan.

(1) Not less than thirty nor more than sixty days after the designation of a final approved plan under section [79-446](#), the proposition of the adoption or rejection of the proposed plan of reorganization shall be submitted at a special election to all the legal voters of districts within the county whose boundaries are in any manner changed by the plan of reorganization.

(2) Notice of the special election shall be given by the county clerk or election commissioner and shall be published in a legal newspaper of general circulation in the county at least ten days prior to the election. The election notice shall

- (a) state that the election has been called for the purpose of affording the legal voters an opportunity to approve or reject the plan of reorganization,
- (b) contain a description of the boundaries of the proposed district, and
- (c) contain a statement of the terms of the adjustment of property, debts, and liabilities applicable thereto.

(3) All ballots shall be prepared and the special election shall be held and conducted by the county clerk or election commissioner, and the expense of such election shall be paid by the county board or boards if more than one county is involved as provided in subsection (4) of this section. The county clerk or election commissioner shall use the duly appointed election school board or appoint two judges and two clerks who shall be legal voters of the territory of the proposed school district. The election shall

be held at a place or places within the proposed district determined by the county clerk or election commissioner to be convenient for the voters.

(4) If the proposed plan of reorganization involves a district under the jurisdiction of another county, the county clerk or election commissioner of the county which has the largest number of pupils residing in the proposed joint district shall give the notice required by subsection (2) of this section in a newspaper of general circulation in the territory of the proposed district and prepare the ballots and such election shall be held and conducted by the county clerk or election commissioner of each county involved in the proposed reorganization in accordance with the Election Act. Each county board shall bear a share of the total election expense in the same proportion that the number of legal voters residing in the proposed district in one county stands to the whole number of legal voters in the proposed district.

(5) In any election held as provided in this section, all districts of like class shall vote as a unit.

(6) Approval of the plan at the special election shall require a majority of all legal voters voting within each voting unit included in the proposed plan.

Source: Laws 1949, c. 249, § 15, p. 678; Laws 1951, c. 278, § 6, p. 941; Laws 1953, c. 297, § 1, p. 1003; Laws 1955, c. 311, § 6, p. 960; Laws 1957, c. 342, § 3, p. 1184; Laws 1963, c. 480, § 2, p. 1547; Laws 1963, c. 479, § 9, p. 1542; Laws 1972, LB 661, § 80; Laws 1994, LB 76, § 592; R.S.1943, (1994), § 79-426.15; Laws 1996, LB 900, § 196; Laws 1997, LB 345, § 13; [Laws 1999, LB 272, § 50](#); [Laws 2005, LB 126, § 28](#); Referendum 2006, No. 422; [Laws 2018, LB377, § 21](#).

79-448. Plan of reorganization; disapproval of plan; continuance of efforts; revised plan; approval.

If the majority vote in each voting unit at the election described in section [79-447](#) is not in favor of the plan of reorganization, the school districts may continue in their efforts in an attempt to prepare a revised plan which might be acceptable. If a revised plan is approved by the school districts, it shall be submitted for the approval of the state committee, and if approved by the state committee it shall be submitted to a vote under the procedure provided in section [79-447](#).

Source: Laws 1963, c. 479, § 10, p. 1544; R.S.1943, (1994), § 79-426.16; Laws 1996, LB 900, § 197; [Laws 1999, LB 272, § 51](#).

79-499. Class III school district; membership requirements; cooperative programs; when required; plan; ballot issue; when; failure; effect.

(1) If the fall school district membership or the average daily membership of an existing Class III school district shows fewer than forty-five students in grades kindergarten through twelve, the district shall submit a plan for developing cooperative programs with other school districts, including the sharing of curriculum and certificated and noncertificated staff, to the State Committee for the Reorganization of School Districts. The cooperative program plan shall be submitted by the school district by September 1 of the year following such fall school district membership or average daily membership report. A cooperative program plan shall not be required if there is no school within fifteen miles from such district on a reasonably improved highway. The state committee shall review the plan and provide advice and communication to such school district and other school districts.

(2) If for two consecutive years the fall school district membership, or for two consecutive years the average daily membership, of an existing Class III school district is fewer than forty-five students in grades kindergarten through twelve as determined by the Commissioner of Education, such school district shall, except as provided in subsection (3) of this section, be dissolved pursuant to the procedures described in subdivision (3)(b) of this section through the order of the state committee if the school district is within fifteen miles on a reasonably improved highway of another school.

This subsection does not apply to any school district located on an Indian reservation and substantially or totally financed by the federal government.

(3) (a) Any Class III school district which is the only public school district in the county and which has a fall school district membership or an average daily membership of fewer than forty-five students in grades kindergarten through twelve shall be subject to this subsection until such school district reaches a fall school district membership or an average daily membership in grades kindergarten through twelve of at least forty-five students or such school district dissolves. Such school district may continue to operate if:

(i) The plan submitted pursuant to subsection (1) of this section provides a broad-based curriculum as determined by the state committee; and

(ii) At a districtwide election held the second Tuesday of November by whatever means the county conducts balloting, in the second consecutive school year that the fall school district membership for grades kindergarten through twelve is fewer than forty-five students, a majority of voters approve a ballot issue to continue to operate the school district for the immediately following school year. If such ballot issue succeeds and the school district remains subject to this subsection, such school board or board of education shall conduct a public hearing and, after receiving testimony at the public hearing, vote whether to continue to operate the school district every four years thereafter. If such ballot issue or such vote of the school board or board of education fails, the school district shall be dissolved pursuant to the procedures described in subdivision (3)(b) of this section.

(b) The state committee shall dissolve the school district and attach the territory to other school districts based on the preferences of each landowner if such preference is provided in the time and manner required by the state committee and would transfer such parcels to a school district with a boundary contiguous to the school district being dissolved. Landowners submitting such preferences shall sign a statement that the district of preference is the district which children who might reside on the property, at the time of the dissolution or in the future, would be expected to attend. For property for which a preference is not provided in the time and manner required by the state committee, the state committee shall transfer such property to one or more of the school districts with boundaries contiguous to the district being dissolved in a manner that will best serve children who might reside on such property, at the time of the dissolution or in the future, and that will, to the extent possible, create compact and contiguous districts.

(4) For purposes of this section, when calculating fall school district membership or average daily membership, a resident school district as defined in section [79-233](#) shall not count students attending an option district as defined in such section and a Class III school district shall not count foreign exchange students and nonresident students who are wards of the court or state.

Source: Laws 1991, LB 511, § 55; Laws 1992, LB 245, § 53; R.S.1943, (1994), § 79-516.08; Laws 1996, LB 900, § 248; Laws 1996, LB 1050, § 6; [Laws 1999, LB 272, § 70](#); [Laws 2005, LB 126, § 36](#); Referendum 2006, No. 422; [Laws 2015, LB477, § 1](#); [Laws 2018, LB377, § 27](#); [Laws 2018, LB1070, § 1](#); [Laws 2020, LB1166, § 1](#); [Laws 2022, LB1057, § 1](#).

Cross References: **Contracting for instruction**, general provisions, see section [79-598](#).

79-543. School board member; qualifications.

No person shall file for office, be nominated or elected, or serve as a member of a school board in any class of school district unless he or she is a legal voter in such district.

Source: Laws 1971, LB 420, § 1; R.S.1943, (1987), § 79-439.01; Laws 1994, LB 76, § 595; R.S.1943, (1994), § 79-443.01; Laws 1996, LB 900, § 296; Laws 1997, LB 345, § 21.

Cross References: **Election and terms of office**, see sections [32-541](#) to [32-546](#); **Learning community coordinating council members**, election, terms, and vacancies, see section [32-546.01](#).

79-544. School board members; contract to teach prohibited.

No member of a school board shall be engaged in a contract to teach pursuant to sections [79-817](#) to [79-821](#) with the school district which he or she serves as a board member.

Source: Laws 1881, c. 78, subdivision III, § 10, p. 345; Laws 1883, c. 72, § 5, p. 291; R.S.1913, § 6761; C.S.1922, § 6302; C.S.1929, § 79-310; R.S.1943, § 79-310; Laws 1949, c. 256, § 105, p. 727; Laws 1971, LB 214, § 1; R.S.1943, (1994), § 79-466; Laws 1996, LB 900, § 297; [Laws 1999, LB 272, § 75](#); [Laws 2001, LB 242, § 24](#); [Laws 2009, LB163, § 1](#).

79-545. District officers; vacancy.

Vacancies in each school district office shall occur as set forth in section [32-570](#) and be filled according to such section.

Source: Laws 1881, c. 78, subdivision V, § 10, p. 354; R.S.1913, § 6790; C.S.1922, § 6331; C.S.1929, § 79-510; R.S.1943, § 79-510; Laws 1949, c. 256, § 101, p. 726; Laws 1951, c. 276, § 5, p. 930; Laws 1953, c. 291, § 4, p. 990; R.S.1943, (1987), § 79-462; Laws 1994, LB 76, § 596; R.S.1943, (1994), § 79-467.01; Laws 1996, LB 900, § 298.

79-549. School board; Class III school district; members; caucus or election; procedure.

(1) The school board of any Class III school district that is a member of a learning community may place before the legal voters of the school district the issue of whether to begin to have a caucus for nominations by adopting a resolution to place the issue before the legal voters and certifying the issue to the election commissioner or county clerk prior to September 1 for placement on the ballot at the next statewide general election. The legal voters of the school district may also have the issue placed on the ballot at the statewide general election by circulating a petition and gathering the signatures of the legal voters residing within the school district at least equal to seven percent of the number of persons registered to vote in the school district at the last statewide primary election. The petitions shall be filed with the election commissioner or county clerk for signature verification on or before August 15 prior to a statewide general election. If the election commissioner or county clerk determines that the appropriate number of legal voters signed the petition, he or she shall place the issue on the ballot for the next statewide general election. The issue shall not be placed on the ballot again within four years after voting on the issue at a statewide general election.

(2) Any Class III school district that nominated school board members by caucus pursuant to this section as it existed immediately before July 14, 2006, shall continue such procedure until the legal voters of the district vote not to continue to have a caucus for nominations pursuant to subsection (3) of this section. A caucus shall be held pursuant to subsection (5) of this section not less than seventy days prior to the holding of the election to nominate two or more candidates for each vacancy to be voted upon at the election to be held in conjunction with the statewide primary election pursuant to subsection (1) of section [32-543](#). No candidate nominated shall have his or her name placed upon the ballot for the general election unless, not more than ten days after his or her nomination, he or she files with the secretary of the school board a written statement accepting the nomination. The secretary of the school board shall certify the names of the candidates to the election commissioner or county clerk who shall prepare the official ballot listing the names as certified and without any area designation. All legal voters residing within the school district shall be permitted to vote at such election.

(3) The school board may place before the legal voters of the school district the issue of whether to continue to have a caucus for nominations by adopting a resolution to place the issue before the legal voters and certifying the issue to the election commissioner or county clerk prior to September 1 for placement on the ballot at the next statewide general election. The legal voters of the school district may also have the issue placed on the ballot at the statewide general election by circulating a petition and gathering the signatures of the legal voters residing within the school district at least equal to seven percent of the number of persons registered to vote in the school district at the last statewide primary election. The petitions shall be filed with the election commissioner or county clerk for signature verification on or before August 15 prior to a statewide general election. If the election commissioner or county clerk determines that the appropriate number of legal voters signed the petition, he or she shall place the issue on the ballot for the next statewide general election. The issue shall not be placed on the ballot again within four years after voting on the issue at a statewide general election.

(4) If the legal voters vote not to continue to have a caucus, the school board shall determine the number of members to be nominated and elected as provided in subsection (2) of section [32-543](#). The terms of the members in office at the time of the vote shall be extended to the first Thursday after the first Tuesday in January after the expiration of their terms. At the first general election following the vote, a number of members receiving the greatest number of votes shall be elected for a term of four years and a number of members receiving the next greatest number of votes shall be elected for a term of two years so that approximately one-half of the school board members are elected every two years.

(5) A school district which uses a caucus for nominations shall develop rules and procedures for conducting the caucus which will ensure:

(a) Publication of the rules and procedures by multiple sources if necessary so that every resident of the school district has access to information on the process for placing a name in nomination and voting at the caucus;

(b) Facilities for voting at the caucus which comply with the federal Americans with Disabilities Act of 1990 and which will accommodate a reasonably anticipated number of legal voters;

(c) Election security which will provide for a fair and impartial election, including the secrecy of the ballot, one vote per legal voter, and only legal voters of the school district being allowed to vote;

- (d) Equal access to all legal voters of the school district, including the presence of an interpreter at the caucus at the expense of the school district and ballots for the blind and visually impaired to provide access to the process by all legal voters of the school district;
- (e) Adequate time and opportunity for legal voters of the school district to exercise their right to vote; and
- (f) Notification of nomination to the candidates and to the secretary of the school board.

The rules and regulations shall be approved by the election commissioner or county clerk prior to use for a caucus.

Source: Laws 1953, c. 303, § 2, p. 1017; Laws 1969, c. 257, § 43, p. 955; Laws 1972, LB 661, § 85; Laws 1974, LB 435, § 1; Laws 1978, LB 632, § 9; Laws 1982, LB 440, § 3; Laws 1993, LB 348, § 25; Laws 1994, LB 76, § 601; R.S.1943, (1994), § 79-803.03; Laws 1996, LB 900, § 302; Laws 1997, LB 345, § 23; Laws 1997, LB 346, § 6; Laws 1997, LB 764, § 111; [Laws 2006, LB 1024, § 55](#); [Laws 2014, LB946, § 41](#).

79-550. Class III school district elections; change number of board members; resolution; contents; change manner of election.

(1) The school board of a Class III school district may, by resolution adopted in an odd-numbered year, provide for a change in the number of members on the school board to a minimum of five members and a maximum of nine members to be effective at the beginning of the term of office for school board members elected at the next statewide general election. The school board shall include in the resolution:

- (a) A statement of the change in number of members to be added to or eliminated from the school board;
- (b) A statement that the change does not take effect until the beginning of the term of office for school board members elected at the next statewide general election;
- (c) If the members are not nominated or elected by district or ward in the school district:
 - (i) If the change in number adds members to the school board, a statement of the number of members to be elected at the next statewide general election, including the members whose terms are expiring and the additional members, and the number of such members to be elected to four-year terms and the number of such members to be elected to two-year terms so that approximately one-half of the total number of members are elected at each statewide general election. The members receiving the highest number of votes shall be elected to four-year terms, and the members receiving the next highest number of votes shall be elected to two-year terms; and
 - (ii) If the change in number decreases the number of members on the school board, a statement of the number of members to be elected at the next statewide general election, if any, and at the subsequent statewide general election, if necessary, and the number of such members to be elected at such elections to four-year terms and the number of such members to be elected at such elections to two-year terms so that approximately one-half of the total number of members are elected at each statewide general election. The members receiving the highest number of votes shall be elected to four-year terms, and the members receiving the next highest number of votes shall be elected to two-year terms; and
- (d) If the members are nominated or elected by district or ward in the school district:
 - (i) The changes to the boundaries of districts or wards;
 - (ii) A statement that the changes to the boundaries are effective for purposes of nominating or electing, as applicable, members to the school board beginning with the next statewide primary and general elections but that the changes in boundaries are not effective for purposes of representation until the beginning of the term of office for school board members elected at the next statewide general election;
 - (iii) A statement of which districts or wards, as changed, are on the ballot at the next statewide primary or general election, as applicable, and whether the members elected from such districts or wards are being elected for four-year terms or two-year terms;
 - (iv) A statement specifying the newly established districts which each member will represent for the remainder of his or her term, if necessary;
 - (v) If the change in number adds members to the school board, a statement of the number of members to be elected at the next statewide general election, including the members

whose terms are expiring and the additional members, and the districts or wards of such members to be elected to four-year terms and the districts or wards of such members to be elected to two-year terms so that approximately one-half of the total number of members are elected at each statewide general election; and

(vi) If the change in number decreases the number of members on the school board, a statement of the number of members to be elected at the next statewide general election, if any, and at the subsequent statewide general election, if necessary, and the districts or wards of such members to be elected at such elections to four-year terms and the districts or wards of such members to be elected at such elections to two-year terms so that approximately one-half of the total number of members are elected at each statewide general election.

(2) If the members of the school board of a Class III school district are nominated and elected by district or ward, the board may by resolution provide for the nomination of the members by district or ward and the election of the members at large. If the members are nominated by district or ward and elected at large, the board may by resolution provide for the nomination and election of the members by district or ward.

(3) Any Class III school district which has a nine-member school board on January 1, 2015, may continue to have a nine-member school board without complying with the requirements of this section.

Source: Laws 1974, LB 592, § 8; Laws 1981, LB 303, § 4; Laws 1994, LB 76, § 602; R.S.1943, (1994), § 79-803.11; Laws 1996, LB 900, § 303; Laws 1997, LB 595, § 5; [Laws 2014, LB946, § 42](#); [Laws 2018, LB377, § 38](#).

79-551. Class IV school district; board of education; members; election; student member.

The board of education of a Class IV school district shall consist of seven members and also may include a nonvoting student member or members selected pursuant to section [79-559](#). Voting members shall be elected as provided in section [32-544](#). Voting members of the board shall begin the duties of their office on the third Monday of the month in which they are elected.

Source: Laws 1978, LB 457, § 1; Laws 1979, LB 305, § 1; Laws 1981, LB 303, § 5; Laws 1982, LB 688, § 1; Laws 1982, LB 440, § 4; Laws 1985, LB 244, § 2; Laws 1994, LB 76, § 603; R.S.1943, (1994), § 79-902.01; Laws 1996, LB 900, § 304.

Cross References: For qualifications of members of board of education, see section [79-543](#);

Vacancies, see section [79-545](#).

79-552. Class V school district; board of education; members; election by district; procedure; qualifications.

The board of education of a Class V school district shall consist of nine members. One member shall be elected from each district pursuant to section [32-545](#). Each elected member shall be a resident of the district for at least six months prior to the election. Each candidate for election to and each member of the board of education shall be a taxpayer in and a resident of the district of such school district as designated pursuant to section [32-552](#).

Source: Laws 1891, c. 45, § 5, p. 318; Laws 1909, c. 131, § 1, p. 476; R.S.1913, § 7011; Laws 1915, c. 125, § 1, p. 285; C.S.1922, § 6642; C.S.1929, § 79-2705; Laws 1939, c. 106, § 1, p. 470; C.S.Supp.,1941, § 79-2705; R.S.1943, § 79-2705; Laws 1949, c. 256, § 251, p. 775; Laws 1969, c. 259, § 68, p. 1000; Laws 1975, LB 423, § 1; Laws 1981, LB 446, § 31; Laws 1982, LB 440, § 5; Laws 1994, LB 76, § 604; R.S.1943, (1994), § 79-1003; Laws 1996, LB 900, § 305; [Laws 2002, LB 935, § 17](#); [Laws 2013, LB125, § 6](#); [Laws 2020, LB1055, § 20](#).

Cross References: For qualifications of members of board of education, see section [79-543](#);

Vacancies, see section [79-545](#).

79-1029. Budget authority for general fund budget of expenditures; vote to exceed; procedure.

A school district may exceed the budget authority for the general fund budget of expenditures prescribed in section [79-1023](#) by an amount approved by a majority of legal voters voting on the issue at a primary, general, or special election called for such purpose upon the recommendation of the board or upon the receipt by the county clerk or election commissioner of a petition requesting an election, signed by at

least five percent of the legal voters of the district. The recommendation of the board or the petition of the legal voters shall include the amount by which the board would increase its general fund budget of expenditures for the ensuing school year over and above the budget authority for the general fund budget of expenditures prescribed in section [79-1023](#). The county clerk or election commissioner shall place the question on the primary or general election ballot or call for a special election on the issue after the receipt of such board recommendation or legal voter petition. The election shall be held pursuant to the Election Act or section [77-3444](#), and all costs for a special election shall be paid by the district. A vote to exceed the budget authority for the general fund budget of expenditures prescribed in section [79-1023](#) may be approved on the same question as a vote to exceed the levy limits provided in section [77-3444](#).
Source: Laws 1990, LB 1059, § 20; Laws 1991, LB 511, § 85; Laws 1992, LB 245, § 90; Laws 1994, LB 76, § 608; Laws 1996, LB 299, § 31; R.S.1943, (1994), § 79-3820; Laws 1996, LB 900, § 675; Laws 1997, LB 345, § 29; Laws 1998, LB 989, § 12; [Laws 1999, LB 813, § 28](#); [Laws 2000, LB 1213, § 1](#); [Laws 2003, LB 67, § 19](#); [Laws 2008, LB988, § 47](#); [Laws 2011, LB235, § 22](#); [Laws 2018, LB377, § 63](#).

79-1217. Governing board; name; members; election; qualification; vacancy; expenses.

(1) All educational service units shall be governed by a board to be known as the Board of Educational Service Unit No. Until the first Thursday after the first Tuesday in January 2009, the educational service unit board, except the board of an educational service unit with only one member school district, shall be composed of one member from each county and four members at large, all of whom shall reside within the geographical boundaries of the educational service unit, but no more than two of the members at large shall be appointed or elected from the same county unless any one county within the educational service unit has a population in excess of one hundred fifty thousand inhabitants or the educational service unit consists of only one county. Beginning on the first Thursday after the first Tuesday in January 2009, the educational service unit board, except the board of an educational service unit with only one member school district, shall be composed of one member elected to represent each election district established pursuant to section [79-1217.01](#). Successors to the members initially appointed pursuant to section [79-1212](#) shall be elected pursuant to section [32-515](#).

(2) Vacancies in office shall occur as set forth in section [32-560](#), except as otherwise provided in section [79-1212](#) regarding the requirement to live in the district represented, or in the case of absences, unless excused by a majority of the remaining members of the board, when a member is absent from the geographical boundaries of the educational service unit for a continuous period of sixty days at one time or from more than two consecutive regular meetings of the board. Whenever any vacancy occurs on the board, the remaining members of such board shall appoint an individual residing within the election district of the educational service unit for which the vacancy exists and meeting the qualifications for the office to fill such vacancy for the balance of the unexpired term. The board shall file written notice of such appointment with the Secretary of State.

(3) Members of the board shall receive no compensation for their services but shall be reimbursed for the expenses incurred in the performance of their duties under the Educational Service Units Act as provided in sections [81-1174](#) to [81-1177](#).

(4) Any joint school district located in two or more counties shall be considered a part of the educational service unit in which the greater number of school-age children of such joint school district reside.

(5) The administrator of each educational service unit, prior to July 1 of each year in which a statewide primary election is to be held, shall certify to the election commissioner or county clerk of each county located within the unit the corporate name of each school district, as described in section [79-405](#), located within the county. If a school district is a joint school district located in two or more counties, the administrator shall certify to each election commissioner or county clerk the educational service unit of which the school district is considered to be a part.

(6) An educational service unit may consist of a single school district if the single school district is either a Class IV or Class V school district. An educational service unit with only one member school district shall be governed by the school board of such school district and shall participate in one or more of the statewide projects managed by the Educational Service Unit Coordinating Council.

Source: Laws 1965, c. 504, § 3, p. 1608; Laws 1967, c. 560, § 1, p. 1844; Laws 1969, c. 747, § 2, p. 2818; Laws 1969, c. 746, § 8, p. 2814; Laws 1977, LB 201, § 17; Laws 1978, LB 632, § 10; Laws 1981, LB 204, § 163; Laws 1987, LB 688, § 16; Laws 1988, LB 1142, § 12; Laws 1991, LB 511, § 65; Laws

1992, LB 245, § 70; Laws 1992, LB 1063, § 200; Laws 1992, Second Spec. Sess., LB 1, § 171; Laws 1994, LB 76, § 607; R.S.1943, (1994), § 79-2203; Laws 1996, LB 900, § 934; Laws 1997, LB 345, § 47; Laws 1997, LB 347, § 47; [Laws 2001, LB 797, § 49](#); [Laws 2002, LB 647, § 2](#); [Laws 2007, LB603, § 14](#); [Laws 2010, LB965, § 2](#); [Laws 2012, LB446, § 1](#); [Laws 2018, LB377, § 83](#); [Laws 2020, LB381, § 95](#); [Laws 2021, LB285, § 19](#).

79-1217.01. Educational service unit board; establish election districts.

By December 31, 2007, and after each decennial census pursuant to section [32-553](#), each educational service unit board, except boards of educational service units with only one member school district, shall divide the territory of the educational service unit into at least five and up to twelve numbered districts for the purpose of electing members to the board in compliance with section [32-553](#). Such districts shall be compact and contiguous and substantially equal in population. The newly established election districts shall apply beginning with the nomination and election of educational service unit board members in 2008.

Source: [Laws 2007, LB603, § 15](#).

79-3405. Property tax request authority; election to exceed; procedure; base growth percentage; increase; procedure (2023 New)

(1) A school district's property tax request may exceed its property tax request authority by an amount approved by a sixty percent majority of legal voters voting on the issue at a special election called for such purpose upon the recommendation of the school board of such school district or upon the receipt by the county clerk or election commissioner of a petition requesting an election signed by at least five percent of the legal voters of the school district. The recommendation of the school board or the petition of the legal voters shall include the amount by which the school board would increase its property tax request for the year over and above the property tax request authority of such school district. The county clerk or election commissioner shall call for a special election on the issue within thirty days after the receipt of such school board recommendation or legal voter petition. The election shall be held pursuant to the Election Act, and all costs shall be paid by the school district.

(2) (a) A school district may increase the base growth percentage used to determine its property tax request authority under section 79-3403 by a percentage approved by an affirmative vote of at least seventy percent of the school board of such school district. The maximum base growth percentage that may be approved under this subsection shall be:

(i) The base growth percentage that would otherwise be applicable plus an additional seven percent for school districts with an average daily membership of no more than four hundred seventy-one students;

(ii) The base growth percentage that would otherwise be applicable plus an additional six percent for school districts with an average daily membership of more than four hundred seventy-one students but no more than three thousand forty-four students;

(iii) The base growth percentage that would otherwise be applicable plus an additional five percent for school districts with an average daily membership of more than three thousand forty-four students but no more than ten thousand students; or

(iv) The base growth percentage that would otherwise be applicable plus an additional four percent for school districts with an average daily membership of more than ten thousand students.

(b) Before a school board votes to increase a school district's base growth percentage under this subsection, the school board shall publish notice of the upcoming vote in a legal newspaper of general circulation in the school district. Such publication shall occur at least one week prior to the public meeting at which the vote will be taken.

(3) A school district's property tax request may exceed its property tax request authority pursuant to any property tax authority approved by the voters at a levy override election under section 77-3444 held prior to January 1, 2024.

Source: [Laws 2023, LB243, § 5](#).

Operative Date: [June 1, 2023](#)

Cross References: [Election Act](#), see section 32-101.

Chapter 83 – State Institutions (Board of Parole) (New)

83-1,118. Board; parolee; discharge from parole; when; department; discharge from custody; notice of civil rights. (New)

(1) If, in the opinion of the board, upon receipt of information from the Director of Supervision and Services, a parolee has shown suitable compliance with his or her parole programming plan, the board may reduce the level of supervision for a parolee that is commensurate with the best interests of the parolee and is compatible with the protection of the public.

(2) The board shall discharge a parolee from parole when the time served in the custody of the department and the time served on parole equal the maximum term less good time.

(3) The department shall discharge a committed offender from the custody of the department when the time served in the facility equals the maximum term less good time.

(4) Upon completion of the lawful requirements of the sentence, the department shall provide the parolee or committed offender with a written notice regarding his or her civil rights. The notice shall inform the parolee or committed offender that voting rights are restored two years after completion of the sentence. The notice shall also include information on restoring other civil rights through the pardon process, including application to and hearing by the Board of Pardons.

(5) The Board of Parole may discharge a parolee from parole when such parolee is under the supervision of another state's correctional institution and such offender has reached the expiration date of his or her Nebraska parole term.

Source: Laws 1969, c. 817, § 49, p. 3098; [Laws 1975, LB 567, § 8](#); [Laws 1992, LB 816, § 6](#); [Laws 1994, LB 677, § 10](#); [Laws 2002, LB 1054, § 28](#); [Laws 2003, LB 46, § 25](#); [Laws 2005, LB 53, § 7](#); [Laws 2018, LB841, § 44](#).

Chapter 85 – State University, State Colleges, & Postsecondary Education (Board of Regents; Information on Early Voting; Community College Boards)

85-103. University of Nebraska; government; Board of Regents; election; vacancies. (New)

The general government of the University of Nebraska shall be vested in a board of eight regents elected from districts as provided in section [32-510](#). Vacancies occurring in the board shall be filled as provided in section [32-573](#).

Source: [Laws 1869, § 3, p. 172](#); [Laws 1877, § 1, p. 56](#); [R.S.1913, § 7083](#); [C.S.1922, § 6715](#); [C.S.1929, § 85-103](#); [R.S.1943, § 85-103](#); [Laws 1947, c. 351, § 2, p. 1102](#); [Laws 1961, c. 457, § 1, p. 1396](#); [Laws 1969, c. 847, § 2, p. 3188](#); [Laws 1971, LB 1035, § 1](#); [Laws 1991, LB 617, § 1](#); [Laws 1994, LB 76, § 611](#); [Laws 2003, LB 181, § 6](#).

Cross References: **Election provisions**, see the Election Act, section [32-101](#); **Official bonds and oaths**, see Chapter 11.

85-103.01. University of Nebraska; Board of Regents; districts; numbers; boundaries; established by maps; Clerk of Legislature; Secretary of State; duties. (New)

(1) For the purpose of section [85-103](#), the state is divided into eight districts. Each district shall be entitled to one regent on the board.

(2) The numbers and boundaries of the districts are designated and established by maps identified and labeled as maps [REG21-39003](#), REG21-39003-1, REG21-39003-2, REG21-39003-3, REG21-39003-4, REG21-39003-5, REG21-39003-6, REG21-39003-7, and REG21-39003-8, filed with the Clerk of the Legislature, and incorporated by reference as part of Laws 2021, LB8, One Hundred Seventh Legislature, First Special Session.

(3) (a) The Clerk of the Legislature shall transfer possession of the maps referred to in subsection (2) of this section to the Secretary of State on October 1, 2021.

(b) When questions of interpretation of district boundaries arise, the maps referred to in subsection (2) of this section in possession of the Secretary of State shall serve as the indication of the legislative intent in drawing the district boundaries.

(c) Each election commissioner or county clerk shall obtain copies of the maps referred to in subsection (2) of this section for the election commissioner's or clerk's county from the Secretary of State.

(d) The Secretary of State shall also have available for viewing on his or her website the maps referred to in subsection (2) of this section identifying the boundaries for the districts.

Source: [Laws 1969, c. 847, § 3, p. 3189](#); [Laws 1971, LB 1035, § 2](#); [Laws 1981, LB 553, § 1](#); [Laws 1991, LB 617, § 2](#); [Laws 2001, LB 854, § 2](#); [Laws 2011, LB701, § 1](#); [Laws 2021, First Spec. Sess., LB8, § 1](#).

Cross References: **Constitutional provisions**, see Article VII, section 10, Constitution of Nebraska.

85-103.02. University of Nebraska; Board of Regents; population figures and maps; basis. (New)

For purposes of section [85-103.01](#), the Legislature adopts the official population figures and maps from the 2020 Census Redistricting (Public Law 94-171) TIGER/Line Shapefiles published by the United States Department of Commerce, Bureau of the Census.

Source: [Laws 1971, LB 1035, § 3](#); [Laws 1981, LB 553, § 2](#); [Laws 1991, LB 617, § 3](#); [Laws 2001, LB 854, § 3](#); [Laws 2011, LB701, § 2](#); [Laws 2021, First Spec. Sess., LB8, § 2](#).

85-903. Information on early voting; requirements.

In addition to the requirements of 20 U.S.C. 1094(a)(23), the University of Nebraska, each state college, and each community college shall provide information furnished by the Secretary of State on early voting prior to each statewide primary and general election to each student enrolled in a degree or certificate program and physically in attendance at the institution. The information shall include instructions on early voting and an application to request a ballot for early voting. The institution may provide the information electronically.

Source: [Laws 2010, LB951, § 7](#).

85-1512. Boards; establish election districts; nomination and election of members; qualifications.

Each board shall divide the community college area into five election districts as nearly equal in population as may be practicable and shall transmit the appropriate information pertaining to such election districts to the Secretary of State and to the appropriate election officials within the area. Board members shall be nominated and elected as provided in section [32-514](#). To be eligible for membership on the board, a person shall be a registered voter and shall have been a resident of the area for six months and, for members representing a district, a resident of the district for six months. No person shall be eligible for membership on a community college board of governors who is an elected or appointed member of any other board relating to education. No member of a community college board of governors shall be employed by the community college area for which he or she serves as a board member. Each member elected to represent a district shall be a resident of the district.

Source: Laws 1975, LB 344, § 11; Laws 1981, LB 446, § 35; R.S.1943, (1987), § 79-2646; Laws 1993, LB 239, § 34; Laws 1994, LB 76, § 612; [Laws 2013, LB135, § 1](#).

85-1514. Vacancy on board; procedure to fill; qualifications of member filling vacancy.

(1) In addition to the events listed in section [32-560](#), a vacancy on any board shall exist in the event of the removal of a board member from the community college area for board members elected at large or community college district for board members elected by district. After notice and hearing, a vacancy shall also exist when any board member is absent from more than three consecutive regular meetings of the board unless such absences are excused by a majority of the remaining board members. In the event of a vacancy from any of such causes or otherwise, such vacancy shall be filled by the remaining board members for the balance of the unexpired term. Any person so named to fill a vacancy shall have the same qualifications as his or her immediate predecessor. Such appointment shall be made in writing and certified to the office of the Secretary of State.

(2) If after a primary election there is a vacancy upon the ballot, such vacancy shall be filled by a petition candidate pursuant to section [32-625](#).

(3) An incumbent shall not be permitted to hold over the term, but such office shall automatically become vacant and an appointment shall be made within one calendar month to fill such vacancy for the ensuing term. If there are vacancies in the offices of a majority of the members of the board, the Secretary of State shall conduct a special election to fill such vacancies.

Source: Laws 1975, LB 344, § 12; Laws 1986, LB 887, § 1; Laws 1989, LB 640, § 11; R.S.Supp.,1992, § 79-2647; Laws 1993, LB 239, § 36; Laws 1994, LB 76, § 613; [Laws 2002, LB 251, § 7](#).

Nebraska State Constitution

I-22. Elections to be free; Identification required. (2023 Update)

(1) All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

(2) Before casting a ballot in any election, a qualified voter shall present valid photographic identification in a manner specified by the Legislature to ensure the preservation of an individual's rights under this Constitution and the Constitution of the United States.

Source: Neb. Const. art. I, sec. 22 (1875); Amended 2022, Initiative Measure No. 432.

[Annotations*](#)

III-1. Legislative authority; how vested; power of initiative; power of referendum.

The legislative authority of the state shall be vested in a Legislature consisting of one chamber. The people reserve for themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls, independent of the Legislature, which power shall be called the power of initiative. The people also reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature, which power shall be called the power of referendum.

Source: Neb. Const. art. III, sec. 1 (1875); Amended 1912, Laws 1911, c. 223, sec. 2, p. 671; Amended 1934, Initiative Measure No. 330; Amended 2000, Laws 1999, LR 18CA, sec. 3.

[Annotations*](#)

III-2. First power reserved; initiative.

The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject. The Legislature shall not amend, repeal, modify, or impair a law enacted by the people by initiative, contemporaneously with the adoption of this initiative measure or at any time thereafter, except upon a vote of at least two-thirds of all the members of the Legislature.

Source: Neb. Const. art. III, sec. 1A (1912); Adopted 1912, Laws 1911, c. 223, sec. 2, p. 671; Amended 1920, Constitutional Convention, 1919-1920, No. 4; Amended 1988, Laws 1988, LR 248, sec. 1; Amended 1998, Laws 1997, LR 32CA, sec. 1; Amended 2004, Initiative Measure No. 418, sec. 1.

[Annotations*](#)

III-3. Second power reserved; referendum.

The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the

Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Each such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. No more than one act or portion of an act of the Legislature shall be the subject of each referendum petition. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.

Source: Neb. Const. art. III, sec. 1B (1912); Adopted 1912, Laws 1911, c. 223, sec. 2, p. 671; Amended 1920, Constitutional Convention, 1919-1920, No. 4; Amended 1988, Laws 1988, LR 248, sec. 1; Amended 1998, Laws 1997, LR 32CA, sec. 2.

[Annotations*](#)

III-4. Initiative or referendum; signatures required; veto; election returns; constitutional amendments; non-partisan ballot.

The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed. The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast thereon, and not less than thirty-five per cent of the total vote cast at the election at which the same was submitted, are cast in favor thereof, and shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president. The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method prescribed in the article of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict herewith. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted in pursuance hereof shall be submitted in a non-partisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot and when two or more measures have the same title they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.

Source: Neb. Const. art. III, sec. 1C; Adopted 1912, Laws 1911, c. 223, sec. 2, p. 671; Amended 1920, Constitutional Convention, 1919-1920, No. 4.

Note: The requirement in the first sentence of this section--that the required number of signatures be computed based on the number of votes in the last gubernatorial election--was implicitly repealed by the 1988 amendments to Article III, sections 2 and 3, which changed the references in those sections for the required number of signatures from "electors" to "registered voters." *Duggan v. Beermann*, 245 Neb. 907, 515 N.W.2d 788 (1994); see also *Pony Lake Sch. Dist. 30 v. State Comm. for the Reorganization of Sch. Dists.*, 271 Neb. 173, 710 N.W.2d 609 (2006).

[Annotations*](#)

III-7. Legislators; terms; effect of redistricting; election; salary; expenses; mileage.

At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their

term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.

Source: Neb. Const. art. III, sec. 4 (1875); Amended 1886, Laws 1885, c. 124, p. 435; Amended 1912, Laws 1911, c. 224, sec. 1, p. 675; Amended 1920, Constitutional Convention, 1919-1920, No. 7; Amended 1934, Initiative Measure No. 330; Amended 1960, Laws 1959, c. 235, sec. 1, p. 818; Amended 1962, Laws 1961, c. 247, sec. 1, p. 733; Amended 1966, Laws 1965, c. 304, sec. 1, p. 856; Amended 1968, Laws 1967, c. 323, sec. 1, p. 859; Amended 1988, Laws 1988, LR 7, sec. 1.

[Annotations*](#)

III-8. Legislators; qualifications; one-year residence in district; removal from district, effect.

No person shall be eligible to the office of member of the Legislature unless on the date of the general election at which he is elected, or on the date of his appointment he is a registered voter, has attained the age of twenty-one years and has resided within the district from which he is elected for the term of one year next before his election, unless he shall have been absent on the public business of the United States or of this State. And no person elected as aforesaid shall hold his office after he shall have removed from such district.

Source: Neb. Const. art. III, sec. 5 (1875); Amended 1972, Laws 1971, LB 126, sec. 1; Amended 1992, Initiative Measure No. 407; Amended 1994, Initiative Measure No. 408.

Note: The changes made to this section by Initiative 407 in 1992 and Initiative 408 in 1994 have been omitted because of the decisions of the Nebraska Supreme Court in *Duggan v. Beermann*, 245 Neb. 907, 515 N.W.2d 788 (1994) and *Duggan v. Beermann*, 249 Neb. 411, 544 N.W.2d 68 (1996).

III-9. Legislators; disqualifications; election to other office; resignation required.

No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to or have a seat in the Legislature. No person elected or appointed to the Legislature shall receive any civil appointment to a state office while holding membership in the Legislature or while the Legislature is in session, and all such appointments shall be void. Except as otherwise provided by law, a member of the Legislature who is elected to any other state or local office prior to the end of his or her term in the Legislature shall resign from the Legislature prior to the commencement of the legislative session during which the term of the state or local office will begin.

Source: Neb. Const. art. III, sec. 6 (1875); Amended 1972, Laws 1972, LB 1514, sec. 1; [Amended 2000, Laws 2000, LR 6CA, sec. 1.](#)

[Annotations*](#)

III-18. Local or special laws prohibited.

The Legislature shall not pass local or special laws in any of the following cases, that is to say:

For granting divorces.

Changing the names of persons or places.

Laying out, opening altering and working roads or highways.

Vacating roads, Town plats, streets, alleys, and public grounds.

Locating or changing County seats.

Regulating County and Township offices.

Regulating the practice of Courts of Justice.

Regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates and Constables.

Providing for changes of venue in civil and criminal cases.

Incorporating Cities, Towns and Villages, or changing or amending the charter of any Town, City, or Village.

Providing for the election of Officers in Townships, incorporated Towns or Cities.

Summoning or empaneling Grand or Petit Juries.

Providing for the bonding of cities, towns, precincts, school districts or other municipalities.

Providing for the management of Public Schools.

The opening and conducting of any election, or designating the place of voting.

The sale or mortgage of real estate belonging to minors, or others under disability.

The protection of game or fish.

Chartering or licensing ferries, or toll bridges, remitting fines, penalties or forfeitures, creating, increasing and decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever; *Provided*, that notwithstanding any other provisions of this Constitution, the Legislature shall have authority to separately define and classify loans and installment sales, to establish maximum rates within classifications of loans or installment sales which it establishes, and to regulate with respect thereto. In all other cases where a general law can be made applicable, no special law shall be enacted.

Source: Neb. Const. art. III, sec. 15 (1875); Amended 1964, Laws 1965, (Appendix), Seventy-fourth Extraordinary Session, 1963, c. 3, sec. 1, p. 1921.

[Annotations*](#)

IV-1. Executive departments; officers; when elected; terms; eligibility; books to be kept at seat of government; residence of officers; heads of departments; appointments.

The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and State Treasurer shall be chosen at the general election held in November 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified.

Each candidate for Governor shall select a person to be the candidate for Lieutenant Governor on the general election ballot. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.

Source: Neb. Const. art. V, sec. 1 (1875); Amended 1920, Constitutional Convention, 1919-1920, No. 13; Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 1; Amended 1936, Laws 1935, c. 188, sec. 1, p. 694; Amended 1952, Laws 1951, c. 164, sec. 2(2), p. 645; Amended 1958, Laws 1957, c. 213,

sec. 1, p. 748; Amended 1962, Laws 1961, c. 249, sec. 1, p. 736; Amended 1964, Laws 1963, c. 296, sec. 1, p. 883; Amended 1966, Laws 1965, c. 300, sec. 1, p. 846; Amended 1970, Laws 1969, c. 417, sec. 1, p. 1428; Amended 1998, Laws 1997, LR 8CA, sec. 1; [Amended 2000, Laws 1999, LR 14CA, sec. 1.](#)

[1.](#)
[Annotations*](#)

IV-2. Governor; Lieutenant Governor; eligibility; qualifications; appointive officers, ineligible for other office.

No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of thirty years, and who shall not have been for five years next preceding his election a resident and citizen of this state and a citizen of the United States. None of the appointive officers mentioned in this article shall be eligible to any other state office during the period for which they have been appointed.

Source: Neb. Const. art. V, sec. 2 (1875); Amended 1920, Constitutional Convention, 1919-1920, No. 13; Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 2; Amended 1962, Laws 1961, c. 250, sec. 1, p. 738; Amended 1966, Laws 1965, c. 291, sec. 1, p. 832.

[Annotations*](#)

IV-3. Treasurer; ineligibility.

The treasurer shall be ineligible to the office of treasurer, for two years next after the expiration of two consecutive terms for which he was elected.

Source: Neb. Const. art. V, sec. 3 (1875); Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 3; Amended 1992, Initiative Measure No. 407; Amended 1994, Initiative Measure No. 408.

Note: The changes made to this section by Initiative 407 in 1992 and Initiative 408 in 1994 have been omitted because of the decisions of the Nebraska Supreme Court in *Duggan v. Beermann*, 245 Neb. 907, 515 N.W.2d 788 (1994) and *Duggan v. Beermann*, 249 Neb. 411, 544 N.W.2d 68 (1996).

IV-4. Election returns; canvass by Legislature; conduct of election contests.

The returns of every election for the officers of the executive department shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the Speaker of the Legislature, who shall immediately after the organization of the Legislature, and before proceeding to other business, open and publish the same in the presence of a majority of the members of the Legislature. The person having the highest number of votes for each of said offices shall be declared duly elected; but if two or more have an equal and the highest number of votes, the Legislature shall choose one of such persons for said office. The conduct of election contests for any of said offices shall be in such manner as may be prescribed by law.

Source: Neb. Const. art. V, sec. 4 (1875); Transferred by Constitutional Convention, 1919-1920, art. IV, sec. 4; Amended 1960, Laws 1959, c. 236, sec. 1, p. 820; Amended 1972, Laws 1971, LB 340, sec. 1.

[Annotations*](#)

V-21. Merit plan for selection of judges; terms of office; filling of vacancies; procedure; voting for nominee.

(1) In the case of any vacancy in the Supreme Court or in any district court or in such other court or courts made subject to this provision by law, such vacancy shall be filled by the Governor from a list of at least two nominees presented to him by the appropriate judicial nominating commission. If the Governor shall fail to make an appointment from the list within sixty days from the date it is presented to him, the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list.

(2) In all other cases, any vacancy shall be filled as provided by law.

(3) At the next general election following the expiration of three years from the date of appointment of any judge under the provisions of subsection (1) of this section and every six years thereafter as long as such judge retains office, each Justice or Judge of the Supreme Court or district court or such other court or courts as the Legislature shall provide shall have his right to remain in office

subject to approval or rejection by the electorate in such manner as the Legislature shall provide; *Provided*, that every judge holding or elected to an office described in subsection (1) of this section on the effective date of this amendment whether by election or appointment, upon qualification shall be deemed to have been selected and to have once received the approval of the electorate as herein provided, and shall be required to submit his right to continue in office to the approval or rejection of the electorate at the general election next preceding the expiration of the term of office for which such judge was elected or appointed, and every six years thereafter. In the case of the Chief Justice of the Supreme Court, the electorate of the entire state shall vote on the question of approval or rejection. In the case of any Judge of the Supreme Court, other than the Chief Justice, and any judge of the district court or any other court made subject to subsection (1) of this section, the electorate of the district from which such judge was selected shall vote on the question of such approval or rejection.

(4) There shall be a judicial nominating commission for the Chief Justice of the Supreme Court and one for each judicial district of the Supreme Court and of the district court and one for each area or district served by any other court made subject to subsection (1) of this section by law. Each judicial nominating commission shall consist of nine members, one of whom shall be a Judge of the Supreme Court who shall be designated by the Governor and shall act as chairman, but shall not be entitled to vote. The members of the bar of the state residing in the area from which the nominees are to be selected shall designate four of their number to serve as members of said commission, and the Governor shall appoint four citizens, not admitted to practice law before the courts of the state, from among the residents of the same geographical area to serve as members of said commission. Not more than four of such voting members shall be of the same political party. The terms of office for members of each judicial nominating commission shall be staggered and shall be fixed by the Legislature. The nominees of any such commission cannot include a member of such commission or any person who has served as a member of such commission within a period of two years immediately preceding his nomination or for such additional period as the Legislature shall provide. The names of candidates shall be released to the public prior to a public hearing.

(5) Members of the nominating commission shall vote for the nominee of their choice by roll call. Each candidate must receive a majority of the voting members of the nominating commission to have his name submitted to the Governor.

Source: Neb. Const. art. VI, sec. 21 (1875); Amended 1920, Constitutional Convention, 1919-1920, No. 15; Transferred by Constitutional Convention, 1919-1920, art. V, sec. 21; Amended 1962, Laws 1961, c. 252, sec. 2(2), p. 742; Amended 1972, Laws 1972, LB 1199, sec. 1.

[Annotations*](#)

VI-1. Qualifications of electors.

Every citizen of the United States who has attained the age of eighteen years on or before the first Tuesday after the first Monday in November and has resided within the state and the county and voting precinct for the terms provided by law shall, except as provided in section 2 of this article, be an elector for the calendar year in which such citizen has attained the age of eighteen years and for all succeeding calendar years.

Source: Neb. Const. art. VII, sec. 1 (1875); Amended 1910, Laws 1909, c. 199, sec. 1, p. 666; Amended 1918, Laws 1918, Thirty-sixth Extraordinary Session, c. 11, sec. 1, p. 53; Amended 1920, Constitutional Convention, 1919-1920, No. 18; Transferred by Constitutional Convention, 1919-1920, art. VI, sec. 1; Amended 1970, Laws 1969, c. 422, sec. 1, p. 1438; Amended 1972, Laws 1971, LB 221, sec. 1; Amended 1972, Laws 1971, LB 339, sec. 1; Amended 1988, Laws 1988, LR 248, sec. 1.

[Annotations*](#)

VI-2. Who disqualified.

No person shall be qualified to vote who is non compos mentis, or who has been convicted of treason or felony under the laws of the state or of the United States, unless restored to civil rights.

Source: Neb. Const. art. VII, sec. 2 (1875); Transferred by Constitutional Convention, 1919-1920, art. VI, sec. 2.

VI-3. Military or naval service; place and manner of voting.

Every elector in the military or naval service of the United States or of this state may exercise the right of suffrage at such place and under such regulations as may be provided by law.

Source: Neb. Const. art. VII, sec. 3 (1875); Amended 1920, Constitutional Convention, 1919-1920, No. 19; Transferred by Constitutional Convention, 1919-1920, art. VI, sec. 3.

VI-5. Electors; privileged from arrest.

Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and going to and returning from the same.

Source: Neb. Const. art. VII, sec. 5 (1875); Transferred by Constitutional Convention, 1919-1920, art. VI, sec. 5; Amended 1972, Laws 1971, LB 339, sec. 1.

VI-6. Votes, how cast.

All votes shall be by ballot or by other means authorized by the Legislature whereby the vote and the secrecy of the elector's vote will be preserved.

Source: Neb. Const. art. VII, sec. 6 (1875); Transferred by Constitutional Convention, 1919-1920, art. VI, sec. 6; Amended 1972, Laws 1971, LB 339, sec. 1.

[Annotations*](#)

VII-3. State Board of Education; members; election; manner of election; term of office.

The State Board of Education shall be composed of eight members, who shall be elected from eight districts of substantially equal population as provided by the Legislature. Their term of office shall be for four years each. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation, but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession and they shall be elected on a nonpartisan ballot.

Source: Neb. Const. art. VIII, sec. 3 (1875); Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 3; Amended 1972, Laws 1972, LB 1023, sec. 1.

[Annotations*](#)

VII-10. University of Nebraska; government; Board of Regents; election; student membership; terms.

The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska, who shall be elected from and by districts as herein provided and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center. The terms of office of elected members shall be for six years each. The terms of office of student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively.

The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected

prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term.

Source: Neb. Const. art. VIII, sec. 10 (1875); Amended 1920, Constitutional Convention, 1919-1920, No. 22; Transferred by Constitutional Convention, 1919-1920, art. VII, sec. 10; Amended 1968, Laws 1967, c. 320, sec. 1, p. 853; Amended 1974, Laws 1974, LB 323, sec. 1.

[Annotations*](#)

IX-2. Division of county; decision of question.

No county shall be divided nor any part of the territory of any county be stricken therefrom, nor shall any county or part of the territory of any county be added to an adjoining county without submitting the question to the qualified electors of each county affected thereby, nor unless approved by a majority of the qualified electors of each county voting thereon; provided, that when county boundaries divide sections, or overlap, or fail to meet, or are in doubt, the Legislature may by law provide for their adjustment, but in all cases the new boundary shall follow the nearest section line or the thread of the main channel of a boundary stream.

Source: Neb. Const. art. X, sec. 2 (1875); Amended 1920, Constitutional Convention, 1919-1920, No. 29; Transferred by Constitutional Convention, 1919-1920, art. IX, sec. 2.

[Annotations*](#)

XI-2. City of 5,000 may frame charter; procedure.

Any city having a population of more than five thousand (5000) inhabitants may frame a charter for its own government, consistent with and subject to the constitution and laws of this state, by causing a convention of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be within four months after such election, to prepare and propose a charter for such city, which charter, when completed, with a prefatory synopsis, shall be signed by the officers and members of the convention, or a majority thereof, and delivered to the clerk of said city, who shall publish the same in full, with his official certification, in the official paper of said city, if there be one, and if there be no official paper, then in at least one newspaper published and in general circulation in said city, three times, and a week apart, and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified voters, voting thereon, shall ratify the same, it shall at the end of sixty days thereafter, become the charter of said city, and supersede any existing charter and all amendments thereof. A duplicate certificate shall be made, setting forth the charter proposed and its ratification (together with the vote for and against) and duly certified by the City Clerk, and authenticated by the corporate seal of said city and one copy thereof shall be filed with the Secretary of State and the other deposited among the archives of the city, and shall thereupon become and be the charter of said city, and all amendments of such charter, shall be authenticated in the same manner, and filed with the secretary of state and deposited in the archives of the city.

Source: Neb. Const. (1912); Adopted 1912, Laws 1911, c. 227, sec. 2, p. 681; Transferred in 1913, art. XIa, sec. 2; Transferred by Constitutional Convention, 1919-1920, art. XI, sec. 2.

[Annotations*](#)

XI-3. Rejection of charter; effect; procedure to frame new charter.

But if said charter be rejected, then within six months thereafter, the mayor and council or governing authorities of said city may call a special election at which fifteen members of a new charter convention shall be elected to be called and held as above in such city, and they shall proceed as above to frame a charter which shall in like manner and to the like end be published and submitted to a vote of said voters for their approval or rejection. If again rejected, the procedure herein designated may be repeated until a charter is finally approved by a majority of those voting thereon, and certified (together with the vote for and against) to the secretary of state as aforesaid, and a copy thereof deposited in the archives of the city, whereupon it shall become the charter of said city. Members of each of said charter conventions shall be elected at large, and they shall complete their labors within sixty days after their respective

election. The charter shall make proper provision for continuing, amending or repealing the ordinances of the city.

Source: Neb. Const. (1912); Adopted 1912, Laws 1911, c. 227, sec. 3, p. 682; Transferred in 1913, art. XIa, sec. 3; Transferred by Constitutional Convention, 1919-1920, art. XI, sec. 3.

[Annotations*](#)

XI-4. Charter; amendment; charter convention.

Such charter so ratified and adopted may be amended, or a charter convention called, by a proposal therefor made by the law-making body of such city or by the qualified electors in number not less than five per cent of the next preceding gubernatorial vote in such city, by petition filed with the council or governing authorities. The council or governing authorities shall submit the same to a vote of the qualified electors at the next general or special election not held within thirty days after such petition is filed. In submitting any such charter or charter amendments, any alternative article or section may be presented for the choice of the voters and may be voted on separately without prejudice to others. Whenever the question of a charter convention is carried by a majority of those voting thereon, a charter convention shall be called through a special election ordinance, and the same shall be constituted and held and the proposed charter submitted to a vote of the qualified electors, approved or rejected, as provided in Section two hereof. The City Clerk of said city shall publish with his official certification, for three times, a week apart in the official paper in said city, if there be one, and if there be no official paper, then in at least one newspaper, published and in general circulation in said city, the full text of any charter or charter amendment to be voted on at any general or special election.

No charter or charter amendment adopted under the provisions of this amendment shall be amended or repealed except by electoral vote. And no such charter or charter amendment shall diminish the tax rate for state purposes fixed by act of the Legislature, or interfere in any wise with the collection of state taxes.

Source: Neb. Const. (1912); Adopted 1912, Laws 1911, c. 227, sec. 4, p. 682; Transferred in 1913, art. XIa, sec. 4; Transferred by Constitutional Convention, 1919-1920, art. XI, sec. 4.

[Annotations*](#)

XI-5. Charter of city of 100,000; home rule charter authorized.

The charter of any city having a population of more than one hundred thousand inhabitants may be adopted as the home rule charter of such city by a majority vote of the qualified electors of such city voting upon the question, and when so adopted may thereafter be changed or amended as provided in Section 4 of this article, subject to the Constitution and laws of the state.

Source: Neb. Const. art. XIa, sec. 5 (1920); Adopted 1920, Constitutional Convention, 1919-1920, No. 33; Transferred by Constitutional Convention, 1919-1920, art. XI, sec. 5.

[Annotations*](#)

XV-2. Official in default as collector and custodian of public money or property; disqualification; felon disqualified.

No person who is in default as collector and custodian of public money or property shall be eligible to any office of trust or profit under the constitution or laws of this state. No person convicted of a felony shall be eligible to any such office unless he shall have been restored to civil rights.

Source: Neb. Const. art. XIV, sec. 2 (1875); Transferred by Constitutional Convention, 1919-1920, art. XV, sec. 2; Amended 1972, Laws 1972, LB 503, sec. 1.

[Annotations*](#)

XV-12. Removal of state capital.

The seat of government of the state shall not be removed or relocated without the assent of a majority of the electors of the state voting thereupon, at a general election or elections, under such rules and regulations as to the number of elections and manner of voting and places to be voted for, as may be prescribed by law. Provided the question of removal may be submitted at such other general elections as may be provided by law.

Source: Neb. Const. (1875); Transferred by Constitutional Convention, 1919-1920, art. XV, sec. 12.

XV-18. Governmental powers and functions; intergovernmental cooperation; Legislature may limit; merger or consolidation of counties or other local governments authorized.

(1) The state or any local government may exercise any of its powers or perform any of its functions, including financing the same, jointly or in cooperation with any other governmental entity or entities, either within or without the state, except as the Legislature shall provide otherwise by law.

(2) The Legislature may provide for the merger or consolidation of counties or other local governments. No merger or consolidation of municipalities or counties shall occur without the approval of a majority of the people voting in each municipality or county to be merged or consolidated as provided by law. If the proposal is a merger or consolidation of one or more municipalities with one or more counties, the vote shall be tabulated in each municipality in the county or counties separately from the areas of the county or counties outside the boundaries of the municipalities. If the merger or consolidation is not approved by a majority of voters voting in the election in a municipality proposed to be merged or consolidated or the areas of the county or counties outside the boundaries of such municipality or municipalities, the proposed merger or consolidation shall be deemed rejected. Any merger or consolidation of local governments may be initiated by petition as provided by law. Annexation shall not be considered a merger or consolidation for purposes of this section. If the Legislature provides for the merger or consolidation of one or more municipalities with one or more counties, the Legislature shall provide for the reversal of the merger or consolidation. No such reversal shall occur without voter approval. The vote shall be tabulated in each municipality which is proposed to be created by the reversal separately from the areas outside the boundaries of the proposed municipalities. If the reversal is not approved by a majority of voters voting in the election in the area within the boundaries of any proposed municipality or the areas outside the proposed municipalities, the reversal shall be deemed rejected.

Source: Neb. Const. art. XV, sec. 18 (1972); Adopted 1972, Laws 1971, LB 604, sec. 1; Amended 1998, Laws 1998, LR 45CA, sec. 2.

XVI-1. How Proposed.

The Legislature may propose amendments to this Constitution. If the same be agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear. If a majority of the electors voting on any such amendment adopt the same, it shall become a part of this Constitution, provided the votes cast in favor of such amendment shall not be less than thirty-five per cent of the total votes cast at such election. When two or more amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately.

Source: Neb. Const. art. XV, sec. 1 (1875); Amended 1920, Constitutional Convention, 1919-1920, No. 39; Transferred by Constitutional Convention, 1919-1920, art. XVI, sec. 1; Amended 1952, Laws 1951, c. 161, sec. 1, p. 638; Amended 1968, Laws 1967, c. 317, sec. 1, p. 848.

[Annotations*](#)

XVI-2. Convention.

When three-fifths of the members elected to the Legislature deem it necessary to call a convention to revise, amend, or change this constitution, they shall recommend to the electors to vote at the next election of members of the Legislature, for or against a convention, and if a majority of the electors voting on the proposition, vote for a convention, the Legislature shall, at its next session provide by law for calling the same; *Provided*, the votes cast in favor of calling a convention shall not be less than thirty-five per cent of the total votes cast at such election. The convention shall consist of not more than one hundred members, the exact number to be determined by the Legislature, and to be nominated and elected from districts in the manner to be prescribed by the Legislature. Such members shall meet within three months after their election, for the purpose aforesaid. No amendment or change of this constitution,

agreed upon by such convention, shall take effect until the same has been submitted to the electors of the state, and adopted by a majority of those voting for and against the same.

Source: Neb. Const. art. XV, sec. 2 (1875); Transferred by Constitutional Convention, 1919-1920, art. XVI, sec. 2; Amended 1952, Laws 1951, c. 162, sec. 1, p. 640.

[Annotations*](#)

XVII-1. Terms; reference to members of the Legislature to include appointed and elected members.

Whenever they shall appear in this Constitution, the terms members of the Legislature, elected members of the Legislature, or similar terms referring to the members of the Legislature, shall include appointed and elected members of the Legislature.

Source: Neb. Const. art. XVI, sec. 1 (1920); Adopted 1920, Constitutional Convention, 1919-1920, No. 41; Transferred by Constitutional Convention, 1919-1920, art. XVII, sec. 1; Amended 1972, Laws 1971, LB 504, sec. 1.

XVII-4. General election of state.

The general election of this state shall be held on the Tuesday succeeding the first Monday of November in the year 1914 and every two years thereafter. All state, district, county, precinct, township and other officers, by the constitution or laws made elective by the people, except school district officers, and municipal officers in cities, villages and towns, shall be elected at a general election to be held as aforesaid. An incumbent of any office shall hold over until his successor is duly elected and qualified.

Source: Neb. Const. art. XVI, sec. 13 (1875); Amended 1912, Laws 1911, c. 226, sec. 2, p. 679; Transferred by Constitutional Convention, 1919-1920, art. XVII, sec. 4; Amended 1972, Laws 1971, LB 504, sec. 1.

[Annotations*](#)

XVII-5. Terms of office of all elected officers.

Unless otherwise provided by this Constitution or by law the terms of all elected officers shall begin on the first Thursday after the first Tuesday in January next succeeding their election.

Source: Neb. Const. art. XVI, sec. 14 (1875); Transferred by Constitutional Convention, 1919-1920, art. XVII, sec. 5; Amended 1972, Laws 1971, LB 504, sec. 1.

[Annotations*](#)

Title 432 – Rules & Regulations (New)

Chapter 1 – Mail Only Precinct Rules & Regulations

001. Application.

001.01. Mail Only Precincts shall mean those precincts that have been designated by the county clerk with the approval of the Secretary of State to receive ballots for statewide elections via the U.S. mail.

001.02. The Secretary of State's Office will receive applications from county clerks, in counties with less than 10,000 population based on U.S. census data, for consideration to establish Mail Only Precincts no later than 70 days prior to a statewide election.

001.03. Application forms shall be developed and provided by the Secretary of State and shall include, but not be limited to, the location of the current polling site, the number of registered voters served by the current polling site, whether the current site meets ADA standards and other relevant information.

001.04. The Secretary of State shall approve or reject the application in writing within 10 days after receipt in the Secretary of State's office. The Secretary of State may suggest modifications prior to approval.

001.05. Once approved by the Secretary of State, the precinct shall remain a mail only precinct for all subsequent elections until the county clerk notifies the Secretary of State in writing.

002. Administrative Requirements.

002.01. All procedures shall comply with Neb. Rev. Stat. sections [32-953](#) to [32-959](#) (Reissue 2008 and 2009 Supp.) of the Election Act, except that the deadline for the receipt of ballots by the county clerk shall be the statutory close of polls on the day of the election.

002.02. Ballots shall be mailed by first class, non-forwardable mail to eligible voters 20 days prior to the election. Ballot return envelopes shall contain sufficient first-class postage for the ballot to be returned.

002.03. The county clerk shall provide notice by mail to each household within a precinct within 10 days after receiving approval for the designation by the Secretary of State indicating that the precinct has been approved as a Mail Only Precinct and that a polling site will not be available for the election.

003. Security Requirements.

003.01. The county clerk shall develop a written plan to ensure accountability and security for the transmission and receipt of all ballots.

004. Eligible Voters.

004.01. All persons registered to vote in the Mail Only Precinct(s) 20 days prior to the election shall receive a ballot by mail, unless they have already received an early voting ballot for the designated election.

004.02. Persons registering after 20 days prior to the election shall be mailed a ballot, pursuant to Regulation 2.02, within two days of receipt by the county clerk of a completed voter registration application. If the person registers in the county clerk's office, a ballot may be provided at that time.

Chapter 2 – Early Voting Locations

001. Administrative Early Voting Location Rules and Regulations.

001.01. Early Voting Location shall mean a voting site for Early Voting in addition to the county election office site, established by the local election official with the approval of the Secretary of State.

001.02. The Secretary of State's Office will receive applications from election commissioners or county clerks for consideration to establish Early Voting Locations no later than 75 days prior to a statewide election.

001.03. Application forms shall be developed and provided by the Secretary of State.

001.04. Submission of the application shall indicate the election commissioner or county clerk's intent to establish other voting locations in advance of a statewide election in addition to the early voting established pursuant to Neb. Rev. Stat. Section 32-808 (2005 Supp.) at their office.

001.05. The application shall contain, but not be limited to, the address of each proposed site, proposed hours of operation, a statement that each site meets ADA standards, an organizational and operation plan for each site, and a statement of reasonable purpose for each site.

001.06. The Secretary of State shall approve or reject the application in writing within 10 days of receipt in the Secretary of State's office and may suggest modifications prior to approval.

002. Location Requirements.

002.01. All locations shall meet accessibility standards established by the 1990 Americans with Disability Act.

002.02. All locations shall have sufficient parking and signage to meet the needs of voters using the location.

002.03. All locations, excluding the election commissioners or county clerk's main office, shall have uniform hours of operation; however, hours of operation for the locations may vary from day to day as provided in the application to allow the county clerk or election commission to determine voter use patterns.

002.04. All locations shall have adequate electrical power to operate necessary equipment.

002.05. Telephone access, either wireless or landline shall be available at each location.

002.06. A written agreement with the owner or proprietor shall be in place for each location. The agreement shall contain, but not be limited to, a clear description of the space to be used, the days and hours needed, permission to post signs, including advance notice of the use of the location as an Early Voting Location, description of janitorial services, including making pathways accessible in case of inclement weather, and a clear statement of cost, if any.

003. Administrative Requirements.

003.01. Dates set for Early Voting Locations shall comply with Neb. Rev. Stat. Section [32-904](#) (2005 Supp.) (20 days preceding the Election).

003.02. The election commissioner or county clerk shall have at least three poll workers present at each location at all times and shall be of different political party affiliation as provided in the Election Act, Neb. Rev. Stat. Section [32-230](#) (Reissue 2004).

003.03. Each poll worker shall receive a minimum of 4 hours training prior to service at an Early Voting Location.

003.04. The election commissioner or county clerk shall include Early Voting Location organizational and operational plans as provided in the applications pursuant to Rule 1.04.

004. Security Requirements.

004.01. The election commissioners or county clerk shall develop a plan to ensure accountability and security of records, ballots, and equipment.

004.02. Voted ballots shall be returned to the election commissioner's or county clerk's office by a judge of election after the closing of the Early Voting Location each day.

004.03. A report form shall be returned to the election commissioner's or county clerk's office by a judge of elections after the closing of the polls each day indicating the number of persons voting, ballots issued, ballots spoiled, and ballots unused. The report shall be signed by all members of the Receiving Board present at the closing of the Early Voting Location each day.

004.04. Voting equipment and election materials, other than ballot booths and ordinary office supplies, shall be secured in a locked room at each location after the closing of the satellite location each day.

004.05. Access to the locked storage room should be limited to the Early Voting Location workers, the county clerk or election commissioner.

004.06. Access to the locked storage room by the owner or proprietor shall be limited to times when the election commissioner, county clerk or their assistants are present.

005. Eligible Voters.

005.01. All persons currently registered to vote in the county are eligible to vote at an Early Voting Location.

005.02. Notice on the location and hours of operation shall be provided by publication of a display type ad in a newspaper of general circulation in the county at least once during the week prior to commencement of early voting at the location and at least once each week during the operation of the location.

005.03. Registered voters of the county who are qualified to vote only by provisional ballot shall be eligible to meet the prescribed requirements in Neb. Rev. Stat. section [32-915](#) (2005 Supp.) and cast a provisional ballot at an Early Voting Location.

005.04. Regarding closing time, only registered voters who are in line to vote at the time prescribed for the closing of the Early Voting Location will be allowed to vote.

006. Election Act.

006.01. All provisions of the Election Act as to the casting and counting of ballots shall be followed at Early Voting Locations.

Appendix (New)

Election Date Calculations

Election dates and deadlines should be calculated using §32-206 and the precedents set by State ex rel. Morris v. Marsh, 183 Neb. 521, 162 N.W.2d 262 (1968) and State ex rel. Wieland v. Beermann, 246 Neb. 808, 523 N.W.2d 518 (1994). Please see the table below for how to interpret statutory deadlines.

Statutory Text	Calculation	If Weekend/Holiday ...
At least X days prior	=date-X-1	Move backwards
Not less than X days prior	=date-X-1	Move backwards
Not later than X days prior	=date-X-1	Move backwards
Not earlier than X days prior	=date-X-1	Move forwards
Not more than X days prior*	=date-X	Move forwards
Within X days prior*	=date-X	Move forwards
Not sooner than the Xth day	=date-X	Move forwards
Xth day prior	=date-X	Move forwards
On MM/DD	=date	Move forwards
Within X days after	=date+X	Move forwards
Not later than X days after	=date+X	Move forwards
On (weekday) preceding	N/A	Move forwards

**Wieland* doesn't apply in "not more than" or "within X days prior" situations, per Attorney General's office