

LEGISLATIVE BILL 253

Approved by the Governor April 20, 1979

Introduced by Urban Affairs Committee, George, 16, Chmn.;
Koch, 12; Lamb, 43; Schmit, 23; Lewis, 45

AN ACT to amend sections 17-104, 19-523, and 19-3007.01, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to provide a term of office for councilmen; to provide for elections as prescribed; and to repeal the original sections.

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

Section 1. That section 17-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-104. Each ward of each city shall have at least two councilmen, who shall be chosen in the manner provided in Chapter 32, or as provided in this act. Councilmen shall serve for a term of four years and until 7--and-they-shall-serve-until their successors shall--be are elected and have qualified. No person shall be eligible to the office of councilman who is not at the time of his the election an actual resident of the ward for which he or she is elected and a qualified registered elector under the Constitution and laws of the State of Nebraska; and if any councilman shall remove from the ward for which he or she is elected, his or her office as a councilman shall thereby become vacant. 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, as provided by law or otherwise, 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. Whenever there shall be a tie on the election of councilmen, it shall be determined by lot by the duly authorized canvassing board.

Sec. 2. That section 19-623, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-623. Any elector of the city shall be considered nominated for the office of councilman if a petition as hereinafter prescribed or statement of candidacy is filed in his behalf with the city--clerk

election commissioner at least sixty days prior to the statewide primary election. Such petition shall be signed by not less than fifty nor more than one hundred qualified electors in cities of not more than forty thousand inhabitants, and by not less than two hundred or more than four hundred qualified electors in cities of more than forty thousand inhabitants. No electors elector shall sign the petition of more candidates than the number of councilmen to be elected, and should he do so, his signature shall be void as to the petition or petitions last filed.

Sec. 3. That section 19-3007.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3007.01. Candidates for public office of cities of the first and second class and villages may file by petition or statement of candidacy at a municipal election. Any person desiring to become a candidate for public office of a city of the first class, second class, or village by filing a statement of candidacy shall, at least sixty days prior to the statewide primary election, file with the ~~city--clerk~~ election commissioner a statement of such candidacy in substantially the following form:

STATE OF NEBRASKA County, ss. I, , being first duly sworn, say that I reside at No. Street in the City of , County of , and State of Nebraska; that I am a citizen of the United States, and a qualified voter of such city; that I am a candidate for election for the office of to be voted upon at the election to be held on the day of , 19...., and I hereby request that my name be printed upon the official city ballot for election for such office.
Signed

Subscribed and sworn to before me by the said this day of , 19.... .
Signed
Notary Public

Sec. 4. In lieu of submitting a matter or issue at a separate special municipal election, any city or village may submit such matter or issue at a scheduled county election or may request the county to conduct a special election for the submission of such matter or issue. The matter or issue shall be submitted at the county election if the matter or issue to be submitted has been certified by the municipal clerk to the county clerk or election commissioner at least fifty days prior

to the election date. Any such city or village shall by resolution call the election and designate the matter or issue to be submitted and the municipal clerk shall certify the matter or issue to be submitted to the county clerk or election commissioner. After the county clerk or election commissioner has received the certification of the matter or issue to be submitted, he or she shall be responsible for all matters relating to the submission of the matter or issue to the voters, except that the municipal clerk shall be responsible for the publication or posting of any required special notice of the submission of such matter or issue other than the notice required to be given of the county election issues. The county clerk or election commissioner shall prepare the ballots and issue absent and disabled voters' ballots, and the election officials conducting the election shall also conduct the submission of the municipal matter or issue, including the receiving and counting of the ballots on the municipal matter or issue. The election returns shall be made to the county clerk or election commissioner. The municipal ballots, including absent and disabled voters' ballots, shall be counted and canvassed at the same time and in the same manner as the other ballots shall be counted and canvassed. Upon completion of the canvass of the vote by the county canvassing board, the county clerk or election commissioner shall certify the election results to the governing body of the city or village. The canvass by the county canvassing board shall have the same force and effect as if made by the governing body of the city or village.

The city or village shall reimburse the county clerk or election commissioner for (1) the entire cost of the election if a special election was held and only municipal matters or issues were presented or (2) the cost of printing the municipal ballots and any other cost of submitting the municipal matter or issue above that cost which would have been incurred had the municipal matter or issue not been submitted at a scheduled county election.

Sec. 5. That original sections 17-104, 19-623, and 19-3007.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.