

LEGISLATIVE BILL 632

Approved by the Governor April 20, 1978

Introduced by Burrows, 30

AN ACT to amend sections 18-102, 19-639, 23-151, 32-526, 32-1040, and 79-803.03, Reissue Revised Statutes of Nebraska, 1943, sections 32-428, 32-503.01, and 32-1044, Revised Statutes Supplement, 1976, and sections 32-504 and 79-2203, Revised Statutes Supplement, 1977, relating to elections; to change provisions for signing initiative and referendum petitions; to provide for appointment and election of county commissioners; to change filing provisions for incumbents; to provide for presidential and vice presidential candidates; to provide when vacancies shall be filled; to provide provisions relating to referendum or initiative petitions as prescribed; to provide procedures for new political candidates; to change a penalty; to provide for succession to certain offices; to change provisions for certain school districts; to change filing dates; to change provisions relating to write-in space on ballots; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 18-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

18-102. Such proposal shall be written or printed and shall contain the full text of the proposed ordinance and, to be mandatory, shall be signed by at least fifteen per cent of the voters of such city. Every qualified elector of the State of Nebraska may sign an initiative or a referendum petition on any measure upon which the elector is legally entitled to vote, except that no elector shall be qualified to sign or circulate any initiative or referendum petition unless he or she shall (1) be registered as an elector at the time of signing, or (2) file an affidavit with the petition stating that he or she is a qualified elector. Each signer shall, at the time of signing, personally affix the date, his or her name in full, except that the middle name or initial may be omitted, and if the given name is an initial only, the signer shall so state below the name

at the time of signing. A wife shall not use her husband's given name when she signs a petition, but rather she shall personally affix her given name along with her surname. In addition, the signer shall personally affix the street and street number, a designation of a rural route, or the voting precinct and city or village. No signer shall use ditto marks as a means of personally affixing the date or address to any petition. The voter registration at the time of the filing of the proposal shall be deemed the number of voters in said city for the purpose of determining the sufficiency of such a petition. Such proposal shall be filed with the clerk of such city.

Sec. 2. That section 19-639, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-639. The initiative shall be exercised in the following manner:

(1) A petition, signed by qualified electors of the city, accompanied by the proposed measure in the form of an ordinance and requesting that the same be submitted to a vote of the people if not passed by the council, shall be filed with the city clerk. ‡ Every qualified elector of the State of Nebraska may sign an initiative or a referendum petition on any measure upon which the elector is legally entitled to vote, except that no elector shall be qualified to sign or circulate any initiative or referendum petition unless he or she shall (1) be registered as an elector at the time of signing, or (2) file an affidavit with the petition stating that he or she is a qualified elector. Each signer shall, at the time of signing, personally affix the date, his or her name in full, except that the middle name or initial may be omitted, and if the given name is an initial only, the signer shall so state below the name at the time of signing. A wife shall not use her husband's given name when she signs a petition, but rather she shall personally affix her given name along with her surname. In addition, the signer shall personally affix the street and street number, a designation of a rural route, or the voting precinct and city or village. No signer shall use ditto marks as a means of personally affixing the date or address to any petition;

(2) Within ten days from the filing of such petition, the city clerk shall certify the number of votes cast at the last regular municipal election, and the number of signers of such petition, and shall present such certificate, petition and proposed measure to the council;

(3) If such petition is signed by qualified electors equal in number to twenty-five per cent of the total number of ballots cast at the last preceding regular municipal election, the council, within ten days after the receipt thereof, shall either pass such measure without alteration, or submit it to popular vote at a special election which must be held within thirty days after the date of the ordering thereof; Provided, however, that if any other municipal election is to be held within ninety days after the filing of the petition said proposed measure shall be submitted without alteration to be voted upon at such election;

(4) If such petition is signed by qualified electors equal in number to ten and less than twenty-five per cent of the total number of ballots cast at the last preceding regular municipal election, and the said proposed measure is not passed by the council without alteration, before the commencement of publication of notice of the next municipal election, it shall be submitted to popular vote at such election; Provided, that such petition must be filed at least thirty days before the date fixed for such election.

Sec. 3. That section 23-151, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-151. Each county, not under township 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. 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 oftener than once in four years. One commissioner shall be nominated and elected by each of said districts, but shall be elected by the qualified electors of the entire county in counties having a population in excess of one hundred thousand and less than three hundred thousand. The district lines shall not be changed at any session of the board unless all of the commissioners are present at such session; Provided, in counties where a majority have voted for five commissioners, it shall be the duty of the county board of such county, at their first meeting after the publication of the state or federal census, or after an election deciding to have five, to divide said county into five commissioner districts, as provided by law; and provided further, the three commissioners of such county

whose terms of office will expire after said election shall continue to represent the districts in which they reside after the redistricting of such county, until the expiration of the terms for which they were elected and until their successors are elected and qualified. Two commissioners shall be appointed to serve until the first Thursday after the first Tuesday in January following the next general election. Appointment shall be made as provided in section 32-1039. At the first primary election after such appointments, filings will be accepted for a term of two years and for 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. At the general election next after the division of a county into five districts, one commissioner shall be elected for each of the two remaining districts. Of the two persons elected for such districts, the person receiving the highest number of votes shall hold his office for the term of four years, and the person receiving the next highest number of votes shall hold his office for the term of two years; and each commissioner elected thereafter, in pursuance of the provisions of this section, shall hold his office for four years and until his successor is elected and qualified. In counties having a population of three hundred thousand inhabitants or more, the commissioners shall be nominated and elected by the qualified electors of the entire county; Provided, that those counties having a commissioner form of government may change their procedures for electing members to their governing body from district to at large or from at large to district following the procedures of section 5-108.

Sec. 4. That section 32-503.01, Revised Statutes Supplement, 1976, be amended to read as follows:

32-503.01. All partisan and nonpartisan candidates for elective offices shall be nominated: (1) By a primary held in accordance with Chapter 32, article 5, or (2) by nomination papers signed and filed as provided by section 32-504. If a candidate for an elective office is the incumbent of another a partisan or nonpartisan elective office, the filing of the requisite nomination papers of such incumbent for any other partisan or nonpartisan elective office shall be perfected at least seventy seventy-five days prior to the date of the primary, notwithstanding sections 32-504 and 32-515. All other candidates shall file for a partisan or nonpartisan elective office at least sixty days prior to the date of the primary. If any person holding an elective office created by act of the Legislature shall be elected to any other elective office, his office to which first elected shall become vacated, 7--and--the

~~county-attorney-shall-notify-the-elected-official-and-the governing-board-on-which-he-serves-of-such-vacancy-~~

Sec. 5. That section 32-504, Revised Statutes Supplement, 1977, 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~~ Class 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~~ Class 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; and -

(c) Partisan candidates for the offices of President and Vice President of the United States shall be certified to the Governor and Secretary of State by the national nominating convention as provided by law. Candidates for the offices of President and Vice President of the United States of newly established political parties or of an independent status may obtain general election ballot position by filing with the Secretary of State an application therefor containing the following information:

(i) The name or names to be printed on the ballot;

(ii) The status of the candidacy, whether independent or partisan;

(iii) The written consent of the designated vice presidential candidate to have his or her name printed on the ballot;

(iv) A list of names and addresses of the persons to represent the applicant as presidential elector candidates together with the written consent of such persons to become candidates; and

(v) A petition signed by qualified voters numbering not less than two thousand five hundred. Such petitions shall not be circulated until after the date of the primary election in that election year. Voters who voted in the primary of any political party that held a Presidential Preference Primary that year are ineligible

to sign the petitions of an independent candidate for President. The canvass of votes for candidates for President and Vice President and the returns thereof shall include a canvass of returns of votes cast for the newly established party and independent candidates.

(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.

(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.

(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.

(6) Within twenty-four hours after the receipt for filing of a petition for nomination as provided for by subdivision (1) (a) or subsection (5) or (6) 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.

(7) When a new political party in this state has been properly established under the provisions of section 32-526, prior to the general election and after the primary of that year, all candidates except those candidates for President or Vice President of the United States shall file with the appropriate filing officer in the following manner:

(a) Pay the appropriate filing fee, if any, to the county treasurer of residence;

(b) File an affidavit of personal nomination with the Secretary of State, county clerk, or election commissioner, whichever the case may be, no later than seventy days prior to the general election. Such affidavit of personal nomination shall be accompanied by a petition containing the names of not less than

twenty-five qualified registered electors of the party obtained from the appropriate jurisdiction; and

(c) Comply with all provisions of the Nebraska Political Accountability and Disclosure Act.

Sec. 6. That section 32-526, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-526. (1) In order to form a new political party there shall be presented to the Secretary of State petitions containing signatures totaling not less than one per cent of the total votes cast for the office of Governor at the most recent general election for such office. The signatures of registered electors on such petitions must be so distributed as to include qualified registered electors totaling at least one per cent of the votes cast for Governor in the most recent gubernatorial election in each of at least one-fifth of the counties in this state. The petitions must be filed with the Secretary of State at least ninety days before any state primary election held under the laws of this state, if the new political party desires 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 of that year, such petitions must be filed with the Secretary of State on or before August 1 of that year. Prior to the circulation of such petitions to form a new political party, a sample copy of such petitions must be filed with the Secretary of State by the individual, group or association seeking to establish the new party. In addition, the sample petition shall be accompanied by a verified list of the names and addresses of the individual, or the members of the group or association sponsoring the petition to form a new political party. The form of the petition for the formation of a new party shall be substantially as follows:

FORMATION OF NEW POLITICAL PARTY

The object of this petition is to form a new political party in the State of Nebraska to be known as

To the Honorable, Secretary of State for the State of Nebraska:

We, the undersigned qualified and 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 says: I have personally signed this petition on the date opposite my name; I am a qualified voter of the State of Nebraska, and county of, and am qualified to sign this petition; my city, village or post-office address, and my street and street number or voting precinct, are correctly written after my name.

Further, we the undersigned hereby pledge to support the new party, support its candidates and to change our registration to affiliate with such new party.

.....

Date	Name	Street and Number or Voting Precinct	City, Village or Post-office Box
------	------	--	--

.....

(Here follow twenty numbered lines for signatures.)

Every sheet of the petition mentioned in sections 32-526 and 32-526.01 containing signatures shall have upon it and below the signatures an affidavit in substantially the following form:

STATE OF NEBRASKA,)
) ss.
COUNTY OF)
....., being first duly sworn,

Name of Circulator
deposes and says that he is the circulator of the foregoing petition containing signatures; that he is a legal and qualified voter of the State of Nebraska and county wherein the signatures were obtained; that each person whose name appears on the petition sheet personally signed the petition in the presence of affiant, that the date to the left of each signature was personally affixed and is the date on which the signature was affixed to the petition; that he believes that each signer has stated his name, street and street number or voting precinct and his city, village or post-office address correctly; that each petitioner when he signed this petition was a legal and qualified voter of the state and county and qualified to sign same, and that affiant stated to each petitioner before he affixed his signature the legal effect and nature of such petition.

.....
Circulator
.....
Address

Subscribed in my presence and sworn to before me by the said this day of, 19.... .

.....
Notary Public

My commission expires

(2) For the purpose of preventing fraud, deception, and misrepresentation, every sheet of every petition mentioned in sections 32-526 and 32-526.01 containing signatures shall have upon it and above the signatures a statement, printed in bold face type, in substantially the following form:

WARNING: Any person signing any name other than his own to any petition or knowingly signing his name more than once, or who is not, at the time of signing or circulating the same, a legal voter and qualified to sign or circulate the same, or any person who shall falsely swear to any signature upon any such petition, or any officer or person willfully violating any provision of section 32-526, shall be guilty of a Class V felony misdemeanor, and ~~shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the Nebraska Penal and Correctional Complex not exceeding two years, or by both such fine and imprisonment.~~

(3) Every circulator of a petition shall be not less than the constitutionally prescribed age of an elector, and a resident, and registered voter of the State of Nebraska and of the county wherein the petitioners reside.

(4) Clerical and technical errors in a petition shall be disregarded if the forms herein prescribed are substantially followed.

(5) Within ten days after all petitions containing signatures are filed with the Secretary of State, he shall determine the validity and sufficiency of such petitions and signatures. If the petitions to form the new political party 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 party or its new officers shall file with the Secretary of State the Constitution and by-laws of such party along with a certified list of the names and addresses of the officers of the new political party.

(6) The petitions to form a new political party shall state the name of the party to be formed, but the

name of any then existing political party or any word forming any part of the name of any party then existing shall not be adopted.

(7) A new political party established prior to the primary election of that year shall be entitled to have a separate party ballot at the next primary election held thereafter. Such party and its candidates shall be subject to and governed by the statutes governing existing political parties. Notwithstanding the provisions of section 32-515, candidates for political office may register as members of the new political party and file for office as candidates under the party label of the new political party in accordance with the filing deadlines as established by law.

(8) Any person signing any name other than his own to any petition or knowingly signing his name more than once, or who is not, at the time of signing or circulating the same, a legal voter and qualified to sign or circulate the same, or any person who shall falsely swear to any signature upon any such petition, or any officer or person willfully violating any provision of this section, shall be guilty of a Class V felony misdemeanor. ~~and--shall--upon--conviction--thereof--be punished by a fine not exceeding five hundred dollars; or by imprisonment in the Nebraska Penal and Correctional Complex not exceeding two years; or by both such fine and imprisonment.~~

Sec. 7. That section 32-1040, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1040. Vacancies in office shall be filled in the following manner: In the offices of the Clerk and Reporter of the Supreme Court, by the Supreme Court; in all other state and judicial district offices, and in the membership of any board or commission created by the state, where no other method is especially provided, by the Governor; in county and precinct offices including county supervisors, by the county board; and in the membership of such board, except county supervisors, by the county clerk, county attorney, and county treasurer; in township offices, by the town board, but when there are two or more vacancies on the town board, the county board shall appoint. Unless otherwise provided by law, all vacancies shall be filled within sixty days after the vacancy occurs, unless good cause is shown that this requirement imposes an undue burden.

Sec. 8. That section 32-1044, Revised Statutes Supplement, 1976, be amended to read as follows:

32-1044. When a vacancy occurs in any of the public offices herein named, possession shall be taken of all things pertaining to the office, and the functions thereof exercised to the extent and in the manner, until the election or appointment and qualification of a successor, as follows: (1) Of any of the offices of county clerk, county treasurer, register of deeds, clerk of the district court, and county sheriff, county attorney, and county public defender, by his deputy, if there be one, and if not, the county board shall appoint a replacement who shall 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 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; (c) of the State Treasurer, by the Secretary of State or Auditor of Public Accounts, who shall make and sign an inventory of the money and warrants therein and transmit it to the Governor if he be 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 therein, and the auditor shall take the key of the office room.

Sec. 9. That section 79-803.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-803.03. The board of education of a Class III school district of which more than one-half seventy-five per cent of the geographical area lies within a city of the metropolitan class shall consist of six members to be elected by the registered voters of the school district at the time of the statewide primary election. Not less than seventy days prior to the holding of the election, there shall be nominated at a caucus held within the district, two or more candidates for each vacancy to be voted upon at an election to be held in conjunction with the statewide primary election. Two members shall be elected at each general election for a term of six years. The governing body which calls the caucus shall publish notice of such caucus in at least one newspaper of general circulation in the district at least once each week for two consecutive weeks before the caucus. The notice shall state the date, time, place, and names of board members whose terms are to be filled. The chairman of the caucus at which candidates are nominated shall certify to the secretary of the board of education the names of the candidates so nominated not later than two days following the caucus. The secretary of the board of education 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 nominated shall have his name placed upon the ballot unless, not more than ten days after the holding of such caucus, he shall have filed with the secretary of the board of education a written statement accepting the nomination. The secretary of the board of education shall certify the names of the candidates to the proper election official who shall prepare the official ballot listing the names as certified and without any area designation. All registered voters residing within the school district shall be permitted to vote at such election.

Sec. 10. That section 79-2203, Revised Statutes Supplement, 1977, 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 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. Successors to the members initially appointed shall be elected for terms of four years. County candidates shall file their written applications with the county clerk or election commission no later than ~~seventy-days~~ August 1 prior to the general election. Candidates for the position of members at large shall file their written applications with the Secretary of State no later than ~~seventy--days~~ August 1 prior to the general election. No filing fee shall be required. Vacancies in office shall occur as set forth in section 32-1037. Whenever any vacancy occurs on the board, the remaining members of such board shall appoint an individual residing within the geographical boundaries of the educational service unit to fill such vacancy 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 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 qualified electors of any such joint school district shall be eligible to hold office as the county representative of the 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. 11. Newly formed political parties that are established in the state under the provisions of section 32-526, prior to the state primary election, shall be governed by the provisions of sections 32-556, 32-558, and 32-560. Newly formed political parties in the state which are created after the statewide primary and before the statewide general election, under the provisions of section 32-526, shall file with the Secretary of State no later than fifteen days after formulation, a copy of their constitution and by-laws. Such newly formed political parties shall be governed by such constitution and by-laws, with respect to county conventions, district conventions, state conventions, platforms, presidential electors and all other party business.

Sec. 12. The election commissioner or the county clerk in those counties in which there is no

election commissioner shall provide one or more offices which shall be available for the purpose of allowing citizens to sign a referendum or initiative petition initiated pursuant to the constitution, statutes, or local ordinance. The petition sponsor or sponsors shall provide all of the necessary forms, materials, and supplies to the various county clerks or election commissioners for the purpose of petition signing. In no event shall the office be provided and staffed for a period of longer than ninety days. In the case of an ordinance petition at the local level, a lesser number of days may be used depending upon the nature of the local petition. The county clerk's or election commissioner's duties under the provisions of this section shall be considered ministerial in nature and it shall be unlawful for a county clerk or election commissioner to in any way explain the nature of the petition or to in any way attempt to influence prospective signers of such petitions. A county clerk or election commissioner, if provided by the petition sponsor or sponsors, may hand to prospective signers a statement of the nature and purpose of the petition drive. Nothing in this section shall prohibit private individuals or sponsors of petition drives from carrying and circulating pages of the petition on their own behalf.

No provisions of this act shall in any way change the procedure or requirements for signing or circulating referendum or initiative petitions.

Sec. 13. That section 32-428, Revised Statutes Supplement, 1976, be amended to read as follows:

32-428. In each division of the ballot at a primary election there shall be no write-in space for county weed control authority, delegates to the county convention, delegates to the national convention, ~~area board of a technical community college~~, county surveyor, county superintendent, directors of public power districts, directors of reclamation districts, and members of the board of educational service units. In each division of the ballot at a general election there shall be no write-in space for President and Vice President, county weed control authority, directors of public power districts, ~~area--board--of--a--technical community---college~~, county surveyor, county superintendent, township officers, directors of reclamation districts, members of the board of educational service units, and directors of natural resources districts. Beneath all candidates placed on the ballot by nomination or petition, a blank space shall be provided into which electors may write the name of any person for whom they wish to vote and whose name is not

printed upon the ballot but for officers named in this section there shall be no write-in space provided.

In any primary election, if the names of candidates properly filed for nomination at the primary election for the offices named in this section, except for delegates to the county and national conventions, do not exceed two candidates for each vacancy to be filled, all so filed shall be declared nominated and their names shall not appear on any primary ballots. If the number of candidates for delegates to a county or national convention are the same in number or less than the number of candidates to be elected, the names shall not appear on the ballot and those so filed shall receive a certificate of election. If the names of candidates exceed the number of delegates to be elected, all so filed shall have their names placed on the ballot and the electors shall cast ballots for the candidates of their choice. Certificates of nomination and election shall be issued as provided by law. The county clerk or election commissioner shall place the names of the automatically nominated candidates on the general election ballot as provided in section 32-424. The official abstract of votes kept by the county or the state, as the case may be, shall show the names of the nominated candidates with the statement nominated without opposition.

Sec. 14. That original sections 18-102, 19-639, 23-151, 32-526, 32-1040, and 79-803.03, Reissue Revised Statutes of Nebraska, 1943, and sections 32-428, 32-503.01, and 32-1044, Revised Statutes Supplement, 1976, and sections 32-504 and 79-2203, Revised Statutes Supplement, 1977, are repealed.

Sec. 15. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.