

## LEGISLATIVE BILL 191

Approved by the Governor March 5, 1983

Introduced by Beyer, 3

AN ACT to amend sections 31-409 and 31-441, Reissue Revised Statutes of Nebraska, 1943, relating to certain drainage districts; to authorize an alternative procedure for election of board members; to provide duties; to harmonize provisions; to repeal the original sections, and also section 31-428, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 31-409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-409. A majority of the directors shall be residents of the county or counties in which the district is located. Any person, or the officer or representative of any corporation, owning or controlling any land assessed for benefits, may be a director. The person elected a director receiving the least number of votes shall hold office for one year, the next higher for two years, and so on, and the term of each shall be adjusted so as to make the term of one director expire each year. The officers, consisting of a president, a treasurer, and a secretary, shall be chosen by the directors from their own number, and for ~~the~~ a term of one year. Annual ~~Unless the directors choose by February fifteenth of a given year to use the procedures provided in section 2 of this act,~~ annual elections of directors shall be held from 8:00 a.m. until 6:00 p.m., on the second Tuesday of April each year, at the county courthouse, but the annual election shall be omitted if such date occurs less than nine months after the first election. Vacancies in the office of directors may be filled by the remaining directors until the next election. All directors and officers shall hold office until their successors are elected and qualified.

Sec. 2. The directors may choose to hold the annual election required by section 31-409 by sealed mail ballot in accordance with this section. If the option authorized by this section is not exercised by February fifteenth of a given year, the procedure provided by section 31-409 shall be followed.

The secretary of the board shall, at least fifteen days prior to the election, mail to the last-known post office address of each person entitled to vote, a ballot which shall list the names and addresses of the candidates, allow room for write-in votes, and give instructions on how to vote and return the ballot.

Sec. 3. Notice of an annual election held pursuant to section 31-409 or section 2 of this act shall be published once each week for two consecutive weeks in a newspaper of general circulation in the district designated by the district, the last publication to be not less than thirty days prior to the election. The notice shall include the date of the election, the number of directors to be elected, the names of those whose terms will expire, and the procedure for filing as a candidate.

Sec. 4. That section 31-441, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-441. When a district has been formed, the board of directors shall have power by a three-fifths vote to declare the county seat an inconvenient place for holding elections, and shall certify the same to the proper county clerk. Thereupon all elections of the district other than those for enlarging the boundaries and those annual elections held pursuant to section 2 of this act, shall be held at a place to be designated each year by the board of directors and within the district, and the county clerk of the county previously having charge of the matter, shall each year appoint three resident freeholders of the district to act as an election and canvassing board, and the parties so appointed, or if they fail to appear, any other parties chosen by electors present at the election, shall constitute the election and canvassing board, with the same powers given to the county clerk and his or her assistants by section 31-407.

Sec. 5. That original sections 31-409 and 31-441, Reissue Revised Statutes of Nebraska, 1943, and also section 31-428, Reissue Revised Statutes of Nebraska, 1943, are repealed.