

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 794

Introduced by McCollister, 20.

Read first time January 06, 2022

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Election Act; to amend sections 32-507,
- 2 32-609, and 32-813, Reissue Revised Statutes of Nebraska; to provide
- 3 for nonpartisan election of the State Treasurer and the Auditor of
- 4 Public Accounts; to harmonize provisions; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-507, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 32-507 The State Treasurer, Auditor of Public Accounts, Secretary of
4 State, and Attorney General shall be elected at the statewide general
5 election in 1994 and each four years thereafter. Such officers shall
6 serve for terms of four years or until their successors are elected and
7 qualified. Candidates for State Treasurer shall meet the qualifications
8 found in Article IV, section 3, of the Constitution of Nebraska. Such
9 officers shall be elected on the partisan ballot, except that beginning
10 with the statewide general election in 2022, the State Treasurer and
11 Auditor of Public Accounts shall be elected on the nonpartisan ballot
12 notwithstanding any party affiliation designated on the partisan ballot
13 at the statewide primary election.

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

16 32-609 (1) The candidate filing form filed pursuant to sections
17 32-606 and 32-607 by each candidate for the State Board of Education,
18 member of the Legislature, Regent of the University of Nebraska, director
19 of a public power and irrigation district, reclamation district, or
20 natural resources district, every other nonpartisan office created by
21 law, member of a school board of a Class IV or V school district, and
22 candidate for elective office of a city of the first or second class or a
23 village shall not in any way refer to or designate the political
24 affiliation of the candidate except as otherwise provided pursuant to
25 section 32-557.

26 (2) Beginning with the 2026 election year, this section shall also
27 apply to each candidate for State Treasurer and Auditor of Public
28 Accounts.

29 Sec. 3. Section 32-813, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 32-813 (1) The names of all candidates and all proposals to be voted

1 upon at the general election shall be arranged upon the ballot in parts
2 separated from each other by bold lines in the order the offices and
3 proposals are set forth in this section. If any office is not subject to
4 the upcoming election, the office shall be omitted from the ballot and
5 the remaining offices shall move up so that the same relative order is
6 preserved. The order of any offices may be altered to allow for the best
7 utilization of ballot space in order to avoid printing a second ballot
8 when one ballot would be sufficient if an optical-scan ballot is used.
9 All proposals on the ballot submitted by a political subdivision shall
10 follow all offices on the ballot submitted by a political subdivision.

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

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

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

26 (d) Beneath the names of the candidates for President and Vice
27 President certified by the officers of the national political party
28 conventions pursuant to section 32-712 and beneath the names of all
29 candidates for President and Vice President placed on the general
30 election ballot by petition, two write-in lines shall be provided in
31 which the voter may fill in the names of the candidates of his or her

1 choice. The lines shall be enclosed with brackets with one square or oval
2 opposite the names in which the voter indicates his or her choice. The
3 name appearing on the top line shall be considered to be the candidate
4 for President, and the name appearing on the second line shall be
5 considered to be the candidate for Vice President.

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

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

13 (5) The names and spaces for voting for candidates for the various
14 state officers elected on a partisan ballot shall be entitled State
15 Ticket in boldface type. Each set of candidates shall be separated by
16 lines across the column, and above each set of candidates shall be
17 designated the office for which they are candidates, arranged in the
18 order prescribed by the Secretary of State. The candidates for Governor
19 of each political party receiving the highest number of votes in the
20 primary election shall be grouped together with their respective
21 candidates for Lieutenant Governor. Each group shall be enclosed with
22 brackets with the political party name next to the brackets and one
23 square or oval opposite the names in which the voter indicates his or her
24 choice for Governor and Lieutenant Governor jointly. The candidates for
25 Governor and Lieutenant Governor who have successfully petitioned on the
26 general election ballot shall be grouped together with the candidates
27 appearing on the same petition being grouped together. Each group shall
28 be enclosed with brackets with the words "By Petition" next to the
29 brackets and one square or oval opposite the names in which the voter
30 indicates his or her choice for Governor and Lieutenant Governor jointly.
31 Beneath the names of the candidates for Governor nominated at a primary

1 election by political party and their respective candidates for
2 Lieutenant Governor and beneath the names of all candidates for Governor
3 and Lieutenant Governor placed on the general election ballot by
4 petition, one write-in line shall be provided in which the registered
5 voter may fill in the name of the candidate for Governor of his or her
6 choice and one square or oval opposite the line in which the voter
7 indicates his or her choice for Governor.

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

14 (a) State Treasurer, beginning with the general election in 2022;

15 (b) Auditor of Public Accounts, beginning with the general election
16 in 2022;

17 (c) ~~(a)~~ Legislature;

18 (d) ~~(b)~~ State Board of Education;

19 (e) ~~(c)~~ Board of Regents of the University of Nebraska;

20 (f) ~~(d)~~ Chief Justice of the Supreme Court;

21 (g) ~~(e)~~ Judge of the Supreme Court;

22 (h) ~~(f)~~ Judge of the Court of Appeals;

23 (i) ~~(g)~~ Judge of the Nebraska Workers' Compensation Court;

24 (j) ~~(h)~~ Judge of the District Court;

25 (k) ~~(i)~~ Judge of the Separate Juvenile Court;

26 (l) ~~(j)~~ Judge of the County Court; and

27 (m) ~~(k)~~ County officers in the order prescribed by the election
28 commissioner or county clerk.

29 (7) The names and spaces for voting for the various county offices
30 and for measures submitted to the county vote only or in only a part of
31 the county shall be entitled County Ticket in boldface type. If the

1 election commissioner or county clerk deems it advisable, the measures
2 may be submitted on a separate ballot if using a paper ballot or on
3 either side of an optical-scan ballot if the ballot is placed in a ballot
4 envelope or sleeve before being deposited in a ballot box.

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

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

25 Sec. 4. Original sections 32-507, 32-609, and 32-813, Reissue
26 Revised Statutes of Nebraska, are repealed.