

LEGISLATIVE BILL 556

Approved by the Governor May 25, 1973

Introduced by Government, Military and Veterans Affairs
Committee, Chambers, 11, Chmn.; Barnett, 26;
Fowler, 27; Duis, 39; DeCamp, 40; Stull, 49

AN ACT to amend section 53-122, Revised Statutes Supplement, 1972, relating to liquor; to provide for voting on the question of liquor by the drink at the time of a statewide primary or general election; to provide for checking of signatures on petitions; to provide procedures; and to repeal the original section.

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

Section 1. That section 53-122, Revised Statutes Supplement, 1972, be amended to read as follows:

53-122. The commission may issue licenses for the sale of alcoholic liquors, except beer, by the drink, subject to all the terms and conditions of this act, in all cities and villages in this state and outside of cities and villages as provided in subdivision (5) G. of section 53-124 and section 53-127, except in those cases where it shall affirmatively appear that the issuance thereof will render null and void prior conveyances of land thereto for public uses and purposes by purchase, gift or devise under the conditions and in the manner hereinafter provided. If a sufficient petition shall be signed by the electors of any such city or village of such number as shall equal twenty per cent of the votes cast at the last general election held therein, which shall request that the question of licensing the sale of alcoholic liquors, except beer, therein by the drink be submitted to the electors thereof, at a special election to be called for that purpose, as hereinafter provided, and shall be presented to the municipal clerk thereof, the municipal clerk shall cause to be published one time in a legal newspaper published in or of general circulation in such city or village a notice of a special election to be held not less than ten days nor more than twenty days from the date of such publication. The notice shall state therein the proposition to be submitted to the electors at such special election. The question of licensing the sale of such alcoholic liquors either by the drink or in the original package, or both by the drink and in the original package, as the case may be, may also be submitted at any general municipal

election, except as otherwise provided in section 53-121, in any city or village in this state subject to the following conditions or procedure: Upon the filing with the municipal clerk of such city or village of a petition signed by electors of such city or village of such number as shall equal twenty per cent of the votes cast at the last general election held therein, such proposition or propositions shall be submitted. Each sheet of each petition shall contain not more than thirty signatures of electors with their personal signatures, addresses, and the date of signatures, all in their own handwriting. The signature shall be the same as it appears upon the registration records. At the top of each sheet shall be stated the proposition or propositions to be submitted and the date of the general municipal election at which it is proposed to be submitted. No signature on such petition shall be valid unless appended to the petition within the last ninety days prior to the date of filing the petition with the municipal clerk of the city or village. At the bottom of each sheet of such petition shall be the affidavit of the person who circulated same, stating that the signatures to the petition were made in his presence, that he has reasonable cause to believe that they are qualified electors of the particular city or village, and that they are the persons they represent themselves to be. Such petition shall be filed thirty days prior to the day of the general municipal election at which the proposition is to be submitted, and during such thirty-day period no signature shall be withdrawn and no signature shall be added. Whoever signs any proposal or petition contemplated under this section, knowing that he is not a qualified elector in the place where such proposal or petition is made, or who aids or abets any other person in doing any of the acts mentioned, or whoever bribes, gives or pays any money or thing of value to any person directly or indirectly, to induce him to sign such proposal or petition, shall upon conviction thereof be punished by a fine of not exceeding three hundred dollars or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

Upon the ballot either at the special election hereinbefore provided or at any general municipal election, the proposition or propositions shall be stated as follows:

Shall the sale of alcoholic liquors except beer by the drink be licensed in (here insert the name of the city or village)?

... For license to sell by drink.

... Against license to sell by drink.

Shall the sale of alcoholic liquors except beer by the package be licensed in (here insert the name of the city or village)?

... For license to sell by the package.

... Against license to sell by the package.

The provisions of the statutes of this state relating to election officers, voting places, election apparatus and blanks, preparation and form of ballots, information to voters, delivery of ballots, calling of elections, conduct of elections, manner of voting, counting of votes, records and certificates of elections, and recounts of votes, so far as applicable, shall apply to voting on the proposition or propositions under the provisions of this act; and a majority vote of those voting on the question shall be mandatory upon the commission.

An election may not be held in the same city or village under the provisions of this section more often than once each two years.

The provisions of subdivisions (5) H. or (9) of section 53-124, shall not be subject to the provisions of this section.

If the question is to be submitted at a statewide primary or general election, such petitions shall be filed with the municipal clerk not less than sixty days prior to the election. The provisions for the required number of signers and the form of petition shall be the same as for a special election. The city clerk shall verify the signatures on the petitions with the voters registration in the office of the county clerk or election commissioner. During the ten-day period while the petitions are being checked, no signatures shall be withdrawn and no signatures shall be added.

If the city clerk finds the petitions to be valid, he shall, not less than fifty days prior to the statewide primary or general election, give notice in writing to the county clerk or election commissioner that the question is to be submitted at the time of the statewide primary or general election. The election notices, issuing of the official ballots on election day, issuing of the official absent disabled voters ballots, and the counting and canvassing of the same shall be conducted by the county clerk or election commissioner as provided in Chapter 32, and the official results

certified to the city clerk.

Sec. 2. That original section 53-122, Revised Statutes Supplement, 1972, is repealed.