

LEGISLATIVE BILL 327

Approved by the Governor March 6, 1989

Introduced by Wehrbein, 2

AN ACT relating to cities; to amend sections 19-405, 19-406, and 19-409, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to elections as prescribed; and to repeal the original sections.

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

Section 1. That section 19-405, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-405. Candidates for the office of council members member provided for in section 19-404 shall be nominated at large either at a primary election or, if no primary is held, by filing pursuant to the requirements of this section and section 19-406, and no other names shall be placed upon the official ballot to be used at the regular or general city election, except those selected at such primary in the manner hereinafter prescribed. Notwithstanding any more general law respecting the time or manner of holding primary elections, the any primary election for such making nominations shall be held in all cities containing over twenty-five thousand population, on the fourth Tuesday, and in all cities containing two thousand and not more than twenty-five thousand population, on the third Tuesday preceding the date of the general or regular city election provided by law in any such the city. The PROVIDED, the council, by ordinance, may waive the requirement for a primary election in any year, after 1970.

Any person desiring to become a candidate for council member shall, at least ten days prior to the date of holding such primary, file with the city clerk a statement of such candidacy, in substantially the following form: If a primary election is to be held, such statement shall be 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 qualified voter of said such city;

that I am a candidate for nomination for the office of (specifying one of the positions named in section 19-415) to be voted upon at the primary election to be held on the day of, 19...., and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for said such office.

(Signed)

Subscribed and sworn to before me by the said this day of 19....

(Signed)

If no primary is to be held, such statement shall be 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 qualified voter of such city; that I am a candidate for election to the office of (specifying one of the positions named in section 19-415) to be voted upon at the general election to be held on the day of 19...., and I hereby request that my name be printed upon the official general election ballot for election to such office.

(Signed)

Subscribed and sworn to before me by this day of 19....

(Signed)

If a candidate is an incumbent, the statement of candidacy shall be filed at least seventy-five days prior to the date of the primary or, if no primary is held, the general election, notwithstanding any other law. All other candidates shall file the statement of candidacy at least sixty days prior to the date of the primary or, if no primary is held, the general election, notwithstanding any other law.

Sec. 2. That section 19-406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-406. Such A person who files a statement of candidacy pursuant to section 19-405 shall at the same time file with such statement a petition requesting such candidacy, signed by at least twenty-five qualified voters in all cities containing two thousand and not more than twenty-five thousand population; and in all cities containing over twenty-five thousand population;

signed by at least one hundred qualified voters; and shall pay to the city treasurer a filing fee, to aid in the expense of holding such primary, of ten dollars; election and shall obtain a receipt from the treasurer therefor which shall be produced to and filed with said the city clerk before filing such petition at the time the statement of candidacy is filed.

The filing fee shall be a sum equal to one percent of the annual salary the candidate will receive if elected to and qualified for the office for which he or she is filing, except that a candidate who is a pauper as defined in section 32-513 shall not be required to pay a filing fee.

The petition shall be substantially in the following form:

The undersigned, duly qualified electors of the city of _____ and residing at the places set opposite our respective names hereto attached, do hereby request that the name of _____ be placed on the official ballot as a candidate for nomination for the office of _____ (specifying one of the positions named in section 19-415) at the primary election to be held in the said city on the _____ day of _____, 19____. We further state that we know such person to be a qualified elector of city and a person of good moral character and well qualified, in our judgment, for the duties of such office.

Sec. 3. That section 19-409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-409. The two candidates receiving the highest number of votes at such the primary election or, if no primary is held, all persons filing pursuant to sections 19-405 and 19-406 for each of the positions named in section 19-415 shall be the candidates and the only candidates whose names shall be placed upon the official ballot for such position at the such regular or general city election. In cities where excise members are to be elected, the six candidates receiving the highest number of votes for excise members at such the primary, or all candidates, if there are less than six on the primary ballot or if no primary is held, shall be the candidates and the only candidates, whose names shall be placed upon the official ballot for excise members at such regular or the general city election in any such city.

Sec. 4. That original sections 19-405, 19-406, and 19-409, Reissue Revised Statutes of Nebraska, 1943, are repealed.