

LEGISLATIVE BILL 201

Approved by the Governor April 27, 1977

Introduced by Reutzell, 15

AN ACT relating to elections; to amend sections 3-502, 5-108, 32-460, 32-534, 79-902, and 79-2203, Reissue Revised Statutes of Nebraska, 1943, and sections 14-1003, 16-302.01, 17-107.02, 19-612, 32-421.01, 32-428.07, 32-4,101, 32-504, 32-803, 32-1001.39, and 79-2202.01, Revised Statutes Supplement, 1976; to revise and harmonize provisions; to provide an additional director of a metropolitan water district; to delete obsolete matter; to eliminate a restriction on candidates defeated in the primary; to provide for vacancies in office; to change time for taking certain actions; to change requirements for eligibility for office; to provide for expenses of technical community college elections; and to repeal the original sections.

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

Section 1. That section 3-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-502. Any city is hereby authorized to create an airport authority to be managed and controlled by a board, which 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; Provided, that this act shall not become operative as to any city unless the mayor and city council in their discretion shall activate the airport authority by the mayor appointing and the council approving the board members as hereinafter provided. 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. Each board in cities of the primary, first, and second classes and in villages shall consist of five members to be selected as follows: (1) (a) The mayor, with the approval of the city council, shall appoint one member who shall serve until his successor, elected at the first general city election following such appointment, shall qualify and take office, (b) the mayor, with the approval of the city council, shall appoint two members who shall serve until their successors, elected at the second general city

election following such appointment, shall qualify and take office, and (c) the mayor, with the approval of the city council, shall appoint two members who shall serve until their successors, elected at the third general city election following such appointment, shall qualify and take office; and (2) upon the expiration of the terms of such appointed officers, members of the board 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. Members of such board shall be residents of the city for which such authority is created, and, except for members initially appointed, shall serve for a term of six years. ~~in the event authorities were activated prior to November 18, 1966, and where there are three members to be elected in 1967, two members shall be elected for a term of six years and one member for a term of four years in 1967. The member elected to a four year term in 1967 shall have his term extended to the first Tuesday in June, 1972. The members elected for a six year term in 1967 shall have their terms extended to the first Tuesday in June, 1974; the members elected in 1969 for a term of six years shall have their terms extended to the first Tuesday in June, 1976; at the general city election in 1972 one member shall be elected for a term of six years; at the general city election in 1974 two members shall be elected for a term of six years; and at the general city election in 1976 two members shall be elected for a term of six years; provided, those airport authority boards which have two members with terms expiring in 1972 shall, at the general city election in 1972 elect two members for terms of six years; the members whose terms expire in 1973 shall have their terms extended to the first Tuesday in June, 1974; and at the general city election in 1974 two members shall be elected for terms of six years; and that member whose term expires in 1975 shall have his term extended to the first Tuesday in June, 1976; and at the general city election in 1976 one member shall be elected for a term of six years; and thereafter the members shall, as their terms expire, be elected for a term of six years.~~ Any vacancy on such board, resulting other than from expiration of a term of office, shall be filled by temporary appointment by the mayor until a successor can be elected, at the next general city election, to serve the unexpired portion, if any, 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.

Each board in cities of the metropolitan class shall consist of five members to be selected as follows:

The mayor, with the approval of the city council, shall appoint one member in 1966, for a term of five years, and one member for a term of four years, in 1968, he shall with the approval of the city council, appoint one member for a term of four years, and in 1969, he shall with the approval of the city council, appoint one member for a term of five years and one member for a term of four years; and upon the expiration of the terms of such appointed officers, members of the board shall be nominated by the mayor and approved by the city council, and shall serve for a term of five years. Any vacancy on such board, resulting other than from expiration of a term of office, shall be filled by the mayor, with the approval of the city council, and such appointee shall serve the unexpired portion, if any, 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.

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 provisions of this act to be paid as herein provided. 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 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.

Sec. 2. That section 5-108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

5-108. When any city, village, county, or school district elects members of any governing board by districts, such districts shall be substantially equal in population, as determined by the most recent federal census. Any such city, village, county, or school district in existence at the time the most recent federal census was completed shall redistrict by January 1, 1972, and in the event it fails to do so candidates for the governing board shall thereafter be elected at large until such time as redistricting is completed pursuant to this section. The provisions of this section shall apply to all counties, notwithstanding the limitations on alteration of districts contained in section 23-151. When any new city, village, county, or school district is established, members of the governing board shall be elected at large until such time as districts are established pursuant to this section.

Any city, except a city under a home rule charter, village, county, or school district electing members to its governing body at large may at a general election submit the question of electing members to its governing body by district or ward.

Any city, except a city under a home rule charter, village, county, or school district electing members to its governing body by district or ward may at a general election submit the question of electing members to its governing body at large.

Petitions for submission of the question shall be prepared, circulated, and signed by registered electors of the city, village, county, or school district desiring to change the procedures for electing its governing body. The petition or petitions shall be signed by registered electors equal in number to twenty-five per cent 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 body. Each sheet of the petition shall have printed the full and correct copy of the question as it shall appear on the official ballot. ~~language for the petitions and official ballot shall be prepared in appropriate form by the county attorney.~~ 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.

If the petition or petitions are found to contain the required number of valid signatures, it shall be the duty of the county clerk or election commissioner to

place the question on a separate ballot to be issued to the electors of the city, village, county, or school district entitled to vote on such question.

~~The procedures for the notice of election, issuing absent and disabled voters ballots, and all other procedures shall be as provided in Chapter 32 for all county and school districts and those cities and villages holding their election in conjunction with the statewide primary, which shall be regarded as their general election. For those cities and villages holding their own election, the procedures governing city and village elections shall be followed.~~

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

Any city, village, county, or school district voting to change from electing the members of its governing body at large to 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 on a district or ward basis at the next primary and general election following submission of the question. When the question for district or ward elections has been approved by the majority of the electorate, the governing body of any city, village, county, or school district shall establish districts substantially equal in population as determined by the most recent federal census.

Each city, except a city under a home rule charter, village, county, and school district shall establish districts or wards so that the members of its governing body may be nominated and elected from districts or wards bearing odd numbers at one election and from districts or wards bearing even numbers at the following election. Districts or wards shall be created not later than July 1 in the year following the general election at which the question was voted upon. If the governing body fails to redistrict by July 1, any registered elector or group of registered electors may file suit in the proper court of the county for removal of the governing body for failure to comply with the provisions of this section. All vacancies because of removal shall be filled as provided by law.

Sec. 3. That section 14-1003, Revised Statutes Supplement, 1976, be amended to read as follows:

14-1003. In each metropolitan water district service area there shall be a board of directors consisting of ~~six~~ seven members, two of whom shall be chosen at large by the electors within said district at the time of the primary and general state election held in the even-numbered years, except that, at the primary and general election 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 electors within the district. The outside member 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. The election commissioner shall accept the application for nomination for the outside member in the same manner as those filing for the other six members except that the names of those filing for nomination as the outside member shall be placed upon the ballot under the title Outside Member, Vote for One. Nomination and election of all directors shall be by nonpartisan ballot. Accompanying the application for nomination shall be a receipt for twenty-five dollars from the county treasurer of the county in which the candidate resides. Qualified electors within the boundaries of the district shall be qualified electors of such district and shall be eligible for the office of director subject to the special qualification of residence for the outside member. 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 and until their successors shall be elected and qualified, in the same method and after the same manner, as nearly as may be, as were formerly by law provided for the nomination and election of judges of the district court. Members of said board shall hold office for a period of six years from the first Tuesday after the first Monday in January following their election and until their successors shall be elected and qualified. Within fifteen days after January 1, 1977, the board shall be increased to seven members by the appointment by the Governor of an additional member to serve until January 1, 1979. Such additional member, to be known as the outside member, 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. His successor shall be nominated and elected in 1978 in the same manner and for the same term as other members of the board subject to the special qualification of residence. This provision for enlargement of the board shall not be construed as creating a vacancy for purposes

~~of-section-14-1006:~~ It shall be the duty of the election commissioner of the county in which the metropolitan city is located to refuse to accept the filing, by petition, of any candidate for a member of said board of directors before a primary election and to so refuse after a primary election, unless there be a vacancy on the ballot as defined by, and all other conditions of, section 32-537, are met and complied with by said petition candidate.

Sec. 4. That section 16-302.01, Revised Statutes Supplement, 1976, be amended to read as follows:

16-302.01. (1) In any city of the first class, except any city having adopted the commissioner or city manager form of government, there shall be elected a mayor at large and two councilmen from each ward, who shall be electors of the city and residents of the ward from which elected. The 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 Chapter 32, or as provided in this act.

(2) Commencing with the statewide primary election in 1976, and every four two years thereafter, those candidates whose terms will be expiring shall be nominated at the statewide primary election and elected at the statewide general election.

(3) The term of office of any member of a council that would expire prior to the first regular council meeting in December, 1976 is hereby extended to such date.

(4) The term of office of any member that would expire after December, 1976, and prior to the first regular council meeting in December, 1978, is hereby extended to the first regular council meeting in December, 1978.

(5) If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

(6) When any second-class city by law becomes a first-class city, and adopts the first-class city form of government, and it becomes necessary to establish the staggering of terms by nominating and electing members for terms of different durations at the same election, the candidates receiving the greatest number of votes

shall be nominated and have their names placed on the general election ballot. In no case shall the city clerk, county clerk, or election commissioner place on the general election ballot more than twice the number of names required to fill the vacancies that will occur.

(7) When the name of a candidate who did not file or become a petition candidate for nomination is written in and voted for as a candidate for a councilman, such person shall not be entitled to a certificate of nomination at a statewide primary election nor have his name placed on the general election ballot unless he shall have received not less than twenty per cent of the total vote cast for the candidate receiving the greatest number of votes in the precinct or ward or the candidate receiving the greatest number of votes of the at-large candidates, whichever the case may be, at the preceding election in which candidates were elected to serve the precinct or ward or of the at-large candidates if the election was held at large. In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at his office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

(8) When more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, the city clerk, county clerk, or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election.

(9) The candidates shall be placed on the general election ballot and the candidates receiving the greatest number of votes shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms. The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election ballot in the order of their filing. The term of office of all such members shall commence on the first regular meeting of the council in December following their election. Any vacancy on the council resulting from causes other than

expiration of the term shall be filled by vote of the remaining members as provided in section 32-4,152.

Sec. 5. That section 17-107.02, Revised Statutes Supplement, 1976, be amended to read as follows:

17-107.02. (1) Commencing with the primary election in 1976, and every ~~four~~ two years thereafter, all elected officers in all second-class cities shall be nominated at the statewide primary election and elected at the statewide general election.

(2) The term of office of any member of the board that would expire prior to the first regular board meeting in December, 1976, is hereby extended to such date.

(3) The term of office of any member that would expire after December, 1976, and prior to the first regular board meeting in December, 1978, is hereby extended to the first regular board meeting in December, 1978.

(4) If the number of candidates properly filed for nomination at the primary election shall not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

(5) When any village by law becomes a second-class city, and adopts the second-class city form of government, and such second-class city is holding its initial election of all officers, the city clerk, county clerk, or election commissioner shall place the names of the candidates receiving the greatest number of votes at the primary election, if one was held, on the general election ballot, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election. At the first election, one half or the bare majority of the candidates in each precinct or ward or at-large candidates, as the case may be, receiving the greatest number of votes at the general election, shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms.

(6) When the name of a candidate who did not file or become a petition candidate for nomination is written in and voted for as a candidate for councilman, such person shall not be entitled to a certificate of nomination at a statewide primary election nor have his name placed on the general election ballot unless he

shall have received not less than twenty per cent of the total vote cast for the candidate receiving the greatest number of votes in the precinct or ward or of the at-large candidate, whichever the case may be, at the preceding election in which candidates were elected to serve the precinct or ward or of the at-large candidates, if the election was held at large. In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at his office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

(7) When more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, the city clerk, county clerk, or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election.

(8) The candidates receiving the greatest number of votes to fill the vacancy for which they were candidates shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms.

(9) The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the number of votes received at the primary election. If no primary election was held, the names of the candidates shall be placed upon the general election ballot in the order of their filing. The term of office of all such members shall commence on the first regular meeting of the board in December following their election.

Sec. 6. That section 19-612, Revised Statutes Supplement, 1976, be amended to read as follows:

19-612. (1) The number of councilmen shall be determined by the class and population of the city as follows: In all cities having not more than forty thousand inhabitants, five; in cities having more than forty thousand inhabitants, seven; Provided, that in cities having between twenty-five thousand and forty thousand inhabitants, the city council may by ordinance

provide for seven councilmen. Councilmen shall be elected from the city at large unless the city council by ordinance provides for the election of all or some of its councilmen by wards, the number and boundaries of which are provided for in section 16-104. Councilmen shall serve for a term of four years and until their successors are elected and have qualified, except at the first election hereunder or the first election under an ordinance changing the number of councilmen or their manner of election. Such first election shall take place at the next regular city election and shall be for all councilmen irrespective of their manner of election. The qualification of the candidates elected at such first election shall end the terms of those councilmen in office whose terms have not otherwise expired. If all councilmen shall be elected at large at the first election hereunder, the bare majority of councilmen receiving the highest number of votes shall serve for four years and the others for only two years. At the first election under an ordinance changing the number of councilmen or their manner of election, one half or the bare majority of councilmen elected at large, as the case may be, receiving the highest number of votes, shall serve for four years and the other or others for only two years. At such first election, one half or the bare majority of councilmen, as the case may be, elected by wards, shall serve for four years and the others for only two years, as provided in the ordinance. If only one councilman is to be elected at large at such first election he shall serve for four years. If a vacancy occurs in the office of ward councilman, a successor councilman shall be elected in the ward at the next regular city election to serve for the remainder of the term; Provided, a majority of the remaining members of the council shall appoint a resident and qualified elector of the ward to serve as councilman until the successor is so elected and has qualified.

(2) Commencing with the statewide primary election in 1976, and every four two years thereafter, those candidates whose terms will be expiring shall be nominated at the statewide primary election and elected at the statewide general election.

(3) The term of office of any member of a board that would expire prior to the first regular board meeting in December, 1976 is hereby extended to such date.

(4) The term of office of any member that would expire after December, 1976, and prior to the first regular board meeting in December, 1978, is hereby extended to the first regular board meeting in December,

1978.

(5) If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

(6) When any second-class city by law becomes a first-class city, and adopts the city manager form of government, the first election of officers shall be as provided in subsection (1) of this section.

(7) When the name of a candidate who did not file or become a petition candidate for nomination is written in and voted for as a candidate for a councilman, such person shall not be entitled to a certificate of nomination at a statewide primary election, nor have his name placed on the general election ballot unless he shall have received not less than twenty per cent of the total vote cast for the candidate receiving the greatest number of votes in the precinct or ward or the candidate receiving the greatest number of votes of the at-large candidates, whichever the case may be, at the preceding election in which candidates were elected to serve the precinct or ward or of the at-large candidates if the election was held at large. In the case of a tie vote of any of the candidates in either the primary or general election, the city clerk, county clerk, or election commissioner shall notify such candidates to appear at his office on a given day and hour to determine the same by lot before the canvassing board and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

(8) When more than one person becomes a candidate by filing, petition, or write-in procedures for the same position in the primary, the city clerk, county clerk, or election commissioner in preparing the official ballot for the general election shall place thereon the names of the persons who received the greatest number of votes in the primary, but in no event shall the names on the general election ballot be more than twice the number of vacancies to be filled at the general election.

(9) The candidates shall be placed on the general election ballot and the candidates receiving the greatest number of votes shall be elected to terms of the longest duration, and those receiving the next greatest number of votes shall be elected to the remaining term or terms. The city clerk, county clerk, or election commissioner shall place the names of the candidates on the general election ballot in the direct order according to the

number of votes received at the primary election. It no primary election was held, the names of the candidates shall be placed upon the general election ballot in the order of their filing. The term of office of all such members shall commence on the first regular meeting of such board in December following their election.

Sec. 7. That section 32-421.01, Revised Statutes Supplement, 1976, be amended to read as follows:

32-421.01. At the top of the ballot for general elections and over all else shall be printed in black face type one half inch high the words Official Ballot, General Election 19..... .

The names of all candidates and all measures to be voted upon at the general election shall be arranged upon the ballot in parts separated from each other by black lines, as follows:

(1) All proposals submitted by initiative or referendum and proposals for constitutional amendments shall be submitted on a separate ballot.

(2) If the election be in a year in which a President of the United States is to be elected, in spaces separated from the foregoing by a heavy black line and entitled Presidential Ticket, in black type not less than eighteen point, shall be the names and spaces for voting for candidates for President and Vice President; the names of candidates for President and Vice President for each political party shall be grouped together, each group enclosed with brackets with one square to the left in which the voter indicates his choice, and the party name to the right, with a heavy black line across the column, separating the group of the different political parties.

(3) Following and immediately after a heavy black line separating from the three preceding named parts shall appear the names of candidates for United States Senator, if any are to be elected.

(4) In spaces separated from the foregoing by a heavy black line and entitled Congressional Ticket in black type not less than eighteen point, shall be the names and spaces for voting for candidates for Representatives in Congress and above the candidates' names the office shall be designated For Representative in Congress District.

{4} {5} In spaces separated from the foregoing by a heavy black line and entitled State Ticket, in black

type not less than eighteen point, shall be the names and spaces for voting for candidates for the various state officers each set of which shall be separated by lines across the column, and above each set of candidates shall be designated the office for which they are candidates and arranged in the order as prescribed by the Secretary of State. In the year 1974 and every fourth year thereafter, the candidates for Governor and Lieutenant Governor of each political party receiving the highest number of votes in the primary shall be grouped together. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor and the names on the ballot shall be grouped, each group enclosed with brackets with one square to the left in which the voter indicates his choice, and the party name to the right, with a heavy black line across the column separating the group of different political parties.

In the case of petition candidates in the general election for Governor and Lieutenant Governor, the names shall be placed on the ballot in like manner, except that the words by petition shall appear in lieu of the party designation.

~~(5) In spaces separated from the foregoing by a heavy black line and entitled Congressional Ticket in black type not less than eighteen point, shall be the names and spaces for voting for candidates for Representatives in Congress and above the candidates' names the office shall be designated For Representative in Congress:-----District;~~

(6) In spaces separated from the foregoing by a heavy black line and entitled Nonpolitical Ticket in black type not less than eighteen point, shall be the names of all nonpolitical candidates in the following order:

(a) For Member of the State Board of Education
..... District;

(b) For Member of the Legislature.....
District;

(c) For Regent of the University of
Nebraska..... District;

~~(d) For County Judge:-----District;~~

(e) (d) For County Superintendent;

(f) (e) For Municipal Judge For County Weed Control Authority;

~~(g) (f) For--Director--of--Public---Power---and
Irrigation--District;--and For Judge of Nebraska Workmen's
Compensation Court;~~

~~(h) (g) For--Director--of--Reclamation--District;
For Judge of the District Court District;~~

~~(h) For Judge of the Separate Juvenile Court
..... County;~~

~~(i) For Judge of the County Court
District; and~~

~~(j) For Judge of the Municipal Court, City of
.....~~

(7) In spaces separated from the foregoing by a heavy black line and entitled County Ticket, in black type not less than eighteen point, shall be the names and spaces for voting for the various county offices, in the order as prescribed by the Secretary of State; and for measures submitted to the county vote only or in only a part thereof; Provided, that if the county clerk or election commissioner, as the case may be, shall deem it advisable such measures shall be submitted on a separate ballot.

(8) In like manner shall be printed the candidates for office in the precinct only or in the city only; Provided, that if the county clerk or election commissioner shall deem it advisable, candidates for these offices may be submitted on a separate ballot.

Sec. 8. That section 32-428.07, Revised Statutes Supplement, 1976, be amended to read as follows:

32-428.07. When a punch card voting system is used, the write-in portion of the ballot may be on a piece of paper or envelope separate from the ballot card and shall allow the voter adequate space to write in the name of a person for whom he desires to vote. The elector shall clearly identify the office for which the write-in vote is cast. If the office designation has been omitted, ~~the ballot card shall be rejected for the office involved and the counting board shall make the following notation on the back of the ballot card and also on the ballot jacket: Write-in rejected, for~~ ~~.....~~; no office designation.

Sec. 9. That section 32-460, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-460. Any voter who declares to the judge of election that he cannot read or that he suffers blindness or other physical disability or handicap, and that such disability or handicap is such that in the discretion of one of the judges of the election board it might endanger the life or limb of such person upon entering the polling place, shall, upon request, receive the assistance in the marking of his ballot of one judge and one clerk of election, each of different political parties, one of whom shall be of the voter's own political party. One judge and one clerk of election, each of different political parties, may take the ballot or ballots from the polling place to a convenient place within the building or to the voter's automobile, if the automobile is within one block of the polling place, and the disabled or handicapped person may cast his ballot in the general presence of the judge and the clerk. Such officers shall give no information regarding the same. The judge shall require such declaration of blindness, disability, or handicap, by the voter, under oath before him, and he is hereby qualified to administer the same. No elector other than the one who may, because of his inability to read, physical disability, or handicap be unable to mark his ballot, shall divulge to anyone within the polling place the name of any candidate for whom he intends to vote, or ask or receive assistance within the polling place in the preparation of his ballot; Provided, that if such disability is by reason of paraplegia or blindness the voter may at his request be assisted in marking his ballot by a relative or friend of his selection. ~~The person rendering assistance must be a registered voter in the State of Nebraska.~~ The judges of election shall enter upon the poll list or official poll record after the name of any elector who receives such assistance in marking his ballot a memorandum of the fact, including the name of such person rendering assistance to the elector. Whoever shall aid the voter shall subscribe to an oath before the judge of the election which shall be substantially as follows:

OATH

....., being first duly sworn on oath deposes and says that he is a friend or relative of, a disabled voter who is disabled by reason of paraplegia or blindness, that he was requested to mark the ballot of such disabled voter, that he did enter the voting booth with such disabled voter, and marked the ballot according to the intentions and desires of the voter, that the ballot at all times has been kept in the possession of the person rendering assistance, and that the ballot was duly delivered to the judge of the election on this day of, 19.... .

Sec. 10. That section 32-4,101, Revised Statutes Supplement, 1976, be amended to read as follows:

32-4,101. Immediately upon the completion of the canvass by the county canvassing board the county clerk or election commissioner shall prepare a copy of the abstract of the votes cast for President, Vice President, United States Senator, Congressman, all state officers, members of the Legislature, members of the State Board of Education, delegates to national conventions in a year in which a president is elected, Regents of the University of Nebraska, Judges of the Supreme Court, district courts and county courts, all directors of public power and irrigation districts and reclamation districts, directors of natural resources districts, members of boards of technical community colleges, and all questions under the Constitution voted upon by the whole people, and all questions submitted under the provisions of section 79-2203, which he shall seal up and endorse Abstract of votes of County; and direct to the Secretary of State, who 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 respective counties for the use of the Legislature in making the official canvass as required by the Constitution and for the use of the state canvassing board. The Secretary of State ~~shall after a primary make out and deliver a certificate of nomination pursuant to section 32-534. Within twenty days after a general election the Secretary of State shall make out and deliver a certificate of election to the person or persons declared elected by the state canvassing board. The county clerk or election commissioner~~ shall deliver to the state chairman of each political party, upon request, a separate abstract of votes of the various political contests for national and state offices indicating the total votes received by each candidate and measure.

Sec. 11. That section 32-504, Revised Statutes Supplement, 1976, be amended to read as follows:

32-504. (1) Candidates for public offices may be nominated otherwise than by direct filing, convention, or committee in the following manner:

(a) Candidates for any municipal office in cities of the first or second class and villages, and Classes II, III or VI school districts may be nominated by petition. Villages and Class II school districts may caucus for candidates as provided in section 17-601.01. Petitions shall be signed by registered voters equal in number to five per cent of the votes cast in the city or ward at the most recent municipal election, except that

in Classes II, III or VI school districts the candidates may be nominated by a petition signed by not less than five per cent of the total number of votes cast at the last election in the district; Provided, not less than twenty-five signatures of registered voters of the district when the nomination is for an election in a Class II or VI school district, or not less than fifty signatures of registered voters of the district when the nomination is for an election in a Class III school district shall be required. The form of such petitions shall be prescribed by the Secretary of State. Such petitions shall be filed with the county clerk, election commissioner, or city clerk. The deadline for filing such petitions shall be sixty days prior to the statewide primary election. Any candidate whose petition is valid and sufficient shall have his name certified to the proper election official to be placed upon the ballot; and

(b) As to candidates for other elective public offices not appearing on the nonpolitical ballot, except presidential and vice presidential candidates, petitions for nomination, containing the name of the office to be filled and stating the name, residence, business, and post-office address of the candidate, shall be signed by registered voters residing in the district or political subdivision in which the officer is to be elected and filed with the county clerk, the election commissioner, or the Secretary of State. Petition signers and petition circulators shall be at least the constitutionally prescribed age of an elector, shall reside in the state, be a citizen of the United States, and a registered voter; Provided, that no petition for nomination shall be filed unless there is attached thereto a proper county treasurer's receipt from the county of such nominee's residence showing the payment of the same filing fee as is required of candidates for the same office in the primary election. Such petitions must be filed at least seventy days prior to the general election. Within ten days after the petitions have been filed with the county clerk, election commissioner or Secretary of State, the candidate shall file with the appropriate official, a statement in writing accepting the petition candidacy. The number of signatures shall not be less than two thousand when the nomination is for an office to be filled by the electors of the entire state; twenty per cent of the total vote for Governor or for President at the last general election within the county or other subdivision of the state, not to exceed two thousand signatures, when the nomination is for an office to be filled by the electors of a county or other subdivision less than the state except a township or precinct; and not less than fifty when the nomination is for an office

to be filled by the electors of a township or precinct; Provided, the number of signatures need not in any instance exceed one-fourth of the total number of voters therein at the last preceding election when the nomination is for any office to be filled by the electors of a county, township or precinct, and the signatures need not all be appended to one paper.

(2) In the event of petition filings for the office of Governor and Lieutenant Governor for election as provided by Article IV, section 1, of the Constitution of Nebraska the following procedures shall be followed:

(a) Each of the candidates for the office of Governor and Lieutenant Governor circulating 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 petition or petitions select the person whom he or she wishes to be his or her team member for ballot purposes. Two thousand signatures on the petition or petitions carrying the names of the candidates for Governor and Lieutenant Governor shall be sufficient for the placing of both names jointly on the general election ballot. Beneath the names of the candidates for Governor and Lieutenant Governor nominated at a primary election by party and beneath the names of all candidates for Governor and Lieutenant Governor placed on the general election ballot by petition there shall be two write-in lines provided enclosed with brackets with one square to the left in which the voter may write the names of the candidates of his choice. The name appearing on the top line will be considered to be the candidate for Governor and the name appearing on the second line shall be considered to be the candidate for Lieutenant Governor and the vote cast jointly for the persons whose names are so written shall be counted even though not marked as if printed on the ballot. If an elector chooses to use the write-in provision for casting a joint ballot for the Governor and Lieutenant Governor of his or her choice, he shall write in the name of his or her choice for Governor and the name of his or her choice for Lieutenant Governor and in the case of the omission of a name for Governor or for Lieutenant Governor under this provision, the counting board shall reject that portion of the ballot pertaining to the offices of Governor and Lieutenant Governor; and

(b) At the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor whose names appear on the same petition or petitions. The candidates shall be termed candidates by petition, and their names shall be placed on the ballot beneath the names of all other candidates

placed there by nomination and there shall be printed after such names the words By petition.

~~{3} No person who has been a candidate for an office at a primary shall be a candidate by petition for the office for which he was defeated, at the next general election.~~

{4} {3} Candidates, nominated under the provisions of subdivision (1) (b) of this section, shall be termed candidates by petition, and upon the ballot upon which their names are printed shall be printed after such names the words By petition.

{5} {4} Each elector, signing a petition under the provisions of subdivision (1) (b) of this section, shall add to his signature his city, village, or post-office address, and his street and street number or his voting precinct.

{6} {5} Petitions for nomination for all county, district, or precinct offices, under the provisions of subdivision (1) (b) of this section, shall be filed with the county clerk or election commissioner of the respective counties wherein the officers are to be elected, or with the Secretary of State.

{7} {6} Within twenty-four hours after the receipt for filing of a petition for nomination as provided for by subdivision (1) (a) or subsection {6} {5} of this section, the filing officer shall notify by either registered or certified mail the candidate so nominated, who shall, within five days from the date of filing of such petition for nomination, file with such officer his acceptance of the petition for nomination or his name shall not be printed on the election ballot unless otherwise provided by law.

Sec. 12. That section 32-534, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-534. The county clerk, election commissioner, Secretary of State, or other officer charged with the duty of canvassing the result results of the a primary or general election shall, within twenty forty days after the result--is--ascertained election, mail a notice certificate of such nomination to each candidate nominated at such primary election, or a certificate of election to each candidate elected at such general election. As soon as the state canvass of a primary shall be certified to him, the Secretary of State shall make a certified statement of the result of such primary,

~~as to the candidates for state officers, members of the State Board of Education, members of the legislature, directors of public power and irrigation districts and reclamation districts, members of Congress, and any other candidate whose district extends beyond the limits of a single county. He shall mail to the chairman of the state central committee of each party so much of the certificate as relates to his party.~~

Sec. 13. That section 32-803, Revised Statutes Supplement, 1976, be amended to read as follows:

32-803. (1) Any qualified voter of this state who will be absent from the county where such voter resides on the day of any election may, not more than ninety days nor later than 4:00 p.m. on the Friday before such election, apply in writing to the county clerk or election commissioner of the county of such voter's residence, as issuing officer, and request that such officer forward an absent voter's ballot to such voter by mail, or by such means as the Congress of the United States may provide. The application for an absent voter's ballot shall be in writing and signed by the voter, or his or her spouse or parent, and shall state the voter's residence address or courthouse address if registered pursuant to section 32-803.01, and the address outside the county where the ballot and supplies shall be sent to the voter. All ballots mailed to voters outside the county of their residence shall be voted, attested, and mailed as provided in section 32-812. If the election be a primary election, the voter must state the political party with which such voter affiliates. Any qualified voter, not more than thirty-five days before any election and not later than 4:00 p.m. on the day preceding such election, may appear in person at the office of the county clerk or election commissioner in the county of his residence to obtain a ballot and vote before leaving the county. Those persons appearing at the office of the county clerk or election commissioner after the deadline for registering and prior to the election to vote absentee shall not be permitted to register with the absent voters' ballots. Registration with absent voters' ballots shall be for those electors absent from the county as provided in section 32-221.

(2) Notwithstanding any other provisions of law to the contrary, any qualified voter who, because of unforeseen and unavoidable circumstances, shall be absent from the county where such voter resides on the day of any election and shall not have had sufficient time to make application for an absent voter's ballot, may authorize his or her agent to personally pick up a ballot for such absent voter from the office of the county clerk

or election commissioner. The agent shall deliver the ballot to the absent voter and return the ballot not later than 8:00 p.m. on the day of the election. The request for such absent voters' ballots shall be in writing by the agent. The county clerk or election commissioner shall adopt procedures for the distribution of absent voters' ballots under this subsection, which procedures shall be similar to those established in section 32-807.01 for the distribution of disabled voters' ballots. No person shall act as agent for more than two voters for any one election.

Sec. 14. That section 32-1001.39, Revised Statutes Supplement, 1976, be amended to read as follows:

32-1001.39. If it shall appear as evidenced by the primary election abstract of votes cast that any candidate for United States Senator, Representative in Congress, or any state or district officer or any other candidate who files his application for nomination with the Secretary of State, or any county, district, municipal, school, or other candidate who filed his application for nomination with the county clerk or election commissioner failed to be nominated in a primary election by a margin of two per cent or less of the votes received by the candidate of his party who received the highest number of votes for that office, or in the case of a nonpartisan office by a margin of two per cent or less of the votes received by the candidate receiving the highest number of votes for that office, or failed to be elected in a general or special election by a margin of one and one half per cent or less of the votes received by the candidate of his party who received the highest number of votes for that office, ~~or, in the case of a nonpartisan office, by a margin of one and one-half per cent or less of the votes received by the candidate receiving the highest number of votes for that office,~~ the Secretary of State, county clerk, or election commissioner shall order a recount of the votes cast for the specific office or offices in question unless the losing candidate files a written statement with the person with whom he made his filing that he does not want a recount. A recount shall also be ordered for the office in which the total votes cast for all candidates exceed one hundred thousand and the total vote received by any losing candidate is within one per cent of the total vote received by any winning candidate.

Sec. 15. That section 79-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-902. The board of education of a fourth class district shall consist of six members, who shall be elected upon a general ticket from among the legal voters who are taxpayers at the time for holding the general city election in each year. Two members of the board shall be elected at the general election in 1967 for four years; two members of the board shall be elected at the general election in 1969 for four years; and three members of the board shall be elected for four years and one member of the board shall be elected for two years at the general election in 1971. Thereafter their successors will All board members shall be elected for four years, and until their successors are elected and qualified. The members of the board shall enter upon the duties of their office on the third Monday of the month in which they are elected. Prior thereto they shall take and subscribe the usual oath of office. In case any person elected shall fail so to do, his election shall be void and the vacancy thereby occasioned shall be filled by the board. Vacancies in office shall occur as set forth in section 32-1037. Whenever any vacancy occurs on the board, the remaining members shall appoint an individual residing within the geographical boundaries of the school district to fill such vacancy for the balance of the unexpired term. Candidates for members of the board of education shall be nominated and chosen at the primaries at the same time and in the same manner as candidates are nominated and chosen elected at the same time as members of the city council. No filing fee shall be required of such candidates.

Sec. 16. That section 79-2202.01, Revised Statutes Supplement, 1976, be amended to read as follows:

79-2202.01. Any candidate for membership on the board of an educational service unit in the primary election in 1976 shall file for election in the appropriate educational service unit as such units will be constituted after July 1, 1970.

The Except as provided in this section, the governing board of each educational service unit as set forth in section 79-2202 shall, not later than within thirty days after each primary and general election, pay the county clerk or election commissioner in each county comprising the educational service unit a fee of fifty dollars for conducting its the election. The governing board of educational service units serving a county or a portion of a county having a population of two hundred thousand or more inhabitants shall, within thirty days after each general election, pay the county clerk or election commissioner in the county having the majority of school age children a fee of five hundred dollars for

conducting the election. The governing board shall also pay for having its official and sample ballots printed at the time of the statewide primary and statewide general elections, including the and for publishing of the sample ballot appearing in the a newspaper of general circulation within the county. All payments received under this section shall be placed in the county general fund and shall be used to help defray the cost of elections.

Sec. 17. That section 79-2203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2203. (1) Each educational service unit shall be governed by a board to be known as the Board of Educational Service Unit No. The educational service unit board shall consist of one member from each county and four members at large, all of whom are residents 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. The county superintendent of each county shall call a meeting within thirty days after November 18, 1966, of the presidents of boards of education and school boards in the county. The presidents of the boards of education and school boards shall submit not less than six names from the county to the Governor for possible appointment to the initial board of the educational service unit in which the county is located. Within ninety days after November 18, 1966, the Governor shall appoint the initial members of the board. One member from each county shall be appointed for a term of two years, the four members at large shall be appointed for terms of four years. Successors to the members initially appointed shall be elected for terms of four years, as provided for in Chapter 32, articles 4 and 5, commencing in 1966. Candidates filing for membership on the board as the representative of the county in which they reside County candidates shall file their written applications with the county clerk or election commissioner of the county in which they reside sixty no later than seventy days prior to the general election. Candidates for the position of members at large shall file their written applications with the Secretary of State sixty no later than seventy days prior to the general election. No filing fee shall be required, of any candidate filing for the office of board member of the boards of educational service units. Vacancies in office shall occur as set forth in section

32-1037. Whenever any vacancy occurs on the board of the educational service unit, the remaining members of such board shall appoint an individual from the county where the vacating member resided to serve residing within the geographical boundaries of the educational service unit to fill such vacancy for the balance of the unexpired term. ~~Whenever any county is excluded from an educational service unit in the manner provided in subsection (2) of this section, the term of the member of the board representing that county, and of any member at large residing in that county, shall be automatically terminated. Whenever the term of a member at large is terminated in this manner, the remaining members of such board shall appoint an individual residing within the revised boundaries of the educational service unit to serve for the balance of the unexpired term.~~ Members of the board shall receive no compensation for their services but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties under sections 79-2201 to 79-2212.

(2) The provisions of Chapter 32, article 7, shall apply as nearly as may be practicable to proceedings under the provisions of this subsection. Any county which has been excluded from an educational service unit under prior provisions of this section may be readmitted in the manner provided by this section. No later than March 31 prior to any general election petitions may be filed with the Secretary of State seeking such readmission. Such petitions shall be signed by at least twenty per cent of the registered voters in each county. Upon the filing of such petitions, the Secretary of State shall order the question placed on the ballot at the next general election to be held in the county. If a majority of the voters voting on the issue vote for readmission, the county shall be readmitted.

(3) Any local joint school district located in two or more counties ~~and in two or more educational service units~~ 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. All registered voters who are qualified electors of any such joint school district shall be eligible to ~~vote in all elections and hold office in~~ as the county representative of the educational service unit of which the district is a part county in which the greater number of school age children reside. Any qualified elector of any joint school district shall be eligible to hold office as the at-large representative if such elector resides within the geographical boundary of the school district comprising the educational service unit.

(4) The administrator of each educational service unit, prior to March 1 of each year in which a state primary election is to be held, shall certify to the county clerk of each county located within the unit the names and numbers of each school district located within the county. If a school district is a joint district located in two or more counties or two or more educational service units, the administrator shall certify to each county clerk the unit or county of which the district is considered to be a part.

Sec. 18. (1) Within thirty days after the receipt of a statement from the county clerk or election commissioner following each primary and general election, each technical community college shall pay, to each county in which the name of one or more candidates appears upon the ballot, the expenses for electing its board members as follows: In counties having a population of less than three thousand inhabitants, fifty dollars; in counties having a population of three thousand but less than nine thousand inhabitants, one hundred dollars; in counties having a population of nine thousand but less than fourteen thousand inhabitants, one hundred twenty-five dollars; in counties having a population of fourteen thousand but less than twenty thousand inhabitants, one hundred fifty dollars; in counties having a population of twenty thousand but less than sixty thousand inhabitants, one hundred seventy-five dollars; in counties having a population of sixty thousand but less than one hundred thousand inhabitants, seven hundred fifty dollars; in counties having a population of one hundred thousand but less than two hundred thousand inhabitants, fifteen hundred dollars; and in counties having a population of two hundred thousand inhabitants or more, two thousand fifty dollars. Each technical community college shall also pay for having its official and sample ballots printed and for the publishing of the sample ballot. All payments received under this section shall be placed in the county general fund and shall be used to help defray the cost of the election.

(2) When the names of one or more candidates of a district appear on ballots in less than one half of the precincts of the county, the cost to the technical community college shall be no more than fifty per cent of the expense established by subsection (1) of this section.

(3) The population of a county for purposes of this section shall be the population as determined by the most recent federal decennial census.

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Sec. 19. That original sections 3-502, 5-108, 32-460, 32-534, 79-902, and 79-2203, Reissue Revised Statutes of Nebraska, 1943, and sections 14-1003, 16-302.01, 17-107.02, 19-612, 32-421.01, 32-428.07, 32-4,101, 32-504, 32-803, 32-1001.39, and 79-2202.01, Revised Statutes Supplement, 1976, are repealed.