

LEGISLATIVE BILL 364

Approved by the Governor April 21, 1973

Introduced by R. Lewis, 38

AN ACT to amend sections 70-615 and 70-619, Reissue Revised Statutes of Nebraska, 1943, and sections 70-610 and 70-611, Revised Statutes Supplement, 1972, relating to public power districts; to change provisions for election of directors and payment of the costs of elections; and to repeal the original sections.

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

Section 1. That section 70-610, Revised Statutes Supplement, 1972, be amended to read as follows:

70-610. (1) After the selection of the original board of directors of a district as provided for in sections 70-604 and 70-609, their successors shall, except as provided in this section, be nominated and elected and shall take office, subject to the provisions of sections 70-601 to 70-672, ~~in as nearly as possible the same method and manner as by law provided for the nomination and election of members of the legislature.~~ Registered voters residing within the territory which composes the chartered territory of a district voting precincts in which any or all of the precinct is served by a public power district, except those areas specifically excluded in the chartered territory, shall be qualified electors of such district and shall be eligible ~~for the office of director to cast ballots for the directors.~~

Any person filing nomination papers as a candidate for director shall file such nomination papers as provided in Chapter 32. A candidate for director shall be a qualified elector and shall have resided within the chartered territory or subdivision as defined in the charter of the district.

In districts receiving annual gross revenue of less than forty million dollars the candidates for district director shall not appear on the primary ballot. Candidates for directors of such districts shall file applications for nomination with the Secretary of State on or before August 1 of each general election year. In such districts the candidates receiving the highest number of votes at the general election shall be declared

duly elected to the offices for which they were candidates.

Accompanying all applications for nomination shall be a receipt for twenty-five dollars when the annual compensation exceeds one thousand dollars, otherwise ten dollars, from the county treasurer of the county in which the candidate resides.

(2) Such nomination and election of directors, as referred to in subsection (1) of this section, shall be by separate nonpartisan ballot. If, after a primary election in a district receiving annual gross revenue of forty million dollars or more, there shall be a vacancy on the ballot for members of board of directors through any cause whatever, the man polling the third highest in the primary shall be the candidate, and if two vacancies exist then the third and fourth highest in the primary shall be the candidates. If there were no third and fourth highest in the primary, then candidates may file by petition, by securing signatures of ten per cent of the legal voters voting for Governor or President within the district at the preceding general election, and if more persons file than there are places vacant, the candidates shall be chosen by drawing for place. Any such petition must be filed with the Secretary of State not less than sixty days prior to the general election. The petition must show the name and address of the candidate, the office to be filled, and the names and addresses of the signers, the truth of which must be shown by the circulator or circulators thereof by the affidavit filed with such petition. Accompanying the petition shall be a receipt for twenty-five dollars when the annual compensation exceeds one thousand dollars, otherwise ten dollars from the county treasurer of the county in which the candidate resides. A vacancy shall be deemed to exist whenever any person shall cease for any reason to be a candidate for the office of member of board of directors for which he was nominated in the primary or when no person was nominated for such office in the primary. It shall be the duty of all state and local officers and officers of election to perform all duties imposed upon them by the laws of this state pertaining to primary and general elections, insofar as applicable to the election of directors of districts organized under the provisions of sections 70-601 to 70-672. Each public power district shall pay for the election expenses of nominating and electing its directors as the case may be as provided in this section. The Except as provided in this section, the district shall pay to each county wherein the name of one or more candidates appears upon the ballot as follows: Counties having a population of less than three thousand

inhabitants, seventy-five dollars; counties having a population of three thousand but less than nine thousand inhabitants, one hundred fifty dollars; counties having a population of nine thousand but less than fourteen thousand inhabitants, two hundred dollars; counties having a population of fourteen thousand but less than twenty thousand inhabitants, two hundred fifty dollars; counties having a population of twenty thousand but less than sixty thousand inhabitants, three hundred dollars; counties having a population of sixty thousand but less than one hundred thousand inhabitants, fifteen hundred dollars; counties having a population of one hundred thousand but less than two hundred thousand inhabitants, three thousand dollars; and counties having a population of two hundred thousand inhabitants or more, fifty-five hundred dollars. The population of a county for purposes of this section shall be the population as determined by the most recent federal decennial census.

~~When the total votes cast in a public power district election is less than one-half of the total votes cast within a county having a population less than sixty thousand, the cost to the district shall be reduced fifty per cent. When the total vote within a county in a public power district election is less than one-tenth of the total vote in such county, then there shall be no cost to the district. In counties having a population of sixty thousand or more, the total cost of a primary or general election held in such a county shall be prorated and billed to each public power district on a pro-rata basis determined by the ratio that the number of votes cast for public power district directors bears to the total votes cast within such county. When the name of one or more candidates of a district appears on ballots in less than one half of the precincts in a county, the cost to the district shall be reduced fifty per cent. When the name of one or more candidates of a district appears on ballots in less than one-tenth of the precincts in a county, there shall be no cost to the district. Election expenses shall be due and payable by each public power district within thirty days after receipt of a statement from the county.~~

Sec. 2. That section 70-611, Revised Statutes Supplement, 1972, be amended to read as follows:

~~70-611. Not less than ninety days prior to any district election, the secretary shall certify to the Secretary of State the names of the counties, municipalities and election precincts then comprising the district, and at the same time shall certify the number of directors to be elected and the election districts or subdivisions in which they are to be~~

~~elected, respectively. The secretary of the district shall also cause a list of the names of the directors proposed to be elected and the district or subdivision of the district in which they are proposed to be elected to be published in a newspaper of general circulation throughout the district, and shall furnish a certified copy of the published notice to the Secretary of State and officials of election together with such additional information as they may reasonably require in the proper performance of their duties in the conduct of elections and the certification of the results of the same. The term of each member of the board thus elected shall be six years and until his successor is elected and qualified.~~ 

 Not later than February 1 in each even-numbered year, the secretary of the district in districts grossing forty million dollars or more annually shall certify to the Secretary of State on forms prescribed the names of the counties, municipalities, and election precincts then comprising the district. At the same time he shall certify the number of directors to be elected and the election districts or subdivisions in which they are to be elected and the length of terms for which each is to be elected.

Those districts grossing less than forty million dollars annually shall prepare the same type of certification as those districts grossing over forty million dollars annually and file such certification with the Secretary of State not later than July 1 of each even-numbered year.

At the time of filing the certification all districts shall cause to be published once in a newspaper or newspapers of general circulation within the district a list of the incumbent directors and the district or subdivision of the district which they represent. A certified copy of the published notice shall be filed with the Secretary of State within ten days after such publication.

The term of each member of the board thus elected shall be not more than six years and until his successor is elected and qualified.

Sec. 3. That section 70-615, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-615. A vacancy on the board of directors shall exist in the event of the (1) death, disability or removal from the district chartered area or resignation of any director, (2) removal from the subdivision from which said director was elected, or (3) elimination or

detachment from the district chartered area of the territory in which a director or directors reside, or (4) expiration of the term of office of a director and failure to elect a director to fill such office at the preceding general election. In the event of a vacancy from any of said causes, or otherwise, such vacancy or vacancies shall, except in districts having within their boundaries chartered area twenty-five or more cities and villages, be filled by the board of directors. In districts having within their boundaries chartered area twenty-five or more cities and villages, vacancies shall be filled by the Governor. ~~Such appointments shall be in writing and continue for the unexpired term and until a successor is elected and qualified. The written~~ If a vacancy occurs during the term of any director prior to the deadline for filing, and the unexpired term extends beyond the first Tuesday in January following the next general election, an appointment shall be until the first Tuesday in January following the next general election, and candidates may file nomination papers as provided by law for the placing of their names upon the ballot for election to the unexpired term. If a vacancy occurs during the term of any director after the deadline for filing for election, an appointment shall be until the first Tuesday in January following the next general election for which candidates may file nomination papers as provided by law.

At any time a vacancy is to be filled by election the secretary of the district shall give notice to the public by publishing the notice of vacancy, length of term, and the deadline for filing, once in a newspaper or newspapers of general circulation within the district.

Any appointment shall be filed with the Secretary of State by certified mail.

Sec. 4. That section 70-619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-619. The corporate powers of the district shall be vested in and exercised by the board of directors of the district. No person shall be qualified to hold office as a member of the board of directors unless he or she shall be an elector of such district chartered area or, if such district chartered area be subdivided for election purposes as provided in sections 70-610 to 70-618, of the subdivision of which he shall be an elector, or of one of the municipalities from which directors are to be elected at large as provided in section 70-612. No person who acquires any interest in any pension plan, retirement plan, or similar plan or

contract of any district shall be eligible to hold office as a member of the board of directors. No person shall be qualified to be a member of more than one such district board, except that a director of a rural public power district may serve as a director of another public power district formed or organized for the purpose of generating electric energy or transmitting electric energy exclusively for resale to some other public power districts, rural electric cooperatives, and membership associations or municipalities. No member of a governing body of any one of the municipalities within the areas of the district shall be qualified to serve on the original board of directors under the provisions of sections 70-603 to 70-609.

Sec. 5. That original sections 70-615 and 70-619, Reissue Revised Statutes of Nebraska, 1943, and sections 70-610 and 70-611, Revised Statutes Supplement, 1972, are repealed.