

## LEGISLATIVE BILL 165

Approved by the Governor February 21, 1989

Introduced by Chambers, 11

AN ACT relating to cities of the metropolitan class; to amend sections 5-108, 5-108.02, 14-201, 14-201.03, and 14-201.04, Reissue Revised Statutes of Nebraska, 1943; to provide quadrennial city council elections; to provide for redrawing city council districts in cities of the metropolitan class as prescribed; to harmonize provisions; and to repeal the original sections.

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

Section 1. 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 within six months after the completion of such census and in the event it fails to do so the procedures set forth in section 5-108.02 shall be followed. The election commissioner of any county in which a city of the metropolitan class is located shall redistrict such city as required under this section and if he or she fails to do so the procedures set forth in section 5-108.02 shall be followed. Until such time as redistricting is completed pursuant to this section, membership on the governing board shall remain on an at-large basis. 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 or the number of board members has changed, members of the governing board shall be 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 percent of the votes cast for the person receiving the highest number of votes in the city, village, county, or school district at the preceding general election for electing the last member or members to its governing 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. 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.

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 approving such question shall establish districts substantially equal in population as determined by the most recent federal census.

Each Except as provided in sections 14-201 and 14-201.04, each city, except a city under a home rule charter, village, county, and school district which votes to elect members to its governing body by district or ward 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 October 1 in the year following the general election at which the question was voted upon. If the governing body fails to redistrict by October 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. 2. That section 5-108.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

5-108.02. (1) If a governing board whose members are elected by any city, village, county, or school district, which has voted to elect members to the governing board by district or ward, fails to redistrict itself within six months after the completion of the most recent federal census, the county attorney of the county in which the governing board is located shall file an action in the district court for the purpose of ordering the governing board to redistrict. If, within six months of the receipt of such order the board does not comply, the members of the board shall be subject to removal and the court shall order the Secretary of State to redistrict in accordance with the most recent federal census.

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

(3) If an election commissioner required to redistrict a city of the metropolitan class pursuant to

section 5-108 fails to redistrict such city, the election commissioner shall be subject to (a) suit by the county attorney for the purpose of ordering the redistricting, (b) removal from office pursuant to section 32-209 for failure to comply with an order to redistrict within six months of receipt of such order, and (c) suit by any citizen for the purpose of ordering the redistricting and shall be obligated to pay any costs and attorney's fees involved in any such action.

Sec. 3. That section 14-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-201. In any city of the metropolitan class there shall be elected seven council members, whose terms of office shall, except as provided in section 14-201.04, be four years, who shall constitute the council of such city. The regular or general election for the election of elective officers of cities of the metropolitan class shall be held on the first Tuesday after the second Monday in May and every two years thereafter 1991, 1993, and every four years after 1993. The term of office of such council members shall commence on the fourth Monday after such election.

Sec. 4. That section 14-201.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-201.03. The election commissioner in any county in which is situated a city of the metropolitan class shall divide the city into seven city council districts of compact and contiguous territory. Such districts shall be numbered consecutively from one to seven. One council member shall be elected from each such district. The election commissioner shall redraw the boundaries of such districts, maintaining the compact and contiguous nature of each, when such districts are no longer substantially equal in population pursuant to section 5-108.

Sec. 5. That section 14-201.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-201.04. At the general city election held in 1981 in a city of the metropolitan class, the council members elected from the even-numbered districts shall be elected for terms of two years each, and the council members from the odd-numbered districts shall be elected for terms of four years each. Thereafter their successors shall be elected for terms of four years each, except that the terms of the council members elected in the general city election held in 1991 shall

be for two years.

Sec. 6. That original sections 5-108, 5-108.02, 14-201, 14-201.03, and 14-201.04, Reissue Revised Statutes of Nebraska, 1943, are repealed.