

LEGISLATIVE BILL 81

Approved by the Governor March 12, 1990

Introduced by Korshoj, 16

AN ACT relating to elections; to amend sections 23-151, 31-409.03, and 32-308, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to election of county commissioners in certain counties as prescribed; to change provisions relating to election of drainage district directors; to change provisions relating to election of registers of deeds in certain counties as prescribed; and to repeal the original sections.

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

Section 1. That section 23-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-151. Each county, under commissioner organization, having not more than three hundred thousand inhabitants, shall be divided into three districts numbered respectively, one, two, and three, or into five districts as provided for in sections 23-148 to 23-150, which shall be numbered respectively, one, two, three, four, and five. Each county having more than three hundred thousand inhabitants shall be divided into five districts numbered respectively, one, two, three, four, and five. Such districts shall consist of two or more voting precincts, comprising compact and contiguous territory and embracing, as nearly as may be possible, an equal division of the population of the county and not subject to alteration more often than once in four years. One commissioner shall be nominated and elected by each of such said districts, but shall be elected by the qualified electors of the entire county in counties having a population in excess of one hundred seventy-five thousand. The district lines shall not be changed at any session of the board unless all of the commissioners are present at such session. In counties having more than three hundred thousand inhabitants, and in counties where a majority have voted for five commissioners, (1) counties which elect members of the board on an at-large basis shall continue to appoint and elect additional members at large; and (2) in counties

which elect by district, ~~it shall be the duty of the~~ county board of such county, at its ~~their~~ first meeting after the publication of the state or federal census, or after an election deciding to have five, ~~to divide said commissioners,~~ shall divide such county into five commissioner districts, as provided by law.

The three commissioners of such county whose terms of office will expire after the said 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 section 32-1040, to serve until the first Thursday after the first Tuesday in January following the next general election. At the ~~such~~ next 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 will be accepted for terms a term of two years and for terms a term of four years so that two members will be elected to four-year terms at one election and three members will be elected to four-year terms at the next election. Except for commissioners first elected after the county has increased the number of commissioners, each commissioner shall hold his or her office for four years and until his or her successor is elected and qualified. After May 8, 1979, commissioners holding office in counties having more than three hundred thousand inhabitants shall continue to serve until the expiration of their terms, and thereafter their successors shall be nominated by district and elected at large according to the provisions of this section. Nothing in this section shall be construed to prohibit the reelection of commissioners currently holding office as long as each such commissioner is reelected to represent his or her respective district.

Sec. 2. That section 31-409.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-409.03. (1) The board of directors may divide the district into two or more voting precincts for the purpose of electing directors of the district. The precincts shall be established to include, as nearly as possible, equal acreage if the district levies taxes based on valuation or equal units of benefit if the district taxes on the basis of apportionment of benefits. Upon completion of the division the board shall prepare a subdivision plat and file the plat with the county clerk of each county containing affected

land. The board shall provide for the phasing in of precinct voting for all elections subsequent to the decision to subdivide the district beginning with the first such election. After the board has divided the district pursuant to this subsection, the board shall not divide the district again or change the divisions until precinct voting is completely phased in and an election has been held for the directors to be elected in each precinct.

(2) When a district has been divided into two or more voting precincts, an equal number of directors shall be elected in each precinct and the remaining directors, if any, shall be elected at large. Each director elected by precinct shall own land assessed for benefits in the precinct from which he or she is elected. Precinct elections shall be held at a location within the precinct designated by the board or as provided in section 31-409.01.

Sec. 3. That section 32-308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-308. (1) A county sheriff, county treasurer, and county attorney shall be elected in each county at the general election in 1962 and every fourth year thereafter.

(2) When there is a qualified surveyor within a county who will accept the office of county surveyor if elected, a county surveyor, on either a full-time or part-time basis, as determined by the county board, shall be elected in each county with a population of less than one hundred fifty thousand inhabitants at the general election in 1982 and every fourth year thereafter. In counties where the county surveyor is an ex officio county engineer as provided in section 23-1901, the office of surveyor shall be full time.

(3) Except as provided in section 79-311, a county superintendent of public instruction shall be elected in each county at the general election in 1962 and every fourth year thereafter.

(4) A county clerk shall be elected, in each county having a population of two hundred thousand inhabitants or less, at the general election in 1962 and every fourth year thereafter and, in counties having a population in excess of two hundred thousand inhabitants, at the general election in 1964 and every fourth year thereafter.

(5) A register of deeds shall be elected, in each county having a population of more than ~~sixteen~~ twenty thousand ~~five hundred~~ and not more than two

hundred thousand inhabitants; at the general election in 1962 and every fourth year thereafter and, in counties having a population in excess of two hundred thousand inhabitants; at the general election in 1964 and every fourth year thereafter. If the population of a county which has a separate office of register of deeds pursuant to this subsection 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 the effective date of this act 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 subsection as if the county had a population of more than twenty thousand and not more than two hundred thousand inhabitants.

(6) A county engineer shall be elected in each county having a population of one hundred fifty thousand inhabitants or more at the general election in 1986 and every fourth year thereafter.

Sec. 4. That original sections 23-151, 31-409.03, and 32-308, Reissue Revised Statutes of Nebraska, 1943, are repealed.