

LEGISLATIVE BILL 558

Approved by the Governor May 25, 1973

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

AN ACT to amend sections 16-302.01 and 16-307, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first class; to provide for election of officers on either a ward or an at-large basis; to change residence requirements as prescribed; to provide for filling of vacancies; and to repeal the original sections.

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

Section 1. That section 16-302.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-302.01. 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. In any city of the first class not having a municipal court pursuant to section 26-101, there shall also be elected a police magistrate and in any city not owning its own lighting plant, there shall also be elected a water commissioner. The council may also, by a two-thirds vote of its members, provide by ordinance for the election of the treasurer and clerk. The terms of all such elective officers who were elected in the year 1969 shall be extended to the first Tuesday in June, 1972. Successors to such officers shall be elected at the statewide primary election in May, 1972, unless otherwise provided by this act, for a term of four years each, except that in each ward the candidate receiving the highest number of votes shall be elected for a term of four years, all such terms to commence on the first Tuesday in June, 1972. Their successors shall be elected for terms of four years each. All nominations and elections of such officers shall be held as provided in Chapter 32, or as provided in this act. At the election in 1970, the elective officers shall be elected for a term of four years commencing on the first Tuesday in June, 1970, and their successors shall be elected for terms of four years each; provided, that cities of the first class may change their procedures for electing

members to their governing body from ward to at large or from at large to ward following the procedures in section 5-108.

Sec. 2. That section 16-307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-307. All ~~qualified electors of this state registered voters~~, who shall have resided reside within the limits of the city ~~for at least forty days and ten days within the ward preceding any election therein on or before election day~~, shall be entitled to vote at all municipal elections. At a meeting of the council on the first Monday after any city election the returns shall be canvassed, and the city council shall cause the clerk to make out and deliver certificates of election to the persons found to be elected, and a neglect of any such officer to qualify within ten days after the delivery to him of such certificate shall be deemed a refusal to accept the office to which he may have been elected. Any vacancy on the council shall be filled as provided in section 32-4,152. In all cases of an election when the successful candidate or candidate receiving the highest number of votes in such election shall be prevented from assuming office on account of disqualification, the incumbent shall not be entitled to hold over the term, but such office shall automatically become vacant and an appointment shall be made to fill such vacancy in the manner provided in sections 32-4,152 and 32-1045.

Sec. 3. That original sections 16-302.01 and 16-307, Reissue Revised Statutes of Nebraska, 1943, are repealed.